

Minutes of the regular monthly meeting of the Jerusalem Town Board held on June 21, 2017 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Dinehart, Jones, Parson, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Jamie L. Sisson, Tim Cutler, John Manley, Gary Smith, Doug Paddock, Ed Bronson, Bob Evans, Randall Shepard of The Bonadio Group.

Supervisor Killen called the meeting to order with the Pledge to the Flag at 7:00 P.M.

RESOLUTION #124-17
CHANGES TO THE AGENDA

On a motion of Councilor Jones, seconded by Councilor Anderson, the following

ADOPTED Ayes 5 Anderson, Dinehart Jones, Killen, Parson
 Nays 0

Resolved Planning Board Appointment be added to the agenda.

RESOLUTION #125-17
APPROVAL OF MINUTES

On a motion of Councilor Anderson, seconded by Councilor Dinehart, the following was

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Resolved that the minutes of the May 17, 2017 meeting be approved as read.

RESOLUTION #126-17
AUDIT OF CLAIMS

On a motion of Councilor Parson, seconded by Councilor Dinehart, the following was

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Resolved that the bills be paid as presented in the following amounts:

General:	\$10,372.63
Outside Village	\$ 114.16
Highway DB:	\$55,788.67
Sewer:	\$ 784.32
Water:	\$36,948.78
Trust:	\$ 13.71

May Utilities:

General:	\$ 1,064.58
Outside Village:	\$ 336.49

Highway DB:	\$95,221.88
Sewer:	\$ 254.23
Water:	\$ 811.14

RESOLUTION #127-17
SUPERVISOR REPORT

On a motion of Councilor Jones, seconded by Councilor Parson, the following was

ADOPTED	Ayes	5	Anderson, Dinehart, Jones, Killen, Parson
	Nays	0	

Resolved that the Supervisor's Report on the Town's finances for the month of May 2017 be accepted as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW D-2017 AMENDMENT TO CHAPTER 152
WATER

With proof of notice having been duly published and posted, Supervisor Killen opened the Public Hearing at 7:02 P.M., asking for comments on the proposed amendments to Chapter 152 Water.

Town Engineer Ackart stated Chapter 152 was adopted in 1985 when our first Keuka Park Water District was formed. It has been only revised once in 1997, 20 years ago. The proposed changes simply reflect updating for current law, regulations, materials and methods of construction, and general current practice. These proposed changes will have no noticeable effect on our present operations, simply serving to legitimize same.

No one from the public wished to comment.

The hearing was left open.

THE BONADIO GROUP PRESENTATION - 2016 AUDIT

Randall Shepard, Partner, The Bonadio Group distributed and reviewed the draft 2016 Audit documents. Jerusalem received a clean opinion and is in a good financial position. Finalized copies will be mailed to the Town.

RESOLUTION #128-17
AUTHORIZE PAYMENT FOR ADDITIONAL AUDITING SERVICES

On a motion of Supervisor Killen, seconded by Councilor Anderson, the following

ADOPTED	Ayes	5	Anderson, Dinehart Jones, Killen, Parson
	Nays	0	

Resolved an additional \$1,000 be authorized as payment to The Bonadio Group for additional work done on the 2016 audit related to prior period adjustments and the salt storage building bond anticipation

note renewal.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Dust oiling is underway. Roads are being prepped to start oiling and stoning July 17.
- There was no response to our request for bids to rent the 4 acres of land adjacent to the gravel pit.
- Highway Superintendent Martin is obtaining quotes for a 10-wheeler and plow to purchase in 2018.

TOWN ENGINEER

- Notes of the June 8, 2017 KPSW meeting on file in the Office of the Town Clerk.
- Town Engineer Ackart reported there was a water main break on Central Avenue yesterday. Ray Stewart thanked the Fire Department for pumping out flooded basements. Supervisor Killen will send them a thank you note. Claims have been submitted to our insurance carrier.
- Ray Stewart reported the 2012 Ford F-150 Pick-up truck declared as surplus under Resolution #115-17 sold on Auctions International.

ASSESSOR

- Assessor report submitted to the Board. The Assessor Committee will look into the continual repairs needed on the Subaru. We anticipate residential data collection to be completed in three months.

COUNCIL

- Clean Up Day will be June 24, 2017, 8:30-2:30.
- The Summer Recreation Program begins July 10. Swimming lessons will not be offered this year as we have been unable to find a Water Safety Instructor. It was suggested we look into having lessons done as an Eagle Scout project.

SUBCOMMITTEE REPORTS:

COMPREHENSIVE PLAN REVIEW SUBCOMMITTEE

Subcommittee Chair Cutler tentatively scheduled a meeting June 29, 2017 at 7:00 P.M. at the Town Hall to begin data collection. He anticipates convening a forum in July to obtain community input.

PROPOSED LOCAL LAW C-2017 AMEND CHAPTER 145 PARKING RESTRICTIONS

Following comments received at the May 17, 2017 public hearing, "speed limits and" will be removed in §145-24 Signage in proposed local law C-2017.

RESOLUTION #129-17

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 3 OF 2017 ENTITLED "A LOCAL LAW TO AMEND CHAPTER 145 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWN OF JERUSALEM"

On a motion of Supervisor, seconded by Councilor Parson, the following was

ADOPTED BY ROLL CALL VOTE:

Councilor Anderson	Aye
Councilor Dinehart	Aye
Councilor Jones	Aye
Councilor Parson	Aye
Supervisor Killen	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem for a public hearing to be held by said Town Board on May 17, 2017, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law to Amend Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on May 3, 2017 and other notices required to give by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on May 17, 2017, at 7:03 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interest of the Town of Jerusalem to adopt said Local Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 3 of 2017, entitled "A Local Law to Amend Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Jerusalem, and to give due notice of the adoption

of said local law to the Secretary of State of New York.

PROPOSED LOCAL LAW E-2017 NOISE ORDINANCE

Attorney Graff is drafting proposed Local Law E-2017 Noise Ordinance.

RESOLUTION #130-17

AUTHORIZE EXECUTION OF FARMLAND AGREEMENT

On a motion of Supervisor Killen, seconded by Councilor Anderson, the following

ADOPTED	Ayes	5	Anderson, Dinehart Jones, Killen, Parson
	Nays	0	

Whereas there were no responses to our request for bids to rent the 4 acres of land adjacent to the gravel pit; and

Whereas Attorney Graff provided a draft Farmland Agreement for said purpose; now, therefore, be it

Resolved the Supervisor and Highway Superintendent be authorized to execute the Farmland Agreement with an interested party at a reasonable rate for 2017-2018.

RESOLUTION #131-17

PLANNING BOARD APPOINTMENT

Councilor Jones offered a motion, seconded by Councilor Anderson:

Resolved Paul Zorovich be appointed to the Planning Board for a 7-year term through December 31, 2023 as recommended by the interview committee.

Supervisor Killen stated the Committee's recommendation does not meet the agricultural component desired. Councilor Jones called the question.

The vote was taken as follows:

ADOPTED	Ayes	3	Anderson, Dinehart, Jones
	Nays	2	Killen, Parson

Supervisor Killen completed his statement of concern for an agricultural representative.

SEWER REHABILITATION PROJECT

The Town will be undertaking a sewer rehabilitation project estimated at \$172,500, along with our contractual Capital contribution of \$50,000 toward the Village of Penn Yan Improvements Project.

WATER PROJECT

The water system improvements project is estimated at \$800,000 to replace water mains in Keuka Park and painting and mixing units in the State Park water tank.

We will be working with Larson Engineers and our financial consultant, Bernard Donegan, Inc. on these projects.

ONLINE AND CREDIT CARD PAYMENTS

Councilor Anderson will chair a committee to look at online and credit card payments.

PROPERTY MAINTENANCE

The Code Enforcement Committee will meet with CEO DeVoe to discuss his request for office assistance to develop a system to address property maintenance issues in the Town.

RESOLUTION #132-17

AUTHORIZE CEO TRAINING - RESIDENTIAL WASTERWATER TREATMENT SYSTEMS

On a motion of Supervisor Killen, seconded by Councilor Anderson, the following

ADOPTED	Ayes	5	Anderson, Dinehart Jones, Killen, Parson
	Nays	0	

Resolved Code Enforcement Officer DeVoe be authorized to attend Inspection of Existing Residential Onsite Wastewater Treatment Systems training on July 12, 2017 at the Potter Fire Department at a cost of \$99.00. This expense is to be funded from 8010.4.

RESOLUTION #133-17

SUMMER RECREATION PROGRAM - APPOINTMENTS/SALARIES

On a motion of Supervisor Killen, seconded by Councilor Parson, the following

ADOPTED	Ayes	5	Anderson, Dinehart Jones, Killen, Parson
	Nays	0	

RESOLVED that the following items related to the Summer Recreation Program be made:

1. Resolved that Beverly Eggleston be appointed Jerusalem Recreation Supervisor for 2017.
2. Resolved that Beverly Eggleston be compensated at the amount of \$3,978 for 2017.
3. Resolved that the appointments and hourly rate for the Jerusalem Recreation Employees be set as follows:

Emily Dinehart	Recreation Leader	3% (\$9.79/hour)
Joe Tortolon	Recreation Assistant	\$9.70/hour
Gerard Conyers	Recreation Assistant	\$9.70/hour
Anessa Sherman	Recreation Assistant	\$9.70/hour

TBD*	WSI/Recreation Asst.	\$9.70/hour
Seana Wilmont	EMT/CPR	\$10.00/hour
Mahlon Brechbill**	EMT/CPR	\$10.00/hour
Morgan Christler**	EMT/CPR	\$10.00/hour

*7/5/2017 Lindsey Morehouse will fill the Recreation Assistant position. There will not be a Water Safety Instructor on staff this year.

**Brechbill and Christler will cover when Wilmont isn't available.

RESOLUTION #134-17

AMEND RESOLUTION #4-17 - PETTY CASH

On a motion of Supervisor Killen, seconded by Councilor Parson, the following

ADOPTED	Ayes	5	Anderson, Dinehart Jones, Killen, Parson
	Nays	0	

Whereas Resolution #4-17 established a petty cash account in the amount of \$300.00 for the Town Clerk and

Whereas Town Law §64 limits petty cash to \$200; now, therefore, be it

Resolved the Town Clerk petty cash account be reduced to \$200.

RESOLUTION #135-17

2017 HIGHWAY BUDGET MODIFICATION

On a motion of Supervisor Killen, seconded by Councilor Parson, the following

ADOPTED	Ayes	5	Anderson, Dinehart Jones, Killen, Parson
	Nays	0	

Whereas Highway Superintendent Martin has determined the need to remove numerous deteriorating trees on Town roads; and

Whereas professional services will be required for the removal of said trees due to their size and location; and

Whereas adequate funds must be available within the 5140.4 (Brush and Weeds) for the purpose of removing trees;

Now, therefore, be it resolved that the 2017 Highway DB budget be modified with the following transfer of funds

Decrease 5110.4 (General Repair)	\$2,000.00
Increase 5140.4 (Brush and Weeds)	\$2,000.00

RESOLUTION #136-17

2017 BUDGET AMENDMENT - POMEROY GRANT - TOLL PLANK ROAD SIGN

On a motion of Supervisor Killen, seconded by Councilor Parson, the following

ADOPTED Ayes 5 Anderson, Dinehart Jones, Killen, Parson
 Nays 0

Whereas, the Town was awarded the Pomeroy grant to assist with the purchase and installation of the Toll Plank Road sign;

NOW BE IT RESOLVED that the 2017 general fund budget be amended as follows

Increase revenue	2770	\$1,060.00
Increase expense	7510.4	\$1,060.00

RESOLUTION #137-17

RESOLUTION TO ACKNOWLEDGE TWISTED BRANCH TRAIL RUN

On a motion of Supervisor Killen, seconded by Councilor Anderson, the following

ADOPTED Ayes 5 Anderson, Dinehart Jones, Killen, Parson
 Nays 0

Whereas an application has been completed and reviewed by NYS DOT for the Twisted Branch Trail Run, and

Whereas this ultra-marathon scheduled for August 19th, 2017 begins in Naples, Ontario County, comes through Yates County in part on Pulteney Road in the Town of Jerusalem, and continues through Steuben County ending in Hammondsport.

Thereby be it resolved that Town of Jerusalem acknowledges and approves the Twisted Branch Trail Run to take place along Pulteney Road in the Town of Jerusalem on August 19th, 2017.

RESOLUTION #138-17

ACKNOWLEDGE HIGHWAY ENCROACHMENT REPORT AND DETERMINE IMPACT - 4663

VINE ROAD

On a motion of Supervisor Killen, seconded by Councilor Parson, the following

ADOPTED Ayes 5 Anderson, Dinehart Jones, Killen, Parson
 Nays 0

Resolved the Town Board acknowledges receipt of the written report from Highway Superintendent Martin on his findings regarding the structure encroachment at 4663 Vine Road; and, be it further

Resolved the preliminary determination indicates that such encroachment does not interfere or impede the right of the public to use such Town Highway.

RESOLUTION #139-17

SCHEDULE PUBLIC HEARING - HIGHWAY ENCROACHMENT LICENSE AGREEMENT -
VINE ROAD

On a motion of Supervisor Killen, seconded by Councilor Jones, the following

ADOPTED Ayes 5 Anderson, Dinehart Jones, Killen, Parson
 Nays 0

Resolved a public hearing to consider a request for a license to continue a highway encroachment at 4663 Vine Road be held at 7:05 P.M. on July 19, 2017.

RESOLUTION #140-17

AUTHORIZE PURCHASE OF KPSW OFFICE DESKTOP COMPUTER

On a motion of Supervisor Killen, seconded by Councilor Anderson, the following

ADOPTED Ayes 5 Anderson, Dinehart Jones, Killen, Parson
 Nays 0

Whereas; The Keuka Park Sewer & Water Department office desktop computer is outdated and needs to be replaced with an updated computer, and

Whereas; a computer and software cost were budgeted for 2017 in KPSW budget, and

Therefore, be it be resolved that a new computer and necessary software be purchased from SCT for the Keuka Park Sewer & Water Department in an amount not to exceed \$1,000.00.

RESOLUTION #141-17

RESOLUTION TO DESIGNATE GENESEE FINGER LAKES REGIONAL PLANNING
COUNCIL TO ASSIST WITH 2020 CENSUS LOCAL UPDATE OF CENSUS ADDRESS
(LUCA)

On a motion of Supervisor Killen, seconded by Councilor Anderson, the following

ADOPTED Ayes 5 Anderson, Dinehart Jones, Killen, Parson
 Nays 0

WHEREAS in 2020 the United States Census Bureau will conduct a census, and

WHEREAS it is in the interests of the Town of Jerusalem that a true and accurate count of residents be conducted, and

WHEREAS Genesee Finger Lakes Regional Planning Council has offered to assist municipalities in performing the local update of Census Addresses, (LUCA), and

WHEREAS the Town of Jerusalem accepts the responsibility of providing and assisting the Genesee Finger Lakes Regional Planning Council in acquiring resources needed for the compilation of local address data resources countywide, and

WHEREAS the Genesee Finger Lakes Regional Planning Council has signed the Title XII Confidentiality Agreement with the Census Bureau, and therefore, will be allowed to access and view the Town of Jerusalem building permits, E-911 address files, local utility records, annexation records, assessment files, taxation files, and/or other databases that include location information that the Town provides, and

THEREFORE BE IT RESOLVED the Town of Jerusalem designates the Genesee Finger Lakes Regional Planning Council to be the third party member to conduct the Local Update of Census Addresses on behalf of the Town of Jerusalem.

RESOLUTION #142-17

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW D-2017 AMENDMENT TO CHAPTER 152 WATER

Town Engineer Ackart noted §152-2.B. needs to be changed from "red" to "yellow" signal lights.

With all persons desiring to be heard, Supervisor Killen closed the hearing at 8:40 P.M.

The regular meeting was reconvened.

RESOLUTION #143-17

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 4 OF 2017 ENTITLED "A LOCAL LAW TO AMEND CHAPTER 152 (WATER) OF THE CODE OF THE TOWN OF JERUSALEM"

On a motion of Supervisor Killen, seconded by Councilor Dinehart, the following was

ADOPTED BY ROLL CALL VOTE:

Councilor Parson	Aye
Councilor Anderson	Aye
Councilor Jones	Aye
Councilor Dinehart	Aye
Supervisor Killen	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem for a public hearing to be held by said Town Board on June 21, 2017, at 7:00 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law to Amend Chapter 152

(Water) of the Code of the Town of Jerusalem"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on June 7, 2017 and other notices required to give by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on June 21, 2017, at 7:02 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interest of the Town of Jerusalem to adopt said Local Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 4 of 2017, entitled "A Local Law to Amend Chapter 152 (Water) of the Code of the Town of Jerusalem", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Jerusalem, and to give due notice of the adoption of said local law to the Secretary of State of New York.

PUBLIC COMMENT

- County Legislator Paddock encouraged participation in the fiber optic survey being conducted. Information collected will be used to improve access and service to all County residents and commercial establishments.
- The County approved the \$73,727.97 mortgage tax apportionment to Jerusalem.
- The County is taking comments on their proposed Mission, Vision and Core Values Statements. Comments are to be submitted to Connie Hayes, Clerk of the Legislature.
- The marina was eliminated in the latest plan for the 42 condominium development in Penn Yan.

RESOLUTION #144-17

MOVE TO EXECUTIVE SESSION

On a motion of Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED	Ayes	5	Anderson, Dinehart, Jones, Killen, Parson
	Nays	0	

Resolved this meeting be interrupted to enter into Executive Session to discuss discipline of a particular person - Mishandling of cash and checks for deposit.

Town Clerk McMichael and Highway Superintendent Martin were asked to attend.

The Executive Session convened following a 5-minute break at 8:50 P.M.

RESOLUTION #145-17

RETURN TO REGULAR SESSION

On a motion of Supervisor Killen, seconded by Councilor Jones, the following was

ADOPTED	Ayes	4	Anderson, Jones, Killen, Parson
	Nays	0	

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:45 P.M.

With there being no further business, on a motion of Councilor Jones, seconded by Supervisor Killen, the meeting was adjourned at 9:46 P.M.

Sheila McMichael, Town Clerk

Local Law No. 3 of the year 2017

A Local Law to Amend Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem

Be it enacted by the Town Board

Town of Jerusalem

as follows:

Section 1. Chapter 145 of the Code of the Town of Jerusalem (Vehicles and Traffic) is hereby amended by adding a new Article II to read as follows:

ARTICLE II Parking

§ 145-10 Parking prohibited during certain hours.

- A. No person shall park a vehicle on any part of Lake Avenue between East Bluff Drive and Oak Street between the hours of 11:00 pm and 7:30 am of the immediately following day. This parking prohibition shall apply every day throughout the year.
- B. No person shall park a vehicle on any part of North Avenue between Central Avenue and Lake Avenue between the hours of 11:00 pm and 7:30 am of the immediately following day. This parking prohibition shall apply every day throughout the year.

Section 2. Chapter 145 of the Code of the Town of Jerusalem (Vehicles and Traffic) is hereby amended by adding a new Article III to read as follows:

ARTICLE III Enforcement, Costs and Penalties

§ 145-20 Enforcement

The provisions of this article may be enforced by the Town Highway Superintendent, any Yates County law enforcement officer or any New York State law enforcement officer.

§ 145-21 Removal of illegally parked vehicles

Any vehicle parked in violation of the provisions of Article II of this Chapter shall be removed at the expense of the owner to a garage, storage yard or other place of safety and stored at the expense of the owner. The removal and disposition of said vehicle shall be promptly reported to the Town Clerk.

§ 145-22 Costs of towing and storage

If an illegally parked vehicle is removed from a street or highway pursuant to § 145-21, the owner or other person lawfully entitled to the possession of such vehicle may be charged with a reasonable cost for removal and storage, payable to the Town Clerk before the vehicle is released.

- A. The cost for removal shall be the greater of:
 - 1. the actual cost charged to the Town by the person or entity who removed said vehicle from the street or highway and transported it to a garage, storage yard or other place of safety, plus 25%; or
 - 2. an amount established by resolution of the Town Board.
- B. The cost for storage shall be the greater of:
 - 1. the actual cost charged to the Town by the person or entity who stored said vehicle, plus 25%; or
 - 2. an amount established by resolution of the Town Board.

§ 145-23 Penalties for offenses

Every person convicted of violating any provision of this Chapter shall be punished by a fine of \$75 for a first offense, \$150 for a second offense and \$225 for every offense thereafter.

§ 145-24 Signage

Signs identifying the ~~speed limits and~~ parking restrictions established by this Chapter shall be posted on both sides of the aforementioned streets and highways in locations to afford proper notice of the regulations contained in this Chapter.

Section 3. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 4. This local law shall take effect upon both the filing with the Secretary of State.

Local Law No. 4 of the year 2017

A Local Law to Amend Chapter 152 (Water) of the Code of the Town of Jerusalem

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1. Chapter 152 of the Code of the Town of Jerusalem (Water) is hereby amended by repealing Article I in its entirety and adding a new Article I to read as follows:

Article I

Keuka Park Consolidated Water District and Extensions

§ 152-1. Purpose; rules and regulations.

The Town of Jerusalem (hereinafter "Town") having established the Keuka Park Consolidated Water District and extensions (hereinafter "District"), the purpose of said District being to provide water service within said District, sets forth hereinbelow rules and regulations for every person and/or corporate owner supplied with water service by the District. These rules and regulations shall be accepted by all parties receiving water service from the District and shall constitute a part of the contract between the parties and the District. Whenever the word "consumer" shall be used in these rules and regulations, it shall mean the owner of the property.

§ 152-2. Application for service permit; street openings.

- A. Work in highway rights-of-way is subject to either Town, county or state permitting and requirements of the appropriate highway authorities. The application for the service must be submitted 48 hours prior to commencing work.
- B. Work in highway rights-of-way is subject to either Town, county or state permitting and requirements of the appropriate highway authorities. All excavations and backfills necessary for the installation of said service pipe and appurtenances, and tapping of the main are to be made by the consumer, who assumes all liability in case of damages of any kind which may arise during the progress of the work authorized by the permit or by reason thereof. Yellow signal lights, barricades, railings and all other necessary means of protection against accidents shall be provided by the applicant.

§ 152-3. Taps.

A separate tap and service is required for each residence or commercial establishment supplied with water. In extenuating circumstances, on a case-by-case basis, the Town may allow service to be shared. The agreement between sharing property owners is subject to review by the Town.

§ 152-4. Cost of installation.

When a new main is constructed by the District, the District will bear the cost of the tap and service within the right-of-way, to and including a curb stop for each residence or commercial establishment in existence at the time of water main construction. Water service on private property will be the responsibility of the property owner. Thereafter, property owners of new residences or commercial establishments built after completion of water main construction must bear the entire cost of the materials and installation of the tap and service in both the public right-of-way and on private property. The installation of said service from the main to the curb stop shall be made by the District or its approved agent at the expense of the consumer.

§ 152-5. Materials; construction specifications.

The Town Board will adopt and amend, from time to time, appropriate material and construction specifications for water services, metering and appurtenances.

§ 152-6. Laying of service pipes.

Service pipes will be required to be laid not less than 54 inches below the surface of the earth. This applies to the established grade where it has been fixed. A water service pipe cannot be laid in the same trench with a sewer lateral and shall have a minimum of six feet horizontal clearance from any sewer lateral. No trench will be backfilled in any manner before inspection for leaks and clearances is made by a duly authorized agent of the district.

§ 152-7. Trench backfilling.

Sand bedding will be used around the service for a depth of one foot or the service may be placed in a corrugated PVC sleeve as approved by District personnel. In public rights-of-way, bankrun gravel will be placed and tamped in one-foot lifts until the trench is back to original grade. On private property, care shall be taken to eliminate any large and or sharp stones in the backfill above the sand bedding or PVC sleeve, which may ultimately damage the service. Under all public road pavements, services shall be placed through casings and installed in a manner approved by the District and applicable highway jurisdiction.

§ 152-8. Supplying of service; rates and charges.

The District will supply water to consumers within its boundaries in accordance with the scheduled rates and charges on file in the office of the Town Clerk.

§ 152-9. Maintenance of service pipe.

The owner of the property into which water is supplied by a service pipe will be required to maintain, in perfect order at his own expense, said service pipe from the curb stop to his building. Failure to make necessary repairs after due notice in writing, by the District, will result in the water being turned off until such time as satisfactory repairs are made. Maintenance of the service pipe from the main to the curb cock will be performed by the District.

§ 152-10. Backflow preventors.

Where required by the New York State Department of Health Sanitary Code, Part 5, or local law, a backflow preventor of a suitable type that is currently approved by the Health Department must be installed.

§ 152-11. Cross-connection control.

In the interest of public health, the Keuka Park Water District will not permit its mains or services to be connected with any service pipe or piping which is connected with any source of water supply not approved by the Department of Health of the State of New York. In conformance with Part 5 of the New York State Sanitary Code, the District has implemented a cross-connection control program and shall not permit its mains or service pipes to be connected in any way to any piping, tank, vat or other apparatus which contains liquids, chemical or any other matter which might flow back into the district's service pipe or mains and consequently endanger the water supply without the installation of a proper backflow prevention device as approved by the New York State Department of Health at a location and installation approved by the District and the State of New York Department of Health. All present and/or future customers who present the potential danger of being in violation of the New York State Sanitary Code shall install a backflow prevention device at their expense, in accordance with the New York State Department of Health Public Water Supply Guide, Cross Connection Control, dated January 1981, or the latest revision. A copy of the New York State Department of Health Public Water Supply Guide, Cross Connection Control, is available for review at the District offices at Town Hall. After fulfilling the aforementioned requirement, the device is to be tested annually by a certified tester, in compliance with the Public Water Supply Guide, Cross Connection Control, at the customer's sole expense and shall provide the District with a certification of said test on a form provided by the District. The customer may retain the services of an independent certified tester or may retain the District to provide that service at cost.

§ 152-12. Operation of water facilities.

No curb stop, valve or hydrant shall be operated by any person except a duly authorized agent of the District or, in the case of a hydrant, by a properly trained fireman.

§ 152-13. Meters.

A. General.

- (1) All services, except those used exclusively for fire protection, shall be metered. In new Districts or extensions funded by the Town, the District will furnish a meter for each residence or commercial establishment in existence at the time of watermain construction, provided that the connection to the system is made within two years after completion of the watermain construction. Property owners of residences or commercial establishments built after completion of the water main owner shall be responsible for the purchase of a meter, at cost, from the District.
- (2) Property owners are responsible for meter installation and cost thereof to the standards set by the district. There shall be a shutoff valve on either side of the meter. There shall be a AWWA double check valve on the customer's side of the meter between the meter

and the shutoff valve. Pressure-reducing valves are required where normal line pressure exceeds 75 psi. Pressure-reducing valves shall be installed between the shutoff valves on the Town side of the meter.

- (3) Meters shall be installed in accessible locations within the building or basement. The property owner shall install a meter pit when the building served or terminus of the service is more than the distance prescribed in the current Keuka Park Water District Material and Construction Specifications for Water Services, Metering and Appurtenances from the curb stop. A pit shall also be required when there is no accessible location within the building acceptable to the District for meter installation. All meter pits shall be constructed and maintained at the property owners expense to District standards.
 - (4) The customer shall pay all repair costs of meters broken by vandalism or freezing. All repairs and testing must be done by the District.
- B. The District shall institute periodic tests on all water meters so as to maintain the meters in proper working condition. If, when testing a water meter, it is found to be beyond repair, the property owner must purchase a new meter approved by the District at the property owner's expense.
- C. All water meters when set shall be sealed to prevent tampering. No person, except a duly authorized agent of the District, shall break such seal or tamper with said meter.

§ 152-14. Inspections.

- A. A duly authorized agent of the district, upon proper identification, shall have the right to enter upon any premises where Town water is being supplied for the purpose of inspecting, installing, removing or reading a meter, plumbing and fixtures of the water service and all work in connection with the service.
- B. Approval by the Town or its agent shall in no way relieve the contractor or owner of any responsibilities for workmanship, materials or any other liabilities. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the water connection.

§ 152-15. Liability for damage from shutting off water.

In the event of an emergency, including but not limited to breaks in the main, the District shall not be liable for any damage which may result to any person or premises from the shutting off of the water from any main or service for any purpose whatever, even in cases where notification is not given, but the district will try to give notification as soon as possible.

§ 152-16. Fire services.

- A. The building/property owner shall promptly notify the Town should they require fire service from the District. Any water service which provides fire protection via hydrants, sprinklers, etc. must be coordinated with the Town, designed by a registered New York State Professional

Engineer and meet all Town and New York State Department of Health standards. The building owner shall provide, maintain and test annually any backflow prevention devices as required by the Town and/or the New York State Health Department.

- B. Where separate fire services are allowed, the entire cost of materials, installation and maintenance of the service from the main to the building or within the limits of the premises shall be borne by the consumer. Failure to make proper repairs to the system after due notice will result in the water being turned off. When the consumer or a representative of the consumer desires to test the flows or make repairs to the fire service system, except in emergencies, he must give the district 48 hours' notice before commencing such testing or repairs.

§ 152-17. Water main extensions.

A developer or contractor that desires to have a water main extended into a subdivision or on a street must notify the District at least six months prior to construction. All water mains to be constructed shall consist of six-inch pipe or larger. All cost of installation shall be incurred by the developer or contractor. The developer or contractor must submit engineering plans for approval to the New York State Department of Health and the district. The engineering and approved plans must encompass the total project.

§ 152-18. Abandonment of service.

When a building is torn down and the water service to the property or properties is no longer required, the owner of said property is required to excavate at the water main, at the owner's expense, so that the abandoned waterline can be disconnected from the water main. The duly authorized agent of the district will do the actual disconnection. The owner is responsible for refilling the excavation.

§ 152-19. Charges in event of meter failure.

If a meter fails to record the amount of water used due to a stopped meter, the consumer will be charged either at the average daily consumption from the date the meter was last installed or the corresponding period of the previous year.

§ 152-20. Responsibility for water rents.

The owner of any premises which is supplied with water shall be liable for charges for the water used or other charges and expenses in connection with such water service.

§ 152-21. Nonpayment of water bills.

Individual residential and commercial customers will be billed quarterly the first of the month. The District reserves the right to bill larger commercial or multiple residential customers on a monthly basis. All delinquent bills and penalties unpaid on October 15 of each year shall be added to the state, Town and county tax bill of the property on which the charge was incurred. If a customer becomes more than two quarters delinquent, the District has the right to shut off the water until the back payments are made. If the water is turned off for nonpayment, there will be a charge of \$50 to turn the

water back on during the normal workday hours. To have the water turned back on other than normal work hours, the cost will be that of the actual cost to the District for the employee responding to the turn-on call.

§ 152-22. Buildings with multiple meters.

The District requires that all water pass through a master meter, which will be billed to the property owner. Submetering of individual tenants shall be at the expense of the property owner. The District has no involvement in the landlord's recovery of water fees, rents, etc. from tenants.

§ 152-23. Penalties for offenses.

A violation of this article shall constitute a violation as defined in the Penal Law of the State of New York and shall be punishable by a fine of not exceeding \$250.00 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The Town also reserves the right to enforce this article by a court injunction.

§ 152-24. Enlargement of water service.

When the property owner or tenant requires more water than the existing water pipe can deliver, it is the responsibility of the property owner to pay the cost of the enlargement of said waterline from the water main to the building. The enlargement of the waterline will be considered the same as new water service.

§ 152-25. License required; revocation.

- A. Each and every plumber, contractor, excavator or other person, firm or corporation, other than the property owner himself, will, at the option of the district, be required to have a license issued by the Town Clerk before they will be permitted to do any work in the town, insofar as this chapter is concerned.
- B. If, in the opinion of the District, the work performed by the contractor within the District violates the provisions of this article or any other ordinances of the Town within the Town or if, in the opinion of the Town, the contractor's work is substandard, then, in that event, the Town may revoke the license of the contractor to work in the Town.

Section 2. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 3. This local law shall take effect upon both the filing with the Secretary of State.