

**WALWORTH TOWN BOARD – REGULAR MEETING
16 OCTOBER 2008**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, to order at 7:30 PM.

Present:	Thomas Yale	Councilman
	Frank Maciuska	Councilman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	Rob Burns	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor
	Ed Parrone	Engineer for the Town
Absent:	Patricia Marini	Councilwoman

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the minutes of September 18, 2008, as presented.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the minutes of September 25, 2008, Work Session as presented.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the minutes of October 2, 2008, as presented.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

CORRESPONDENCE:

Susie Jacobs, Town Clerk, read the following letter from New York State Department of Environmental Conservation:

Dated: October 3, 2008

Dear Town of Walworth,

Our records indicate that DEC Permit No 8-5444-00108/00001 was issued to you to remove beaver dams from a tributary to Red Creek in Freshwater Wetland ON-50.

I made a field inspection of the project site on September 24, 2008, and found the work nicely completed in accordance with the conditions of the permit.

I would like to take this opportunity to compliment your contractor, Todd Pieters, who has given us a good application with good before photos and has followed up with a Letter of Intent to Commence Work and with good clean work leaving no evidence of disturbance. Thank you for your cooperation in complying with the permit. In doing so, you have made an important contribution to the continued well-being of New York's valuable natural resources.

Sincerely,
Jay Ross, Fish and Wildlife Technician

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Motion by Councilman Maciuska to accept and file the letter from DEC.
Seconded by Councilwoman Hawkins-Mance.
Adopted: Vote Ayes 4 Nays 0

Supervisor Plant commented that Todd Pieters has been doing drainage for the Town of Walworth for a few years; he has an excellent working relationship with the DEC.

SUPERVISOR'S REPORT:

Motion by Councilman Maciuska to approve and file the Supervisor's Monthly Report for September, 2008, as presented.
Seconded by Councilman Yale.
Adopted: Vote Ayes 4 Nays 0

PUBLIC PARTICIPATION:

No one present offered any comments.

RESOLUTION 70-08 – AUDIT OF CLAIMS:

Councilwoman Hawkins-Mance offered the following Resolution **70-08** and moved its adoption. Seconded by Councilman Maciuska to wit:

WHEREAS, the following claims submitted at the scheduled Town Board Meeting of October 16, 2008, have been audited and approved by the appropriate Council Members.

BE IT RESOLVED that the claims be paid on **Abstract #10**, numbered 1,401 through 1,581, in the following amounts:

GENERAL FUND	\$ 78,165.64
HIGHWAY FUND	\$ 44,657.82
WALWORTH SEWER DISTRICT #1	\$ 15,383.17
BROOKSIDE LIGHT DISTRICT	\$ 10.67
GANANDA LIGHT DISTRICT	\$ 899.51
HARVEST HILL LIGHT DISTRICT	\$ 650.48
ORCHARD VIEW LIGHT DISTRICT	\$ 99.34
WALWORTH LIGHT DISTRICT	\$ 555.86
WALWORTH CONSOLIDATED DRAINAGE	\$ 1,090.00
PARK SPECIAL REVENUE FUND	\$ 110.30

BE IT FURTHER RESOLVED that the claims be paid on **Abstract #10**, numbered 169 through 197, in the following amounts:

TRUST & AGENCY	\$ 25,066.27
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NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Walworth adopt resolution **70-08**.

Adopted this 16TH day of October, 2008, at the meeting of the Town Council.

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Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Absent
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

DEPARTMENT HEAD REPORTS:

HIGHWAY DEPARTMENT

Nothing reported at this time.

SEWER DEPARTMENT

Nothing reported at this time.

RECREATION DEPARTMENT

Nothing reported at this time.

ASSESSOR – CONTINUING ED AUTHORIZATION

Motion by Councilman Yale authorizing Karen Ambroz to attend a Continuing Ed Class on November 7, 2008, from budgeted line A1355.43, for an amount not to exceed \$95.00.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

ENGINEER FOR THE TOWN – SENIOR HOUSING PROJECT

Ed Parrone, Engineer for the Town, reported that the Town continues to work on the sewer piece of this project.

ENGINEER FOR THE TOWN – MS4

Ed Parrone, Engineer for the Town, reported that he had met with Councilwoman Hawkins-Mance and Norm Druschel and Norm needed to be certified in order to do the necessary "SWPP's" for the Town. In the meantime Parrone Engineering will do them.

TOWN CLERK

Nothing reported at this time.

COMMITTEE REPORTS:

SEWER COMMITTEE – ALTERNATIVE SLUDGE DISPOSAL

Councilman Maciuska reported that they have been in contact with the DEC and the Town needs to take a look at some sludge disposal alternatives as the current provider's ground is becoming very saturated. Councilman Maciuska stated that the committee will also be taking a look at having some blower work done.

LIBRARY COMMITTEE – UPDATE

Councilman Maciuska commented that the book sale was very successful and that the circulation of the library was up this month.

ALTERNATIVE ENERGY DISCUSSION –

Councilman Maciuska stated that he had received some changes to the Alternative Energy Law and that they were being reviewed by the Attorney for the Town. Councilman Maciuska commented that the way the bill was crafted was favorable to individual users and did not favor large wind farms. He had studied and gathered information from twenty-five (25) different laws to compile a model for the Town of Walworth. Discussion ensued with the determination that the Attorney for the Town would review the documents and that the Town would meet their deadline.

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LINCOLN VOLUNTEER FIRE DEPARTMENT CONTRACT HEARING:

Susie C. Jacobs, Town Clerk, stated that the notice for the Public Hearing was duly published in the Town's official newspaper on October 5 and October 12, 2008, with the same being posted on same dates at the Walworth Town Hall.

HEARING:

Motion by Councilwoman Hawkins-Mance to waive the reading of the legal notice.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

Supervisor Plant declared the Public Hearing open.

Time: 7:40 PM.

PUBLIC COMMENT –

Ann Prinsen had a question with regard to the newspaper that the Legal Notices are posted in. She was concerned as a lot of the people are not getting the *Times*, because there is the *Wayne County Mail* amongst other papers. She asked why the notice was not being posted in other papers besides the *Times*? Supervisor Plant responded that it was being posted in the legal newspaper for the Town, which was the *Times* and had the largest circulation of the Town. Councilman Maciuska stated that State Law mandated who the Town could identify as official paper for the Town. Councilman Maciuska stated that legal notices had to be published in the Town or as close to the Town as possible, and had to be in one of the largest circulations. The *Times* is the largest circulation paper, so by law, we have to choose them as our paper. We cannot use the Penny Saver; it has to be a paid newspaper. Ms. Prinsen asked, "Don't you think that because of the big township of Walworth and stuff, that there could be extra money for some postings in the *Wayne County Mail*, that a lot of people subscribe to also?" Supervisor Plant stated that the Town would take that into consideration.

Motion by Councilwoman Hawkins-Mance to close the Public Hearing.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

Time: 7:43 PM.

WEST WALWORTH VOLUNTEER FIRE DEPARTMENT CONTRACT HEARING:

Susie C. Jacobs, Town Clerk, stated that the notice for the Public Hearing was duly published in the Town's official newspaper on October 5 and October 12, 2008, with the same being posted on same dates at the Walworth Town Hall.

HEARING:

Motion by Councilwoman Hawkins-Mance to waive the reading of the legal notice.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

Supervisor Plant declared the Public Hearing open.

Time: 7:43 PM.

PUBLIC COMMENT –

Michael Jacobs stated that he was in favor of the West Walworth Fire Department Contract.

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

Time: 7:45 PM.

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2009 BUDGET PUBLIC HEARING:

Susie C. Jacobs, Town Clerk, stated that the notice for the Public Hearing was duly published in the Town's official newspaper on October 5 and October 12, 2008, with the same being posted on same dates at the Walworth Town Hall.

HEARING:

Motion by Councilwoman Hawkins-Mance to waive the reading of the legal notice.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

Supervisor Plant declared the Public Hearing open.

Time: 7:45 PM.

NEGATIVE DECLARATION –

Marian Vandenberg stated that she did not realize that she could have gotten a copy of the proposed budget. She began by questioning what was posted in the newspaper for employee salaries. She inquired, "Mr. Supervisor, are you a part-time of full-time worker?" Supervisor Plant replied "I am full-time." Ms. Vandenberg said, "So that amounts to about \$3,500.00 a month, is that correct?" Supervisor Plant replied, "I don't honestly know, I didn't figure it out by the month, but if that's what it works out to..." Ms. Vandenberg asked, "Can you tell me how much of an increase you're going to receive?" Supervisor Plant responded that the "proposal is 4% overall." Ms. Vandenberg stated that she and her husband were retired on a fixed income. She asked Council members if they had other part-time jobs or work outside the home and if they did, indicated that they had added income. Ms. Vandenberg proposed that the Town should scratch the 4% overall increase; she did not think it was necessary. She stated that she was sure Town employees all worked very diligently at their jobs, but the money that was being contributed to Town salaries came from residents. Ms. Vandenberg said that she lived on Jacobs Road and there were a lot of very poor families there; how were they going to be able to absorb an 8% increase in the budget? It couldn't be done. Another item that she was opposed to - and she stated that she was not sure about the cost involved - was the proposed new building or increasing size of the current Town Hall. She asked if this was part of the budget. Supervisor Plant stated that it was not part of the budget; there was a committee that was looking into space needs. Ms. Vandenberg stated that she had been in the Town Hall maybe ten (10) times since she had moved to Walworth, and each time she had come in, she had not seen anyone but herself in the various offices. She stated that she did not see the need for an increase there. She continued to inquire about the building that was to be built in the park. Supervisor Plant commented that there would be no Town tax dollars spent on that. She asked who was paying for it. Supervisor Plant stated that this was a grant from Senator Nozzolio out of the State Parks Capital Fund. Ms. Vandenberg added that this money comes from our State taxes. Ms. Vandenberg concluded by saying that her biggest complaint was the increase in salaries. She and her husband continue to try to maintain a budget on their limited income. She commented on some of the personal ways that her family was dealing with the current economic conditions at home. She asked members of the public to raise their hands if they were in favor/opposed to the 8% increase in the proposed budget; then stated, that's our answer. She commented, "you people represent us, that is what you are here for, and I appreciate the work that you are doing, but you have to listen to what the people are saying."

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Ann Prinsen stated that she was opposed to the 8% increase in the budget. She commented, "If we look around us, we know that there are a lot of people out of jobs, people are hurting. Look around Walworth - houses are up for sale; we cannot get even if we wanted to sell our house what it is assessed at now." Ms. Prinsen asked if the Town was thinking about lowering assessments because people would not get what their houses were being assessed for at this time. She went on to say that fuel prices were going up, heating prices were going up; she did not see where the Town could even consider a percentage increase in the budget. If anything it should be decreased at this time. She stated, "People cannot afford it, they are hurting; me and you need to help them so we can keep Walworth alive. If it means cutting recreation programs, whatever it means, we have to cut, we need to cut."

Debora Germain stated that she well understood what people that worked for the Town had to go through at budget time; she did it for sixteen (16) years. She commented, "I'm sure it was no fun this year of all years, when gas was darn near four bucks a gallon." She gave a lot of kudos to people who had to work very hard to do their budgets. However, she stated that she had some questions as well. She asked that people follow along with her in their budgets.

- On page two (2) in the budget she asked why the Supervisor's budget was up \$10,000.00 over last year. She stated that from what she could tell, the majority of that appeared to be administrative payroll/benefits. She asked "Is that Paychex?" Supervisor Plant stated that it was partially Paychex. Ms. Germain said "So, we are paying yet more money to Paychex...to do what?" Supervisor Plant stated, "They do the payroll, they do personnel services, they offer the employee EAP;" and Jean Johnson added, "all Human Resources," and Supervisor Plant agreed. Ms. Germain said, "You mean the things that you have done over the last almost three (3) years to try to turn this Town Hall into a business, correction, make it more like a business?" Supervisor Plant said, "yes."
- On page three (3) Ms. Germain stated that Town Counsel in 2008 had been up almost \$55,000.00 over what it was in 2007, but in 2009 it appeared to be dropping to \$47,000.00. Supervisor Plant agreed. She stated that it was not really \$47,000.00, though, because on page seven (7) there was an additional \$25,000.00 listed in the Highway budget for Counsel. Supervisor Plant again agreed. Ms. Germain continued to say that she assumed that totaled \$72,000.00 budgeted for Counsel and asked, "Why is it that we need \$72,000.00 worth of attorney fees in this Town?" Supervisor Plant stated that it was because the Town was being sued and the Town had to defend themselves. He stated that in the last three (3) years the Town had spent over \$77,000.00 defending themselves on one lawsuit. Ms. Germain stated, "But this year we haven't spent that kind of money just on lawsuits, have we?" Supervisor Plant stated, "Not yet." Ms. Germain stated that her understanding was that when the Town released Richard Morris a few years ago, it was done because the Town wanted to keep attorney fees down. She stated that this was way more money than the Town ever paid Richard Morris. Supervisor Plant agreed but stated that you also had then outside counsel, too, that you were paying, that was not in Richard Morris's line. Ms. Germain stated that she did not recall that. Supervisor Plant commented that he had the bills. Ms. Germain stated that she did not believe that the entire \$72,000.00 that we saw in the budget was going to be spent on lawsuits. Supervisor Plant agreed that no, it was not all on lawsuits. Ms. Germain concluded by saying that she thought this was an exorbitant amount of money to spend on attorney fees
- On page four (4) Ms. Germain inquired, "What is the contractual audit for \$13,000.00?" Supervisor Plant stated that it was a complete audit of the Town's books. Ms. Germain asked, "And we can't get that done any cheaper than \$13,000.00?" Jean Johnson and Councilman Yale both replied that \$13,000.00 was actually cheap. Councilman Maciuska concurred. Ms. Germain stated that it was not done every year and asked why it was being done this year. Supervisor Plant stated that it had not been done, completely, for a long time. Councilman Maciuska stated that this would be a complete audit of all Town offices with a gold seal.

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- Page five (5), she asked why the crossing guard at Richard Mann Elementary School was cut? Supervisor Plant stated that the crossing guard was not in the Town of Walworth, it was in the Town of Macedon. He continued to state it was a Macedon employee, we had no contract with the Town of Macedon and it opened up the Town of Walworth to liability and additional problems if the crossing guard were to get hurt - the Town would be held responsible. Councilman Maciuska commented that the Town had six (6) school districts and each one could ask for a crossing guard. Ms. Germain stated that she thought it was a shame that the Town was not putting forth some money towards this. The majority of children who attend Richard Mann are children who live in Walworth. If we are, indeed, concerned about insurance issues, then we ought to be concerned about letting lay people work on Town ball fields, diamonds and park projects - things like that that aren't necessarily covered by the Town's insurance either. She thought that it was like splitting hairs when the Board said that they were concerned about insurance; she wasn't convinced that was the real reason the Town cut the money. Ms. Germain closed by saying that it was most unfortunate that the Town had cut the crossing guard and that the Town should be concerned about these children and their safety.
- Page nine (9) Ms. Germain noted that the bottom line on the recreation budget was that it looked like total culture and recreation was up \$51,477.00 since 2007 and had increased \$23,635.00 this year, from last. Following that through to page thirteen (13), the revenue page, it appeared that the Town was budgeting revenues for recreation at \$12,000.00 less than this year. Ms. Germain stated that she was unclear why the Town would budget twenty-some-thousand dollars more - and budget revenues at \$12,000.00 less. Supervisor Plant stated that the lower revenues the Town was expecting was projected to be more accurate. Ms. Germain stated that in 2006 recreation fees were \$65,172.00. Councilman Yale asked if this was budgeted or actual. Ms. Germain stated that this was actual. She continued to say that miscellaneous ads were \$3,251.00. Last year, recreation fees were \$51,116.00 and miscellaneous ads were \$4,572.00; she was unclear why things seemed to be going the way they were going now, when we were building more things and presenting more things for consideration. Her concern was that the Town seemed to be putting more people in place, presenting more buildings; and, "we can say what we want about more buildings, for instance a new pavilion being donated is wonderful, I am in favor of it, it was part of our plan all along to put a new building in. However, a new building is going to cost more money to maintain. Those monies are going to show up in our budget, maybe not this year but next year. And with less revenues coming in, that concerns me." Ms. Germain stated that when you look at the Town of Ontario, the Town of Ontario will show revenues equaling program expenditures; they are self-sustaining, and that is what the Town should try to aim for. She said that when you get into things like lots of buildings, they are hard to pay for. It is impossible to bring in those kinds of fees to offset when it comes to buildings, to make them pay for themselves. Programs are the way to go. She further stated that she had a concern about the use of space at present - maybe instead of talking about building a new building, we ought to look at how the building was currently being used program-wise. Maybe there were programs using the building that were not bringing in the most revenue, maybe we could make a little bit better use of the space we have to bring more revenue into this building. Ms. Germain expressed a concern that proposed Rec revenues were going downward - both on lines A2001 and A2089 - yet the budget was going significantly up.
- On page ten (10) she was very concerned to see that the Town-wide clean-up had been cut. Ms. Germain stated, "It seems to me that you have a service here that benefits everyone in the Town." Supervisor Plant commented no, everyone did not use that service. Ms. Germain asked, "Does the service conceivably benefit everyone in the Town?" Supervisor Plant replied "If they use it." Ms. Germain stated, correct, it certainly benefits older folks in Town.

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When she was here and watched people come in for clean-up coupons, it was typically the older residents, folks who had been around town longer. She continued that these people didn't have a clue that this had been cut, they would only find out next spring when they came into the Town Hall to get their clean-up coupon. She stated that it was kind of sad that the Town just did this and did not notify people that they were thinking about doing this. She commented that the Town of Williamson was going to do more for their residents - they were going to do leaf clean-up. "Some Towns are actually thinking about doing more, and we are thinking about cutting Town-wide clean-up. I don't get that." She indicated that she tried to research the cost of the Town-wide clean-up but it was not in the minutes this past year as it never got approved by the Town Board. Supervisor Plant commented that the cost was \$12,000.00. Jean Johnson stated that the Town had just received the bill. Ms. Germain recommended that maybe the Town could go out to get costs on this; maybe it could be done cheaper; and before it is cut maybe the Town should give some thought to the people that *do* use it. She said she would guess that these are the people who do not use many other services in Town.

- On page one (1) of the Library budget reported under New York State at year end as "Culture and Recreation," Ms. Germain questioned the heading title. Jean Johnson stated that this was as required by the State.
- On page three (3) of the Library budget she noted that revenues again were down some \$30,000.00 for the library. So, again, Ms. Germain pointed out that as we say we are not talking about it, we indeed are talking about it - the minutes absolutely state that this committee is moving forward and looking for plans on a new building. She stated that she thought it was maybe not quite correct to say that we were not talking about it we were very much talking about a new building. "I think we better be careful talking about a new building when we are showing revenues down \$30,000.00 in one program and down \$20,000.00 in another and that is without a building - and that is without talking the operation and maintenance it costs to run a building. Councilman Yale stated that what was showing here was that the Town was spending less tax dollars on the library; it wasn't revenue generation from the library. Ms. Germain commented, "The bottom line is we can use our fund balance to keep the tax rate down here in town - we can do that for as long as our current board members sit here - but somewhere down the line the next folks that come and sit on the board are going to have to raise the taxes in this town; we will run out of fund balance. And we know that, you know that."
- She concluded by looking at page fifteen (15) and noting that the General Fund total revenues were down. She commented that it struck her that the Town's revenues were down \$200,000.00 from 2007 and stated that she wanted to look at things a little more long-term. "We are not receiving money like we have been. It is a scary time, not just here in Walworth, but in our state and nation. When we do things like Eagle Scout projects that people then have to put in extra hours to water - to run their trucks so that they can go up to water; to plant flowers around that then have to be weeded and maintained and replanted and mulched; to put in markers so the park can be open all winter, and then the highway truck has to come and do extra plowing - which means extra gas, extra man hours; all those things we have to be thinking about, we have to be forward thinking." She asked the Town Board to think about those things as they were planning down the road. She agreed that 4% was a lot of money for folks to get; she was aware of the economic situation and the difficult times people were having. Ms. Germain stated that she could not believe that this year of all years there would be a 4% increase.

Irma Keyes addressed the Board with the following:

- Ms. Keyes questioned page four (4) of the General Budget. "The very first item, you're talking about a 4% raise." She questioned the mathematics and stated that she didn't believe it was 4%. She realized that a test was taken and it was part of an increase/bulk in salary, but it was a 17% raise one year

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- and then a 15% raise this year. She asked if she was reading it wrong. Supervisor Plant stated that over the last couple of years the Town Board had been doing corrections in putting people into the pay scale to match others in the area; there were a number of people who were way behind. He stated that there were some people who were ten (10) years behind. Ms. Keyes asked if this had to do with the step program that the Town Board had adopted. Supervisor Plant stated “yes.” Ms. Keyes stated that there were a couple people that were not getting a 4% raise; they were getting a 6% raise.
- The next item that she questioned was the \$126,500.00 for paving and grinding in the Highway budget; she asked, “what road are you doing?” Mike Frederes, Highway Superintendent, replied that they were looking at three (3) small roads: Greenview, Blue Stem and Woods Edge.
- She stated that she did realize that we were talking about increases in the Highway Department and some of them were very substantial; but we couldn’t do the job if we didn’t have the stuff to do it with - and that included fuel, price of a new truck, etc. The Town has to keep updating, we have to keep doing roads or otherwise we are going to be behind. She stated that the budget last year, if we hadn’t used some fund balance, we might not be quite so bad off this year.

Maurice Rowe addressed the Board regarding the difficult times that people are having. Mr. Rowe stated the Supervisor’s proposed salary of \$41,000.00 and asked him what he made from the County Board of Supervisors. Supervisor Plant responded, “\$14 thousand something, I believe.” Mr. Rowe commented that that was a pretty good salary. He gave some pointers to Mike Frederes, Highway Superintendent, regarding the management of the Highway Department, stating that sometimes you have to work with what you have. Mr. Rowe shared many life experiences with those present. He suggested that many residents had put forth good suggestions for the Board’s consideration this evening and that there were residents present whom the Supervisor could tap for ideas when working to cut the budget.

Rick Nudd stated, “This is, out of any year I have seen, this would probably be the best year to take the budget that you are proposing and throw it away; go back to the one you had last year and see if you need to cut something out of *that*.”

Dennis Landry spoke with regards to 65% of the Town budget being about the Highway Department; he thought that it was time to get a little innovative and work together with the Town of Ontario - maybe combine the two Highway Departments (less equipment, less people, one less supervisor). Mr. Landry also referenced the Town’s starting to get engineers to look at the Town Hall and wanted to know what the engineering would cost on this, was it free? Supervisor Plant stated that at this point, they hadn’t spent anything yet; the committee did not know. Mr. Landry asked about meeting with the engineer for the RFP and stated, “Once you start meeting with them, don’t the dollar signs start rolling?” Supervisor Plant said, “yes.” Mr. Landry stated that he thought this was something that we really didn’t need right now.

Dawn Landry spoke with concerns she had for her personal budget. She stated, “Now you want us to take another hit. We cannot continue to do this; you’re going to tax us out of our home and I don’t want to lose my home.” She stated that the Board needed to do something to hold back the taxes.

Michael Jacobs asked the following:

- What happened to the Memorial Tree Fund, where did it go? Supervisor Plant stated that it had been stopped; it was at this point losing money and because we didn’t know where we might go with the building - whether we might add on to this building at some point, we might end up cutting down memorial trees that had been put in. Mr. Jacobs asked what happened to the money that was in the Fund. Supervisor Plant stated that there was very,

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- very little left; he didn't know exactly. Jean Johnson reported that she thought the money was transferred to a Parks Special Revenue fund, but she would have to check to be sure. Supervisor Plant stated that we still have to replace memorial trees as they die, and this is paid out of the General Fund. Supervisor Plant stated that memorial trees are not being planted and the program is not in place at this time..
- Mr. Jacobs asked about the money for the West Walworth hamlet's sidewalks that was in the budget - where did that come from? Supervisor Plant stated that it came from general tax dollars and part from the money Senator Nozzolio gave us this year. Mr. Jacobs commented that this meant that he was paying for West Walworth and Walworth hamlets' sidewalks (via taxes) and he also was paying for Gananda's sidewalk district; he did not understand why he was paying for those sidewalks and being taxed separately but no one else outside Gananda was, why was that? Supervisor Plant stated that that was the way the funds had been set up many, many years ago. Mr. Jacobs asked the Supervisor why he hadn't taken a leadership role to change that and make it more fair for all residents. Councilman Maciuska interjected that the logic behind that was for the hamlet, because it is a business district, and there are businesses over in West Walworth as well; that in order to attract businesses that would be an expense the entire Town would pay for. Councilman Maciuska said that this was the logic behind that being a Town-wide fund. He said we could argue about whether or not there were a lot of businesses today or whatever, but that was the logic behind it. Councilman Maciuska said that in the case of the Gananda Partnership there were sidewalks that had to be maintained. It's not a business district; it's primarily the residents over there, so a sidewalk district was set up to maintain that. As are the rules for any new developments that go in where there are sidewalks, there will be sidewalk districts for those developments, so the users pay for it. Mr. Jacobs stated that a lot of the sidewalks in the Walworth hamlet really weren't in the business part; they were down quite a ways. Councilman Maciuska stated that the sidewalks that came down Route 441 were put in as part of the re-work that was done on Route 441; under State rules you have to consider anyone that could use the highway, including walkers, bicyclers and stuff like that. Mr. Jacobs thanked Councilman Maciuska for the specific information.
 - Mr. Jacobs inquired about the \$10,000.00 in the budget for cameras. Councilman Maciuska stated that this was from the sewer budget and was for cameras to inspect the sewer lines because there is an in-leakage problem, and the Town was partnering with the Town of Macedon and the Wayne County Sewer Authority for this - \$10,000.00 would be the Town's portion of the camera's cost. Councilman Maciuska stated that this would solve the in-leakage problem and everyone in the sewer district was paying extra rates because that water was leaking in, so that was why we needed to have the cameras. Mr. Jacobs asked if there was some kind of grant going along with this. Councilman Maciuska stated that even if we got a grant, it would be a matching grant and this would be the Town's portion.
 - Mike Jacobs commented that the Town now had three (3) people dedicated to dog control, which seemed pretty excessive to him. He stated that the Town picked up a dozen dogs and that was well over a thousand dollars a dog. He understood that there were some other duties there as well, but now we had two (2) part-timers and a back-up and it seemed to him that maybe one (1) part-timer and a back-up would cover things just as well. Supervisor Plant stated that the back-up doesn't get paid unless they get called out. The resident stated, "Exactly, exactly, but what I am saying is I think maybe that we just need one part-timer and one back-up, and we could save that money right off the top. I don't see how there is enough work for two part-timers." Supervisor Plant stated that the Town could take that into consideration.

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- Mike Jacobs asked the Supervisor to tell him a little bit about the insurance liability for the crossing guard. Supervisor Plant stated that he had spoken with the Attorney for the Town and that there was exposure there with the person not being a Walworth Town employee; “It is a Macedon employee that we are paying half the salary. Therefore, if the person gets hit, it opens the Town of Walworth up for a lawsuit.” Mr. Jacobs commented, “OK, we have insurance for that, right?” Supervisor Plant stated, “No, not necessarily, it depends on how it comes in. Right now we are defending against a lawsuit against Macedon.” Mr. Jacobs said, “And we are suing them too, is that correct?” Supervisor Plant stated, “That’s different, no.” Mr. Jacobs asked “Don’t we have a cross claim against Macedon?” The Supervisor commented, “We do have a cross claim; it is entirely different than their claim.” Mr. Jacobs asked the Supervisor to explain more. The Supervisor stated that he could not go into that. Mr. Jacobs stated that he really didn’t understand why there was a problem with the crossing guard; the Town maintained insurance for that very purpose. He stated that if one of the Highway Department guys got hurt, they were insured and it was a part of doing business. Mr. Jacobs stated that he remembered when the Supervisor ran for office, he put out this green flyer that said he would work with the Gananda School District to share resources and make everyone’s tax dollars work harder; but all he sees is the Supervisor going backwards. Mr. Jacobs suggested that the Supervisor call Bill Hammond, Macedon Town Supervisor, and hammer out an agreement - “you put in on paper, everybody signs it and you protect our children.” Councilman Maciuska commented that the difference is that the crossing guard is not a Town of Walworth employee. Mike Jacobs stated that it can be both a Town of Macedon and Town of Walworth employee. Mr. Jacobs asked the Supervisor if there was any problem in contacting Bill Hammond and discussing this with him. Supervisor Plant stated he didn’t know and explained that this was something for the whole Board to discuss. Mike Jacobs told the Supervisor that someone needed to take the lead to initiate the contact and that, he would think, it was really the Supervisor’s role. The Supervisor stated that he had already called Bill Hammond and Mr. Hammond hadn’t returned his call. Mike Jacobs stated that what he wanted the Supervisor to do was “take charge, take the lead, he was the Supervisor, to solve this issue.” Mr. Jacobs commented that he hears too much of, “well maybe we’ll take it under advisement, maybe we’ll do this, I hear no commitments.” He told the Supervisor that he needed to stand up and tell residents where he stood. Supervisor Plant stated that he could not control the budget himself. Mr. Jacobs said, “Of course, but you are the Budget Officer and you’re supposed to provide leadership.” The Supervisor stated, “I did present a budget to the Town Board, we had a work session and there were changes made, so all of these things that you are accusing me of...” Mike Jacobs said “I am not accusing you of anything, I am making suggestions.” Heated discussion ensued with Councilman Maciuska interjecting and stating, “The purpose of this is a public hearing where we take public input. The Board is listening; there is no need for anyone to get accusatory or take this down to a less than civil level. The Town Board is here to try to do the best that we can for the Town. It’s not an easy job, especially at times like this. Certainly at this time there is a lot of emotion; we are here to listen. This is a public hearing, we are not here to make commitments because Supervisor Plant is right, he does not control the Town Board. We are all independent thinkers, we all have our different prospective where the Town should go. So we want to hear what you’re going to say; we are not necessarily going to pass the budget. We are not saying that this is the budget, this is the proposed budget. Certainly changes can be made and we are listening to input and we will act on the input that we take in. But let’s be civil. Let’s remember that we are all citizens of Walworth. People can agree to disagree and be civil about it. So I would like to request as a Board member and a resident of the Town for thirty (30) years that we maintain civility, we listen to what others say, share ideas and then we will act on that.”

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Mike Jacobs stated, “Frank, thank you very much for those words, it was good advice.” Mr. Jacobs continued to say that his other concern was that we had a difficult budget and he didn’t think it would be the last one going forward. He stated that one of his big concerns was that this was a pretty big increase in one chunk and he thought a lot of it was a result of the Board trying to play “I’m going to cut taxes” instead of being reasonable and watching the Town’s reserve funds. He further stated that he was really concerned not only about this budget but the one next year because the times were going to be equally as difficult. Mr. Jacobs thanked the Board for listening to his comments and stated that he would watch to see how this turned out.

Lorelei Alftather stated that she appreciated the work the Board was doing. She stated that she knew that the Town of Ontario had kept their budget flat and asked that Council members go back and revisit the budget. She also suggested that the Town speak with the Town of Ontario to see what they had done to maintain their flat budget.

Supervisor Plant asked if anyone from the public would like to speak for a second time.

Marian Vandenberg asked a question regarding the health care of retired employees. She asked if full-time retirees were given health care benefits. Supervisor Plant responded, “yes.” She asked about part-timers. Jean Johnson explained that you have to have twenty-five (25) years of service with the Town when you retire, then you are given a certain dollar amount. Ms. Vandenberg commented that “you have heard all of the feelings of these people here and I want to remind you that represent us, your salary is coming from us; and for you to sit there and to give an overall 4% increase in salary, I don’t know how you are going to sleep nights, really.” She had some suggestions for the Board when they voted on the budget; she suggested that the Board go over it very carefully and review everything. Ms. Vandenberg wanted to know how she could find out how each Board member voted on the final budget. Council members replied it would be in the minutes, it was a matter of public record when the Board voted on the budget. Minutes would be posted on the website and would be available in the Town Clerk’s office. Ms. Vandenberg closed by saying, “Anyone on this Board that votes for the budget, I would say next election all incumbents – down.” Councilman Maciuska stated that the Board has to vote on the budget. Ms. Vandenberg said, “On this budget.”

Maurice Rowe addressed the Board with regards to what the Town of Macedon was doing with all of their industrial and commercial expansion. He added that Ontario was also getting quite a little down there - Senator Nozzolio gave away \$300,000.00. Mr. Rowe stated, “I think, Bob, Board members and Frank, that was a good speech you gave, but as far as I know none of you people were drafted to serve on this Board, so you are a public service.” Mr. Rowe commented that the Town should work with what they have, such as trucks and equipment - and not get too carried away with expenditures. Mr. Rowe asked the Board how many of them would be running for re-election next year. The reply was three (3). Mr. Rowe said that we will remember this and stated that “this is not a threat, but maybe we can get your attention that you’re bringing this big budget up.”

Motion by Councilwoman Hawkins-Mance that the Public Hearing be closed.
Seconded by Councilman Maciuska.
Adopted: Vote Ayes 4 Nays 0

Time: 8:55 PM.

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RESOLUTION 72-08 – SEQR - GINEGAW PARK LODGE:

Councilwoman Hawkins-Mance offered the following Resolution **72-08** and moved its adoption. Seconded by Councilman Maciuska to wit:

BE IT RESOLVED that the action be classified as an unlisted action and considering the issues and impacts are local, for the Town Board to declare itself lead agency in the matter of the Ginegaw Park Lodge SEQR Application intended to enhance the Town of Walworth green space and open space areas.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Absent
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

AUTHORIZATION TO GO OUT FOR BID FOR THE CONSTRUCTION OF A FOUNDATION AND SLAB – ENCLOSED PAVILION GINEGAW PARK:

Motion by Councilman Maciuska authorizing to advertise for bids for the construction of a foundation and slab on a site-ready pad for an enclosed pavilion in Ginegaw Park.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

Bid opening was scheduled for Monday, November 3, 2008, at 2:00 PM, at the Walworth Town Hall.

AUTHORIZATION TO GO OUT FOR BID FOR REQUEST FOR PROPOSAL:

Supervisor Plant stated that he is requesting authorization to go out for bid for the RFP for Design/Build for the enclosed pavilion Ginegaw Park. He continued to say that the wording has changed, it is not Design/Build anymore; we are working with the Engineer to prepare the specifications.

Motion by Councilman Maciuska authorizing to advertise for the RFP.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

AUTHORIZATION CIVIL SERVICE EXAM – SEWER EMPLOYEES:

Motion by Councilman Maciuska authorizing prepayment to Wayne County Civil Service for three (3) sewer employees, for an amount not to exceed \$15.00, to be expended from budget line SS8110.41.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

RESOLUTION 69-08 – APPLICATION FOR FUNDS FOR A RECREATIONAL TRAILS PROGRAM:

Councilwoman Hawkins-Mance offered the following Resolution **69-08** and moved its adoption. Seconded by Councilman Maciuska to wit:

I, SUSIE C. JACOBS, THE DULY QUALIFIED AND ACTING TOWN CLERK OF THE TOWN OF WALWORTH OF 3600 LORRAINE DRIVE, WALWORTH, NEW YORK, A MUNICIPALITY, DO HEREBY CERTIFY THAT THE FOLLOWING RESOLUTION **69-08** WAS ADOPTED AT A REGULAR MEETING OF THE TOWN BOARD HELD ON OCTOBER 16, 2008, AND IS INCORPORATED IN THE ORIGINAL MINUTES OF SAID MEETING, AND THAT SAID RESOLUTION HAS NOT BEEN ALTERED, AMENDED OR REVOKED AND IS IN FULL FORCE AND EFFECT.

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BE IT RESOLVED, THAT ROBERT PLANT, TOWN SUPERVISOR OF THE TOWN OF WALWORTH, IS HEREBY AUTHORIZED AND DIRECTED TO FILE AN APPLICATION FOR FUNDS FROM THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION IN ACCORDANCE WITH THE PROVISIONS OF

THE RECREATIONAL TRAILS PROGRAM, IN AN AMOUNT NOT TO EXCEED \$50,000.00 AND UPON APPROVAL OF SAID REQUEST TO ENTER INTO AND EXECUTE A PROJECT AGREEMENT WITH THE STATE FOR SUCH FINANCIAL ASSISTANCE TO THIS, THE TOWN OF WALWORTH, FOR DEVELOPMENT OF RECREATIONAL TRAILS, AND, IF APPROPRIATE, A CONSERVATION EASEMENT TO THE DEED OF THE ASSISTED PROPERTY.

NOW, BE IT FURTHER RESOLVED, THAT THE TOWN COUNCIL OF THE TOWN OF WALWORTH ADOPT RESOLUTION 69-08.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Absent
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

EXECUTIVE SESSION:

Motion by Councilwoman Hawkins-Mance to enter into executive session to discuss the proposed acquisition of land.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

Time: 9:00 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled Town Board meeting.

Time: 9:20 PM.

Supervisor Plant called a Town Board Special Meeting for Monday, November 3, 2008, at 7:00 PM.

FINANCIAL TRANSACTIONS:

Councilwoman Hawkins-Mance offered the following Resolution **71-08** and moved its adoption. Seconded by Councilman Yale to wit:

BE IT RESOLVED that the Senior Account Clerk be authorized to modify budget as follows:

\$49.47 from A1110.45 Justice Litigation Fees to A1110.22 Justice Equipment Maintenance. To cover current expenses.

\$75.00 from A1990.41 Contingent Account to A1920.41 Municipal Association Dues. To cover Farm Bureau Dues.

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\$200.00 from A7110.22 Parks Equipment to A7110.41 Parks Utilities. To cover current expenses.

\$100.00 from A7110.22 Parks Equipment to A7110.42 Park Supplies and Maintenance. To cover current expenses.

\$218.83 from A7110.46 Tree Maintenance to A7110.47 Park Fuel. To cover current expenses.

\$100.00 from A8010.43 Zoning Engineering to A8010.41 Zoning Signs/Copies. To cover current expenses.

\$2,000.00 from Sewer Fund Balance to SS8130.409 Sewer Maintenance. To cover current expenses. Funds to offset transfer credit to sale of scrap.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Absent
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

ADJOURNMENT:

Motion by Councilman Yale to adjourn.

Seconded by Councilwoman Hawkins-Mance and unanimously carried.

Time: 9:22 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk