

**WALWORTH TOWN BOARD – REGULAR MEETING  
6 NOVEMBER 2008**

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

Present:	Frank Maciuska	Councilman
	Thomas Yale	Councilman
	Patricia Marini	Councilwoman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	Rob Burns	Sewer Superintendent
	Karen Ambroz	Assessor

Absent:	Suzi Hawkins-Mance	Councilwoman
	Bob Plant	Supervisor

**MINUTES:**

Motion by Councilman Maciuska to approve the minutes of October 16, 2008, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 3 Nays 0

**MINUTES:**

Motion by Councilman Maciuska to approve the minutes of October 23, 2008, Work Session, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 3 Nays 0

**CORRESPONDENCE:**

Susie Jacobs, Town Clerk, had the following three items to enter into record:

1.)

From: Martin J. Aman, Executive Director,  
Wayne County Water & Sewer Authority  
To: Robert Plant, Town of Walworth Supervisor  
Re: Proposed Water Rate Increase for 2009  
Date: October 29, 2008

Dear Bob, This letter shall serve as notification of the proposed water rate adjustment for next year. As of January 1<sup>st</sup>, 2009, the cost of water within the Western Wayne Service Area of the W.C.W.&S.A. will be \$3.90 per thousand gallons purchased. This reflects an increase of \$.05 per thousand gallons from the 2008 rate.

Customers will be notified of the rate increase on their January bills, with the new rates being reflected in the March/April Billing.

We look forward to a continuation of the strong relationship that we have enjoyed with the towns within the Western Wayne Service Area. Please feel free to call me with any questions.

Sincerely, Martin J. Aman, Executive Director, W.C.W.&S.A

Motion by Councilman Maciuska to accept and file.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 3 Nays 0

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**2.)**

From: Scott Snyder, Assistant Den Leader, Pack 113  
To: Bob Plant, Town of Walworth  
Date: October 5, 2008

Mr. Plant, I would like to thank the Town of Walworth and Mr. Robert Burns for the tour of the waste water treatment plant. It's nice to know that our town is willing to teach and work with our children.

Every Webelos Scout seemed to enjoy the tour and learned numerous things about water treatment. Using the microscope to look at the "bugs" was a big hit for the boys, and a few even skipped their snack for a second look. The parents that went through seemed to be impressed with the process and asked almost as many questions as the Scouts.

Mr. Burns and his staff should be commended for keeping such a clean plant. Rob was very professional, patient, and knowledgeable with all the questions he was asked. Thank you very much for the opportunity for all ten scouts to complete their science requirements.

Sincerely, Scott Snyder

Motion by Councilman Maciuska to accept and file.  
Seconded by Councilwoman Marini.  
Adopted: Vote Ayes 3 Nays 0

**3.)**

Dated: October 22, 2008  
To: Robert Plant, Supervisor, Town of Walworth  
Re: Intent to Retire

I am writing to inform you of my intent to retire at year's end, December 31, 2008. I find I can no longer deal with the snow and heavy work that is required. Thank you and the Town Board for the opportunity to serve the Town as facilities manager and to work in the parks.

Respectfully,  
Jim Moll

Motion by Councilman Maciuska to accept and file.  
Seconded by Councilwoman Marini.  
Adopted: Vote Ayes 3 Nays 0

Motion by Councilman Maciuska directing Susie Jacobs, Town Clerk, to send a letter of acknowledgement and appreciation for years of service to Jim Moll.  
Seconded by Councilwoman Marini.  
Adopted: Vote Ayes 3 Nays 0

Deputy Supervisor Yale stated that Jim will be sorely missed. Jim is very dedicated to the Town and his service. Deputy Supervisor Yale commented that in talking with Supervisor Plant, he wanted to wait to advertise the position in order to give time to re-evaluate the position to determine if it needed any changes prior to advertising. He further stated, "Taking the opportunity, not that it needs changes, but this is an opportunity when anybody vacates a position to re-look at it. So we will wait to advertise."

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**RESOLUTION 77-08 ADOPTION 2009 BUDGET:**

Councilman Yale stated that Council members had before them the 2009 budget in the amount of \$1,633,411.00, which would create a tax rate of \$3.51 per thousand, a 3.8% increase over 2008.

Councilman Maciuska offered the following Resolution **77-08** and moved its adoption, seconded by Councilwoman Marini to wit:

**BE IT RESOLVED**, that the Budget for the year 2009 be adopted, subject to the use of fund balances as follows:

General Fund	-	\$225,000.00
Highway Fund	-	\$162,000.00
Debt Service	-	\$ 26,321.00
Public Library	-	\$ 40,000.00

Now, therefore, **BE IT FURTHER RESOLVED**, that the Town Council of the Town of Walworth adopts Resolution **77-08**.

**ADOPTED** this 6<sup>th</sup> day of November, 2008, at the meeting of the Town Council.

Discussion: Councilwoman Marini stated that she “would like to point out that after our work session on October 23, 2008, there was one other change that was made. There was a reduction in the Receiver of Taxes Conference budget line of \$600.00; and based on information from the Town Clerk and the numerous conferences that she is required to attend because of the different duties within her scope, we have transferred that \$600.00 into the Town Clerk’s conference budget line.” Deputy Supervisor Yale commented that all Council members agreed that was warranted.

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

Resolution carried.

**RESOLUTION 78-08 AUTHORIZING THE SUPERVISOR TO SIGN A CONTRACT WITH THE LINCOLN VOLUNTEER FIRE DEPARTMENT:**

Councilwoman Marini offered the following Resolution **78-08** and moved its adoption, seconded by Councilman Maciuska to wit:

**BE IT RESOLVED**, that the Town Board held a Public Hearing on October 16, 2008, and

**BE IT RESOLVED**, that Robert Plant, Town Supervisor of the Town Of Walworth, is hereby authorized and directed to sign the contract with the Lincoln Volunteer Fire Department for fire protection in the Lincoln Fire Protection District, for the contract amount of \$137,503.00 for the year 2009.

Now, therefore, **BE IT FURTHER RESOLVED**, that the Town Council of the Town of Walworth adopts Resolution **78-08**.

**ADOPTED** this 6<sup>th</sup> day of November, 2008, at the meeting of the Town Council.

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

Resolution carried.

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**RESOLUTION 79-08 AUTHORIZING THE SUPERVISOR TO SIGN A CONTRACT  
WITH THE WEST WALWORTH VOLUNTEER FIRE DEPARTMENT:**

Councilman Maciuska offered the following Resolution **79-08** and moved its adoption, seconded by Councilwoman Marini to wit:

**BE IT RESOLVED**, that the Town Board held a Public Hearing on October 16, 2008, and

**BE IT RESOLVED**, that Robert Plant, Town Supervisor of the Town Of Walworth, is hereby authorized and directed to sign the contract with the West Walworth Volunteer Fire Department for fire protection in the West Walworth Fire Protection District, for the contract amount of \$166,019.00 for the year 2009.

Now, therefore, **BE IT FURTHER RESOLVED**, that the Town Council of the Town of Walworth adopts Resolution **79-08**.

**ADOPTED** this 6<sup>th</sup> day of November, 2008, at the meeting of the Town Council.

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

Resolution carried.

**PUBLIC PARTICIPATION:**

Rick Nudd addressed the Board and asked with regard to the budget, what the total proposed spending was for the coming year. He also commented that the public haven't had a budget available. He came tonight and thought there would be copies available. Discussion ensued, with Council members supplying Mr. Nudd the amount of \$1,633,411.00, which will create a tax rate of \$3.51 per thousand and a 3.8% increase over the 2008 budget. Mr. Nudd asked when the final budget would be available for public review. Councilman Maciuska stated that the draft was available for the Public Hearing. Now copies of the approved budget will be made available; stop at the Town Clerk's office and request one.

**DEPARTMENT HEAD REPORTS:**

**HIGHWAY DEPARTMENT – INTER-MUNICIPAL COOPERATION AGREEMENT**

Mike Frederes, Highway Superintendent, presented Council members with a draft copy of an inter-municipal agreement between the Town of Palmyra, Village of Palmyra, Town of Macedon and Town of Walworth. He commented that the agreement has extensive details on the Maintenance, Scheduling and Ownership of the Joint Ownership of the Bucket Truck and Vacuum Catch Basin Cleaner Sweeper Truck. He asked that the Board consider the adoption of this agreement. Councilman Yale stated that this had to be done in a timely manner in order to qualify for the grant. He asked that the Resolution be put forward and made conditional on the review of the Attorney for the Town. Mr. Frederes will supply the documents to Denise Munson, Attorney for the Town, for her review.

**RESOLUTION 81-08 AUTHORIZE AND DIRECT TOWN SUPERVISOR TO SIGN INTER-MUNICIPAL AGREEMENT BETWEEN THE TOWN OF PALMYRA, VILLAGE OF PALMYRA, TOWN OF MACEDON AND TOWN OF WALWORTH FOR A STREET SWEEPER/CATCHBASIN CLEANER AND FOR A AERIAL LIFT TRUCK**

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
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**RESOLUTION 81-08 – AUTHORIZATION TO SIGN THE INTER-MUNICIPAL COOPERATION AGREEMENT BETWEEN THE TOWN OF PALMYRA, VILLAGE OF PALMYRA, TOWN OF MACEDON AND TOWN OF WALWORTH FOR AN STREET/CATCHBASIN CLEANER AND FOR AN AERIAL LIFT TRUCK:**

Councilwoman Marini offered the following Resolution **81-08** 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 81-08 WAS ADOPTED AT A REGULAR MEETING OF THE TOWN BOARD HELD ON NOVEMBER 6, 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.

**RESOLVED:** THAT DENISE MUNSON, ATTORNEY FOR THE TOWN, OF THE TOWN OF WALWORTH, IS HEREBY DIRECTED TO REVIEW THE SAID DOCUMENTS PRIOR TO ROBERT PLANT, TOWN SUPERVISOR, OF THE TOWN OF WALWORTH, IS HEREBY AUTHORIZED AND DIRECTED TO SIGN THE INTER-MUNICIPAL COOPERATION AGREEMENT BETWEEN THE TOWN OF PALMYRA, VILLAGE OF PALMYRA, TOWN OF MACEDON AND TOWN OF WALWORTH FOR A STREET SWEEPER/CATCHBASIN CLEANER AND FOR AN AERIAL LIFT TRUCK, AND

NOW, BE IT FURTHER RESOLVED, THAT THE TOWN COUNCIL OF THE TOWN OF WALWORTH ADOPT RESOLUTION **81-08**.

DATED THIS 6TH DAY OF NOVEMBER, 2008.

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

Resolution carried.

**SEWER DEPARTMENT – AUTHORIZATION TO GO OUT TO BID FOR POSITIVE DISPLACEMENT BLOWER**

Rob Burns, Sewer Superintendent, requested authorization to go out to bid for the purchase of a new Positive Displacement Blower for the Waste Water Facility Plant. Rob explained that Rick McClung with LaBella Associates, P.C., has looked over the situation and has given the Town some recommendations where the Town needs to head and presented Council members with a copy of his report for their review. Rob asked that the Town go out to Bid as soon as possible. Councilman Maciuska stated that we are bidding everything as a package.

Motion by Councilman Maciuska authorizing Rob Burns, Sewer Superintendent, to work with Engineer for the Sewer Department, to prepare the documents to go out to bid for the blower for the Water Treatment Plant.

Seconded by Councilwoman Marini.

Discussion: Councilman Maciuska commented that we do have to get this done. The recommendation from Labella Associates is to sub-stain the Town's asset.

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

Motion carried.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
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**ASSESSOR**

Nothing reported at this time.

**TOWN CLERK – LOCAL LAW NO 4 OF 2008**

Susie Jacobs stated that Local Law number 4 for the year 2008 was filed with the Secretary of State on October 24, 2008. This was the Local Law on Chapter 139 entitled “SEWERS”, pertaining to SEWER RENTS SETTING FORTH SEWER RENTS CHARGES AND PROVISIONS FOR MINIMUM SEWER RENT NOT TO BE CHARGED IN CASE OF DISCONNECT FOR MORE THAN 30 CONTINUOUS DAYS.

**COMMITTEE:**

**LIBRARY COMMITTEE – DOROTHY FRENCH RETIRING**

Councilman Maciuska reported that Dorothy French, Library Board of Trustees, will be retiring. She has served her second term, and according to the “Laws” she must retire as a Trustee. Councilman Yale stated that that was too bad as she is very dedicated.

**ALTERNATIVE ENERGY MORATORIUM**

Frank Maciuska reported that he has received the comments from the Attorney for the Town as well as the comments from Councilwoman Hawkins-Mance. He will incorporate them and send out another “draft” copy. Councilman Maciuska stated that the Attorney for the Town had some questions, and we will need to have some discussion on whether or not the Town wants the use of Letter of Credits on home owners.

**TOWN CLERK - NYSTCA MEETING AUTHORIZATION**

Motion by Councilman Maciuska authorizing Susie Jacobs, Town Clerk, to attend the New York State Town Clerks Association, Inc. – Regional Meeting and Educational Programs on December 8, 2008, in Ithaca, NY, for an amount not to exceed \$25.00, from Budgeted Line A1410.41.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 3 Nays 0

**RG&E VOICE YOUR CHOICE DISCUSSION:**

Councilman Yale commented that the Town has received notice that it is time for “Voice Your Choice” time for the RG&E program, which has to do with fixed rate verses variable rate for power. Councilman Yale stated that we do not want to make a decision tonight, but put the information out for thought and investigation from Councilman Maciuska, Mike Frederes and Supervisor Plant. Councilman Maciuska commented that the Town has been on variable rate and has been doing okay. Councilman Maciuska asked Jean Johnson to pull the 2007 bills for the five (5) Town contracts and research the usage. The research will be gathered for the next Town Board meeting.

**REAL PROPERTY TAXES IN WAYNE COUNTY FORUM:**

Councilman Yale commented that Council members had received a letter regarding a forum to be held next Monday. The topic for the forum is Real Property Taxes in Wayne County. Councilman Yale stated that he had signed up to attend this forum.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
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**MONROE COUNTY SOIL AND WATER CONSERVATION DISTRICT (MS4)  
TRAINING AUTHORIZATION:**

Motion by Councilwoman Marini authorizing Norm Druschel to attend Monroe County Soil and Water Conservation District – Contractor/Developer Trained Individual/Qualified Inspector **REQUIRED** Training, on November 18, 2008, in Webster, NY, for an amount not to exceed \$95.00, from Budgeted Line A3620.43. Seconded by Councilman Maciuska.  
Adopted: Vote Ayes 3 Nays 0

**AUTHORIZATION TO ADVERTISE FOR BOARD AND COMMITTEE POSITIONS  
AVAILABLE JANUARY, 2009:**

Motion by Councilwoman Marini authorizing to advertise for Board and Committee positions available January, 2009.  
Second by Councilman Maciuska.  
Adopted: Vote Ayes 3 Nays 0

**AUTHORIZATION TO DECLARE THE TREES REMOVED FROM GINEGAW  
PARK ENCLOSED LODGE SITE AS SURPLUS AND TO GO OUT FOR BID FOR  
THE SALE OF THE TREES:**

Motion by Councilwoman Marini authorizing to declare the trees removed from Ginegaw Park Enclosed Lodge site as surplus and to go out for bid for the sale of the trees.  
Second by Councilman Maciuska.  
Adopted: Vote Ayes 3 Nays 0

**FINANCIAL TRANSACTION RESOLUTION 80-08:**

Councilman Maciuska offered the following Resolution **81-08** and moved its adoption.  
Seconded by Councilwoman Marini to wit:

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

\$1,663.07 from SS599 Sewer Fund Balance to SS8130.402 Sewer Office Expense. To cover Newark Electric Bill for Alarm. Funds to cover transfer credited to line SS2650 Sale of Scrap.

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

Resolution carried.

**ADJOURNMENT:**

Motion by Councilwoman Marini to adjourn.  
Seconded by Councilman Maciuska and unanimously carried.  
Time: 8:00 PM.

Respectfully Submitted,

Susie C. Jacobs  
Walworth Town Clerk