

**WALWORTH TOWN BOARD – REGULAR MEETING
19 JUNE 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
	Patricia Marini	Councilwoman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	Rob Burns	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor
	Carl Hewings	Engineer for the Town
	Denise Munson	Attorney for the Town

Absent: Suzi Hawkins-Mance Councilwoman

MINUTES:

Motion by Councilman Maciuska to approve the minutes of June 5, 2008, as presented.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

“CATCH A KID” AWARD:

Supervisor Plant presented a “Catch a Kid” Certificate to Joshua Malone for demonstrating compassion and care for those around him. He is always willing to give of himself to make something better for someone else.

CORRESPONDENCE:

Susie Jacobs, Town Clerk, stated that Council members had received copies of, and then read, the following item:

- Letter from Town of Ontario, dated June 13, 2008,

Dear Ms. Jacobs:

Attached is a copy of the Town of Ontario’s proposed Local Law No. 3 – 2008 which would amend the Town Zoning Law: Chapter 150 of the Town Code Section 150-5-Definitions. A Public Hearing will be held by the Ontario Town Board at 1850 Ridge Road on June 23, 2008, at 7:00 PM. All interested persons shall have an opportunity to be heard.

If you have any questions, please feel free to contact me at 315-524-3441, extension 2000. Thank you. Debra DeMinck, Ontario Town Clerk.

Motion by Councilwoman Marini to accept and file.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

SUPERVISOR’S REPORT:

Motion by Councilwoman Marini to approve and file the Supervisor’s Monthly Report for May, 2008, as presented.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

PUBLIC PARTICIPATION:

No one present offered any comments.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
19 JUNE 2008**

RESOLUTION 51-08 – AUDIT OF CLAIMS:

Councilwoman Marini offered the following Resolution **51-08** and moved its adoption. Seconded by Councilman Maciuska to wit:

WHEREAS, the following claims submitted at the scheduled Town Board Meeting of June 19, 2008, have been audited and approved by the appropriate Council Members.

BE IT RESOLVED that the claims be paid on **Abstract #6**, numbered 729 through 903, in the following amounts:

GENERAL FUND	\$ 55,220.37
HIGHWAY FUND	\$ 180,656.94
WALWORTH SEWER DISTRICT #1	\$ 29,029.00
BROOKSIDE LIGHT DISTRICT	\$ 8.76
GANANDA LIGHT DISTRICT	\$ 939.86
HARVEST HILL LIGHT DISTRICT	\$ 600.37
ORCHARD VIEW LIGHT DISTRICT	\$ 78.66
WALWORTH LIGHT DISTRICT	\$ 686.18
CEMETERIES	\$ 404.00
ALBRIGHT/BUSHWOOD EXT #12	\$ 643.50
KUTT/CANANDAIGUA EXT #15	\$ 570.37
MILDAHN ROAD EXT #16	\$ 816.00
COUNTY LINE ROAD EXT #17	\$ 1,394.00
PLANK ROAD EXT #18	\$ 1,020.00
DAANSEN ROAD EXT #5	\$ 131.63
WALWORTH CONSOLIDATED DRAINAGE	\$ 3,574.70
PARK SPECIAL REVENUE FUND	\$ 1,344.02

BE IT FURTHER RESOLVED that the claims be paid on **Abstract #6**, numbered 80 through 101, in the following amounts:

TRUST & AGENCY	\$ 25,392.28
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NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Walworth adopt resolution **51-08**.

Adopted this 19th day of June, 2008, at the meeting of the Town Council.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Absent
	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 – NEW “GINEGAW PARK” SIGN

Jacqueline Van Lare, Recreation Director, reported that the parks employees had constructed and installed a new “Ginegaw Park” sign.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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RECREATION DEPARTMENT – OUTHOUSE BUILDING REMOVED

Jacqueline Van Lare stated that the outhouse building in Ginegaw Park had been removed, courtesy of the Walworth Sewer Department.

RECREATION DEPARTMENT – FRIENDS OF THE WALWORTH PARK

Jacqueline Van Lare reported that she had received notification from the State that all the necessary documentation had been filed for “Friends of the Walworth Park.” Phase two is getting the 501C(3).

ASSESSOR –

Nothing reported at this time.

ENGINEER FOR THE TOWN – UPDATE

Carl Hewings, Engineer for the Town, reported that Parrone Engineering had ongoing coordination with Planning Board applications and applications for the senior housing subdivision.

Carl Hewings stated that they were also continuing their coordination on the MS4.

ATTORNEY FOR THE TOWN – UPDATE

Denise Munson, Attorney for the Town, reported that she was working on some research projects for Phil Williamson, Code Enforcement Officer, and reviewing contracts.

TOWN CLERK –

Nothing reported at this time.

COMMITTEE REPORTS:

SEWER COMMITTEE – ENGINEER FOR SEWER UPDATE

Councilman Maciuska reported that they had reviewed and ranked the applicants for the Engineer for the Sewer Department. The committee had decided that they would like to conduct interviews over the next two (2) weeks. Discussion ensued. It was decided that each company would propose a Project Manager as the person to be interviewed. Appointment scheduling will be coordinated with Barb Kuelling. Rob Burns, Sewer Superintendent, will continue to consult with Parrone Engineering until an appointment has been made.

CABLE TV COMMITTEE – UPDATE

Councilman Maciuska reported that Time Warner is spinning off another company called “TWX,” and it should not affect our cable rates.

LIBRARY BOARD OF TRUSTEES MEETING UPDATE

Councilman Maciuska presented Council members and Department Heads with some “trinkets” from the “Walworth Seely Public Library Summer Reading 2008 – Catch the Reading Bug!” campaign.

- Reading Incentive starts June 23 (prizes for returning a reading log)
- Programs for all ages beginning the week of July 7 through August 11
- Summer Wrap-up with Special Friends – August 20
- Book and Movie Club on Tuesday’s and Thursday’s @ 3:00PM beginning July 8
- Craft Program for Children of all ages – Monday’s and Friday’s @ 11AM
- New this year: Gaming Tournaments at the Library every Friday afternoon from 1:00 to 6:00PM

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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GRANTSMANSHIP TRAINING AUTHORIZATION:

Motion by Councilwoman Marini authorizing Jacqueline Van Lare, Recreation Director, to register for a Grantsmanship Training Program to be held November 3 – 7, 2008, in Oriskany, New York, at a cost not to exceed \$437.50. Budgeted line to be supplied by Supervisor Plant and Jacqueline Van Lare at a later date.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

ASSESSMENT DEPARTMENT – EQUALIZATION RATE.

Councilman Yale reported that he had been notified by the State Board of Real Properties Services that the equalization rate for this year was 100%. Congratulations were extended.

ORCHARD VIEW LETTER OF CREDIT RELEASE APPROVAL:

Motion by Councilman Yale authorizing the release of \$17,692.26 to the developer from the Orchard View Development Letter of Credit. Parrone Engineering reviewed the documents and was in agreement.

Seconded by Councilwoman Marini.

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

Motion carried.

WALWORTH LIONS CLUB 2008 FESTIVAL IN THE PARK PARADE:

Supervisor Plant stated that the Town Board had been invited to participate in the parade and inquired how many Council members would be riding in the car. Councilman Maciuska, Councilman Yale and Councilwoman Marini stated that they would be participating.

LICENSE AGREEMENT FOR MOBILE CONCESSION DISCUSSION – GINEGAW PARK:

Supervisor Plant explained that Jacqueline Van Lare had been approached by a vendor to sell concessions in Ginegaw Park during the soccer season July 7 - August 17. Supervisor Plant stated that a License Agreement Contract had been prepared and reviewed by the Attorney for the Town. The vendor presented his insurance policy to Supervisor Plant for review, and the area of concern was that the liability insurance was in the amount of \$500,000.00. The vendor had asked if the Town would be interested in lowering the requested amount of \$1,000,000.00 liability policy. The soccer season is for six (6) weeks, and this would not be a very large money-making venture; however, parents would be very appreciative. After research by the Town Clerk, no documents had been found pertinent to the amount of liability insurance required by the Town; some information was available pertaining to demolitions in the Town Code, requiring \$2,000,000.00. Discussion ensued with Council members saying this was a wonderful idea; however, Councilman Maciuska commented that the Town had always required a \$1,000,000 policy for others, such as the Walworth Lion's Club. Councilman Maciuska stated that he recalled \$1,000,000.00 was the minimum amount the Town insurance representative had recommended years ago; Supervisor Plant stated that this was not in writing anywhere. Further discussion and negotiations took place, with the final decision being a motion.

Motion by Councilman Yale to approve the License Agreement with the allowance of \$500,000.00 liability insurance, to include allowing the Supervisor to negotiate the terms of the contract.

Seconded by Councilwoman Marini.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Absent
	Councilman Yale	Aye
	Supervisor Plant	Aye

Motion carried.

Comment: Councilman Maciuska commented during the roll call that he would “Aye” proviso that negotiations took place.

AMEND MOTION – LICENSE AGREEMENT MOBILE CONCESSION:

Motion by Councilman Yale to amend the License Agreement for Mobile Concession motion to include Resolution **50-08**.

Seconded by Councilwoman Marini.

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

Motion carried.

RESOLUTION 50-08 – MOBILE CONCESSION WAGON GINEGAW PARK:

Councilman Yale offered the following Resolution **50-08** and moved its adoption. Seconded by Councilwoman Marini to wit:

WHEREAS, the Town of Walworth recognizes an opportunity for a mobile concession wagon for the sale of foods and soft drinks in Ginegaw Park in Walworth, New York; and

WHEREAS, the License Agreement will state such terms and conditions; and

WHEREAS, the Town of Walworth authorizes Supervisor Plant to enter into an agreement between Roger Wallace, dba Bubba’s Hots, and the Town of Walworth, New York, relative to a License Agreement for 2008.

RESOLVED, that Robert Plant, Town Supervisor, is authorized to sign the License Agreement.

NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Walworth adopt Resolution **50-08**.

Adopted this 19th day of June, 2008, at the meeting of the Town Council.

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

Resolution carried.

FARMLAND PROTECTION GRANT:

Motion by Councilwoman Marini to approve payment of expenses for the Farmland Protection Grant to Wayne County Planning for an amount not to exceed \$1,200.00.

Seconded by Councilman Maciuska.

Discussion: Councilman Maciuska asked if there was money still available. Supervisor Plant replied, “yes.”

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

Motion carried.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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HIGHWAY & SEWER WIRELESS INTERNET DISCUSSION:

Supervisor Plant reviewed with Council members what had been emailed to them on June 10 regarding Integrated Services' tests for wireless internet to link the Sewer Department and Highway Department to the Town Complex. Because of the crest in the hill between the Town Complex and the Highway Department, the Line of Sight Radio only will get us to the Sewer Department. We could scale back to go just to the Sewer Department and lower the cost by about \$1,000.00 plus. To go to the Highway Department we would need an up-grade to Near Line of Sight Radio, which would provide a wider band width at an additional cost of \$5,000.00 (from the already budgeted amount of \$8,000.00). Discussion ensued with Council members stating that internet communication, access to a lot of information and access to the server at the Town Hall are prudent in these times. Work will begin in a couple of weeks.

Motion by Councilman Yale authorizing the expenditure for wireless connection for the Highway and Sewer Departments, with a change order increase of \$4,500.00 from Resolution 30-08 on April 3, 2008, expending \$8,000.00; the total amount not to exceed \$12,500.00, from line items A1620.21R and SS8130.27R.

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

Motion carried.

NEW YORK STATE 2008/2009 MEMBER INITIATIVE PROGRAM GRANT FUNDING:

Supervisor Plant stated that he had received notice from Assemblymen Robert C. Oaks as follows:

June 4, 2008

Dear Supervisor Plant:

I am pleased to inform you that I have been able to direct \$3,500.00 in grant funds for the Town of Walworth under the 2008/2009 Member Initiative Program.

It is my understanding that the Town of Walworth will utilize the resource to fund the wireless connection for the Town Hall to the Highway and Sewer Departments.

The grant is subject to review by the Governor, the New York State Comptroller and the State Attorney General's Office to be certain that it corresponds to the appropriate criteria for this particular funding program.

It is my understanding that you should be in receipt of the grant paperwork or should be receiving it in the near future. I hope that the funding will assist you in your efforts to improve a quality of life for the residents of your area in the 128th Assembly District.

It is my privilege to be able to work with and support the Town of Walworth.

Best wishes.

Sincerely, Robert C. Oaks

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
19 JUNE 2008**

EQUIPMENT SURPLUS AUTHORIZATION – REGIONAL COMPUTER RECYCLING & RECOVERY:

Supervisor Plant stated that the Sewer Department had the following:

1 Horizon computer, no serial number
3 monitors

The Town Complex had the following:

1 BENQ CGHKFY7YXR3XR – 3XT37HG8PR – XP26B
1 Soyata HJM97MPPKR6GCHQ4QKQ2 – 66F36
1 Nitsuko MLO1453NVM202EX
5 monitors
3 printers

Regional Computer Recycling and Recovery is sponsoring an electronic recycling on June 21, from 9:00AM to 1:00PM, and we would like to send these surplus items.

Motion by Councilman Maciuska to declare the above-mentioned equipment surplus and send them to Regional Computer Recycling and Recovery.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

MEETING ROOM TABLES PURCHASE AUTHORIZATION:

Motion by Councilman Maciuska authorizing the purchase of two (2) tables, 36" x 72" natural cherry banding with green laminate top, manufactured by Gunlocke Furniture at a cost not to exceed \$1,200.00, from building equipment line A1620.22.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

RESOLUTION 53-08 – PROCUREMENT POLICY:

Councilman Yale offered the following Resolution **53-08** and moved its adoption.

Seconded by Councilwoman Marini to wit:

WHEREAS, Section 104-b of the General Municipal Law requires every town to adopt internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to competitive bidding requirements of Section 103 of the General Municipal Law, and

WHEREAS, the Town Board is desirous to comply with Section 104-b of the General Municipal Law and adopt internal policies and procedures governing all procurement of goods and/or services which are not required to be made pursuant to the competitive bidding requirements of Section 103 of the General Municipal Law.

WHEREAS, the Town Board adopted a procurement policy January 2, 1992, and amended it May 2, 1992; and

NOW, THEREFORE, IT IS RESOLVED, that the Town of Walworth does hereby adopt the following procurement policies and procedures:

Awarding Contracts

It is the policy of the town to award contracts for the purchase of goods and services to the lowest bidder at the lowest quote. However, exceptions may be made in the event that the lowest bid is not the lowest responsible bidder, or if there is a compelling reason to award the contract to another, such as there is a significant and measurable difference of quality between the lowest bidder and the lowest acceptable bidder, or there is a need for standardization of parts, et cetera. In each such occasion, the person responsible for the procurement shall set forth in writing the reason why the lowest bidder is not recommended or not awarded the contract, and such procurement shall be subject to the approval of the Town Board. No bid shall be solicited from any firm in which the officer or employee, or any member of his or her family, has any direct financial interest.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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Solicitation of proposals or quotations not required

- A. Acquisition of professional services
- B. Emergency purchases as defined by General Municipal Law #103
- C. Sole source situations
- D. Goods purchased from agencies for the blind or severely handicapped
- E. Goods purchased from correctional facilities
- F. Goods purchased from another governmental agency
- G. Goods purchased at an auction
- H. Goods purchased under New York State contract
- I. Original equipment replacement parts/service.

Bidding Requirements

It shall be the practice for all officials and employees of the Town of Walworth to procure goods and services by advertisement for sealed bids as set forth in the bidding requirements of the General Municipal Law #103.

Exceptions

Exceptions to this policy are allowable pursuant to the General Municipal Law where contract for public works projects are less than \$20,000 and contracts for the purchase of goods are less than \$10,000. In those cases, the exceptions to General Municipal Law #103 may be allowed pursuant to General Municipal Law #104 and the following:

- A. The use of a bid, complying with Article 5-A of the General Municipal Law, from another agency to purchase goods and services which the Town of Walworth would benefit from utilizing.
- B. In connection with the procurement of goods having a value of more than \$2,000 but equal to or less than \$10,000, and for the procurement of contracts for public works having a cost of more than \$10,000 but equal to or less than \$20,000, there shall be obtained three written/fax quotations which shall be maintained in a separate non-bid procurement file to be presented to and approved by the Town Board.
- C. For the procurement of goods having a value of more than \$1,000 but less than \$2000, or services having a cost of more than \$1,000 but equal to or less than \$10,000, three oral quotations shall be obtained, and a written memorandum setting out the bidder, bid price, date the oral quotation was made and any conditions or limitations on the offer shall be prepared and maintained, to be presented to and approved by the Town Board unless within Department Head spending limit.
- D. For goods having a value of less than \$1,000, or services having a cost of less than \$1,000, alternate price quotations are not required, provided that Department Head approval is obtained.

Written Request Form

In all cases, the Town shall create a written request form for all oral and/or written quotations for each non-bid item, and the same shall be maintained in the non-bid procurement file in the Town Clerk's Office.

Recordkeeping

All information gathered in complying with the procedures of this guide shall be preserved and filed with the proper documentation supporting the subsequent purchase or service.

Further Action

Appropriate Town Officials shall take such further action as may be required.

Annual Review

This policy shall be reviewed annually by the Town Board at its organizational meeting or as soon thereafter as reasonably practicable.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
19 JUNE 2008**

TOWN OF WALWORTH
PROCUREMENT POLICY FORM
PURCHASE

Describe _____ Item _____ or _____ services:

1. Will the cost for current fiscal year be less than \$10,000 (purchases) or \$20,000 (services)?

Yes _____ No _____ If no, competitive bidding required.

2. Have other departments' needs been considered in determining the estimated total needs for the current fiscal year?

Yes _____ No _____

3. Use For Purchases Only

A. Less than \$10,000 but greater than \$2,000: List at least 3 vendors and amount of quotes.

<u>Vendor Name</u>	<u>Quantity</u>	<u>Price</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Written or fax quotes must be attached.

B. Less than \$2,000 but greater than \$1,000. List at least three vendors and amount of quotes.

<u>Vendor Name</u>	<u>Price</u>	<u>Quantity</u>	<u>Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If written quotes, please attach.

4. Was the lowest quote accepted: Yes _____ No _____

If no, provide written explanation of reasons for accepting higher quote (must be in the best interest of the Town of Walworth). Use additional sheets for explanation if required.

Date: _____

Signature: _____

FINANCIAL TRANSACTIONS:

Councilman Maciuska offered the following Resolution **52-08** and moved its adoption. Seconded by Councilwoman Marini to wit:

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

\$285.00 from General Fund Balance to A6989.41 Farm Land Preservation Grant. To cover attorney fees.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Absent
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into executive session to discuss proposed, pending or current litigation.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

Time: 8:10 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled Town Board meeting.

ADJOURNMENT:

Motion by Councilman Yale to adjourn. Seconded by Councilwoman Marini and unanimously carried.

Time: 8:20 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk