

**WALWORTH TOWN BOARD – REGULAR MEETING
5 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:	Frank Maciuska	Councilman
	Patricia Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	Rob Burns	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Carl Hewings	Engineer for the Town
Absent:	Thomas Yale	Councilman

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of May 3, 2008, "Sit with the Supervisor as submitted by the Town Clerk.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Motion by Councilwoman Hawkins-Mance to approve the Minutes of May 15, 2008, meeting as submitted by the Town Clerk.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

CORRESPONDENCE:

Susie Jacobs, Town Clerk, read the following two items:

- Letter from Gananda Rotary Club, dated May 19, 2008:

"Supervisor Plant and Board:

As in the past, the Gananda Rotary Club will host the Annual Gananda Garage Sale, which will occur this year on June 14 and 15 (Saturday and Sunday). The area covered by this two day event is the main Gananda development between Route 350 on the east and the Gananda Parkway on the west.

Due to a very heavy congestion of traffic during this sale, we wish to inform the law enforcement agencies in the area, as well as town officials and highway and fire departments.

The Rotary Club posts "No-Parking This Side" signs on one side of Waterford Road, Wildflower Drive, Evergreen Circle and Pinewood Drive. We have informed the town highway and fire department of these restrictions. We hope this will keep traffic flow moving and allow for any emergency vehicles which may need to travel in or through the development during that time.

Porta potties, garbage totes and food service will be set up throughout the event. We anticipate a fine day and fun time.

If you need to reach me prior to the event, or during the event, I can be contacted at my home or office numbers listed above.

Our Rotary Club booths will be set up at Waterford Road (near the intersection of Pinewood Drive) and on Wildflower Drive, (near the soccer field).

Thank you for your time and consideration.

Sincerely, Patti Holdraker, President, Gananda Rotary Club

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P.S. Following the event, don't forget to get your Chicken BBQ from the Walworth Fire Department – SATURDAY, starting at 4pm.”

Motion by Councilman Maciuska to accept and file letter.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

- Letter from Wayne Central School District, dated May 21, 2008:

“Dear Mrs. Jacobs,

Pursuant to §2121.5 of the NYS Education Law, I am writing to officially advise your office of the following results of the annual school elections for school trustee of the Wayne Central School District conducted on May 20, 2008.

The following persons were elected to terms on the Wayne Central Board of Education, as indicated, each having received said vote tally in the at-large election for three (3) school trustee seats.

Jacqueline M. Brunner	662 votes	Three-Year Term
Jeffrey T. Schultz	644 votes	Three-Year Term
Dom Paz	516 votes	Three-Year Term

Each of these persons begins their new term on July 1, 2008.

Each person may decline their election by written notice to the School District Clerk within five (5) days of the notice of their election.

Please file this letter to fulfill my responsibility to notify the Town Clerk of the Town in which our district offices are located. By means of a copy of this letter, I am also providing notification to the Town Clerks of the five-(5) other component townships with homes and parcels within the Wayne Central School District.

Sincerely yours, James E. Switzer, School District Clerk”

Motion by Councilman Maciuska to accept and file letter.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

PUBLIC PARTICIPATION:

A resident spoke with regards to cleaner energy sources and the possibility of putting a windmill on his property. He contacted Phil Williamson, Code Enforcement Officer, with regards to any regulations that would prohibit such windmill. Phil Williamson notified him and advised him of a Town Law that would stop it entirely. Any windmill cannot exceed thirty-five (35) feet. He commented that there were some grants available to help people pay for the cost of a windmill, but the requirements are that they must be eighty (80) feet high. He had come to ask the Town Council to review the Town Law to see if it was really in the best interest of the Town.

Supervisor Plant stated that he appreciated the comment and he believed that Phil Williamson was looking into this and a few other components of that same Chapter that the Town would be addressing. Supervisor Plant commented that the Town Board had stated they were interested in wind turbines and energy conservation.

7:45 PM – COUNCILMAN YALE ARRIVED.

DEPARTMENT HEAD REPORTS:

HIGHWAY DEPARTMENT – SIGN SURVEY - WAYNE COUNTY GRANT

Mike Frederes, Highway Superintendent, presented a proposal regarding a sign survey that was part of a Wayne County project started numerous years ago to possibly consolidate the 15 Towns' and the County's sign programs. A Grant was

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issued to Wayne County with \$9,500.00 available for every Town to do this survey. The Cost of the survey is \$16,000.00. Mike explained that he had budgeted money in 2006 to cover this expense, and encumbered it in 2007; at the end of 2007, rather than encumber it again, this money went into the General Fund Balance. Mike continued to explain that there was some advantage to doing this survey, having the information documented by a professional Engineering Firm. The survey does need to be completed by the end of 2008 in order to qualify for the grant money. Discussion ensued with regards to how many other towns would participate in this survey and if the Town was obligated to go with the County program. If the Town chose not to go with the County program and continue status quo, it might do so; but the grant still provided the Town with a sign survey.

Motion by Councilwoman Hawkins-Mance to authorize payment to Lu Engineering for Proposal Number P08-105 in the amount of \$16,000.00 from the General Fund, Fund Balance line number A3310.33.

Seconded by Councilman Maciuska.

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

Motion carried.

Motion by Councilman Maciuska authorizing the Supervisor to sign the contract with Lu Engineering for Proposal Number P08-105.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

HIGHWAY – RATE INCREASE UPDATE

Mike Frederes, Highway Superintendent, advised the Town Council that he had received rate increases from three (3) vendors that he does business with.

SEWER DEPARTMENT –

Nothing reported at this time.

RECREATION – ALCOHOL USE LINCOLN FIRE DEPARTMENT SOFTBALL TEAM – WALWORTH FIREMEN’S FIELD

Motion by Councilwoman Marini authorizing the issuance of an Alcohol Use Permit at the Walworth Firemen’s Field for beer to the Lincoln Fire Department Softball Team for Wednesday’s, from June 11 - August 30, 2008, from 5:30 PM to 9:00 PM.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

RECREATION – DOLOMITE PARK – NATURE PARK OBSERVATION

Jacqueline Van Lare, Recreation Director, reported that she and Supervisor Plant had met with John Swierkos from Dolomite with regards to a project that Dolomite would be starting. They are going to create a nature park on Canandaigua Road. The project will include trails and an observation deck overlooking the wetlands; they would like the Town to partner with them. Supervisor Plant explained that he had information packets available for Council members to review; there would not be any action required at this time.

RECREATION – REMOVAL OF OUTHOUSE BUILDING

Motion by Councilwoman Marini authorizing the Parks Department to remove the outhouse building and replace it with a “Johnny on the Spot” in Ginegaw Park.

Seconded by Councilman Maciuska.

Discussion: Councilman Maciuska commented that a picture of the outhouse should be taken, since he believed it was the last functional one still existing in the Town.

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

Motion carried.

ENGINEER –

Nothing reported at this time.

TOWN CLERK – RABIES CLINIC THANK YOU'S

Susie Jacobs, Town Clerk read the following:

“The Rabies Clinic was sponsored by Wayne County, hosted at the Walworth Highway Department on Saturday, May 17, from 1:00 to 3:00PM. It was the first of its kind for Wayne County, I am happy to report. I decided to combine rabies shots and licensing dogs. Dr. Eli Coleman, Lyons Veterinarian, commented that Walworth had it together providing this service as a joint project for the residents on a Saturday. Walworth residents were grateful to be able to have this service available here in Walworth and have notices posted in our community; 135 rabies shots were issued and 12 dogs were licensed.

I am very pleased to say this is another service to our residents that could not have been possible without the joint effort of our Walworth Highway Department, Wayne County and Lyons Veterinary Clinic.

From the residents and myself, many, many thanks to all.”

COMMITTEE REPORTS:

SEWER COMMITTEE – APPROVE BID FOR DIFFUSER

The following three (3) sealed bids were received for the purchase of 500 new Diffuser Sleeves and Mounting Hardware along with 10 New Hot Air Feed Hoses for the Waste Water Treatment Facility:

Gehring Pumps	15,093.75
Aqua-Aerobic Systems, Inc.	13,824.32
Koester Associates, Inc.	18,051.32

Motion by Councilman Maciuska awarding bid to Aqua-Aerobic Systems, Inc., in the amount of \$13,824.32.

Seconded by Councilwoman Marini.

Discussion: Councilman Maciuska commented that of the three bids received, Aqua-Aerobic Systems, Inc., in addition to being the lowest bid, was the most comprehensive in identifying what the Town was getting for the money. He stated that he was very pleased to nominate Aqua Aerobic Systems, Inc.

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

Motion carried.

SEWER COMMITTEE – APPOINT SEWER ENGINEER

Councilman Maciuska reported that he had made the first cut of applicants; Councilwoman Marini made an initial cut and they would compare their choices and then be ready to review the recommendation with Supervisor Plant. Supervisor Plant stated that this was holding up things that needed to be done.

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Councilman Maciuska stated that he understood. However, he stated that this was a big commitment, and the Committee wanted to make sure that they had done a thorough review to base their nomination on. Councilwoman Marini stated that they would have all the information together and given to the Supervisor / Board before the next Town Board meeting.

HEALTH CARE PLAN COMMITTEE

Councilwoman Marini reported that the Committee met with a representative from Paychex. They were waiting for information regarding a dental plan. They anticipated that better rates would be forthcoming and would have a report in September. Councilman Maciuska inquired how this would affect open enrollment. Councilwoman Marini stated that open enrollment would be in November. Discussion ensued regarding the current health care provider.

ANIMALS COMMITTEE - DOG ENUMERATION UPDATE

Councilwoman Hawkins-Mance reported that the dog enumeration continues; and thanks to the help of the Animal Control Officers and the Town Clerk, the Town had collected \$55.00 in enumeration fees for unlicensed dogs.

ANIMALS COMMITTEE – ADVERTISE DOG CONTROL OFFICER PER DIEM

Councilwoman Hawkins-Mance stated that due to upcoming vacations, she would like authorization from the Town Board to advertise for an as-needed Dog Control Officer, so that if neither of the Dog Control Officers were available, the Town still would have a person able to respond on those dates. The pay would be per diem. Councilman Maciuska asked if the Town could not make arrangements with a surrounding town, like Ontario or Marion, and do mutual aid.

Motion by Councilwoman Hawkins-Mance to advertise for an as-needed Dog Control Officer.

Seconded by Councilwoman Marini.

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

Motion carried.

RESOLUTION 44-08 – SNOW & ICE AMENDMENT B INDEXED LUMP-SUM CONTRACTS 2007-2008:

Councilwoman Hawkins-Mance offered the following Resolution **44-08** and moved its adoption.

Seconded by Councilwoman Marini to wit:

BE IT RESOLVED that the Supervisor be authorized to sign the NYS “AMENDMENT B” TO CHANGE THE ESTIMATED EXPENDITURE FOR SNOW & ICE AGREEMENT FOR 2007/08.

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

Resolution carried.

BURN PERMIT – 3549 DAANSEN ROAD:

Motion by Councilwoman Hawkins-Mance to approve the issuance of a burn permit for 3549 Daansen Road.

Seconded by Councilman Yale.

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Discussion: Councilman Yale commented that he based this burn permit approval on lack of interference with other neighbors and density.

Adopted: Vote Ayes 5 Nays 0

**RESOLUTION 48-08 AMEND TOWN OF WALWORTH EMPLOYEE HANDBOOK
TO MAKE ELECTION DAY A FLOATING HOLIDAY:**

Councilwoman Marini offered the following Resolution **48-08** and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, the Town Council of the Town of Walworth adopted Town of Walworth Employee Handbook in 2007; and

WHEREAS, Section 3: Time Away From Work and Other Benefits, sub-title Holidays, page 2; and

WHEREAS, the Town Council of the Town of Walworth would like to amend the Employee Handbook to make Election Day a floating holiday; and

THEREFORE, BE IT RESOLVED that the Employee Handbook will be amended to read as follows: “In addition to the above holidays, you will receive 2 floating holidays that are to be used at the employee’s discretion. Floating holidays must be used in the calendar year and will not be allowed to be carried over or paid out.”

BE IT RESOLVED, that the Town Council of the Town of Walworth adopt Resolution **48-08**.

Adopted this 5th day of June, 2008, at the meeting of the Town Council.

Discussion: Councilwoman Marini asked if this change would be for 2008 or permanent. Supervisor Plant responded that it would be permanent. He stated that the Board of Elections was trying to get out of every municipal and school building. They were looking for a new voting location currently in lieu of the Gananda School District Office. Councilwoman Marini commented that she was not in favor of granting this change until the Town was aware that in 2009 the Town Complex would not be used as a voting location. Supervisor Plant stated that the Board of Elections had informed him that the Town Complex would no longer be a voting location and that they would be re-districting the entire town. The Town Hall voting location would be moved to the Walworth Fire Hall.

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

Resolution carried.

TOWN HALL EMPLOYEE FLOATER – DECEMBER 26, 2008:

Motion by Councilwoman Marini authorizing the Town Hall floater day to be December 26, 2008.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

**AUTHORIZATION FOR SUPERVISOR TO SUBMIT FINAL DATA – WEST
WALWORTH SERVICE AWARD POINTS 2007:**

Motion by Councilwoman Marini authorizing the Supervisor to submit the final data for the West Walworth Service Award Points for 2007 as presented.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

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RESOLUTION 47-08 AUTHORIZATION FOR SUPERVISOR TO SIGN AGREEMENT BETWEEN COUNTY OF WAYNE AND TOWN OF WALWORTH RELATIVE TO CONCRETE SIDEWALKS FOR THE WALWORTH ROAD PROJECT:

Councilwoman Marini offered the following Resolution **47-08** and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, the Town Council of the Town of Walworth authorizes Supervisor Plant to enter into an AGREEMENT BETWEEN COUNTY OF WAYNE, NEW YORK AND THE TOWN OF WALWORTH, NEW YORK, RELATIVE TO CONCRETE SIDEWALKS FOR THE WALWORTH ROAD PROJECT; and

RESOLVED, that Robert Plant, Town Supervisor, is hereby authorized to sign the AGREEMENT BETWEEN COUNTY OF WAYNE, NEW YORK, AND THE TOWN OF WALWORTH, NEW YORK, RELATIVE TO CONCRETE SIDEWALKS FOR THE WALWORTH ROAD PROJECT.

BE IT RESOLVED, that the Town Council of the Town of Walworth adopt Resolution **47-08**.

Adopted this 5th day of June, 2008, at the meeting of the Town Council.

Discussion: Councilman Maciuska stated that he was not present when the 2008 budget was prepared and asked if this was built into the budget. Supervisor Plant stated that yes, it was, and this was under the budgeted amount.

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

Resolution carried.

RESOLUTION 46-08 AUTHORIZATION TO PURCHASE GOODS AND SERVICES FROM ANY AGENCY ALLOWED BY NYS GENERAL MUNICIPAL LAW:

Councilman Maciuska offered the following Resolution **46-08** and moved its adoption. Seconded by Councilman Yale to wit:

WHEREAS, the Town Council of the Town of Walworth is desirous of purchasing goods and services for the best possible value and complying with Article 5-A of the General Municipal Law of the State of New York relating to public bids and contracts; and

WHEREAS, occasionally another agency will bid for goods and services in which the Town of Walworth would benefit from utilizing said bid; now, therefore be it

RESOLVED, that the Town of Walworth is hereby authorized to purchase goods and services from any agency allowed by NYS General Municipal Law complying with Article 5-A of the General Municipal Law of the State of New York relating to public bids and contracts.

BE IT RESOLVED, that the Town Council of the Town of Walworth adopt Resolution **46-08**.

Adopted this 5th day of June, 2008, at the meeting of the Town Council.

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

Resolution carried.

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RESOLUTION 45-08 – ADOPT LOCAL LAW NO. 3 OF THE YEAR 2008:

Councilwoman Hawkins-Mance offered the following Resolution **45-08** and moved its adoption.

Seconded by Councilwoman Marini to wit:

WHEREAS, Resolution 25-08 was adopted on March 20, 2008, adopting Local Law No. 3 of the year 2008, and;

WHEREAS, The Attorney for the Town did not file with the Secretary of State the necessary documents, and;

WHEREAS, the Town Board of the Town of Walworth held a Public Hearing on March 20, 2008, to consider the adoption of Local Law No. 3 of the year 2008 entitled ACCESSORY BUILDINGS; and

BE IT RESOLVED, the Town Board of the Town of Walworth does hereby adopt Local Law No. 3 of the year 2008 amending “ZONING, ARTICLE V, SUPPLEMENTARY REGULATIONS; THAT AMENDING SUBDIVISION E OF CHAPTER 180-21 ENTITLED ‘ACCESSORY BUILDINGS’ IS HEREBY AMENDED TO ADD SUBPARAGRAPH (a)’ to the Town of Walworth Municipal Code”;

BE IT RESOLVED, that the Town Clerk submit the necessary documents pertaining to the adoption of Local Law No. 3 to the Attorney for the Town for filing with the Secretary of State.

NOW, BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopt Resolution **45-08**.

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

Resolution carried.

BINGO UPDATE:

Supervisor Plant stated that he had received a number of comments from organizations/communities in favor of playing Bingo in the Town of Walworth, with only one resident saying that he didn’t really care either way. Procedures to move forward require a Local Law and subsequent submission to the Board of Elections, by September 1, 2008, for placement on the 2008 ballot. Discussion ensued, with final determination to prepare documentation for a Local Law and move forward to set a Public Hearing date.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into executive session to discuss information relating to current/future investigation or prosecution of a criminal offense.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

Time: 8:15 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled Town Board meeting.

Time: 8:35 PM.

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ADJOURNMENT:

Motion by Councilwoman Marini to adjourn.

Seconded by Councilwoman Hawkins-Mance and unanimously carried.

Time: 8:37 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk