

**WALWORTH TOWN BOARD – REGULAR MEETING  
17 JULY 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
	Suzi Hawkins-Mance	Councilwoman
	Linda Kleeman	Deputy Town Clerk
	Mike Frederes	Highway Superintendent
	Rob Burns	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor
	Ed Parrone	Engineer for the Town

**MINUTES:**

Motion by Councilwoman Hawkins-Mance to approve the minutes of July 3, 2008, as presented.

Seconded by Councilman Maciuska

Adopted: Vote Ayes 5 Nays 0

**CORRESPONDENCE:**

Linda Kleeman, Deputy Town Clerk had nothing to enter into record.

**SUPERVISOR'S REPORT:**

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

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

**PUBLIC PARTICIPATION:**

**EAGLE SCOUT PROJECT – NICHOLAS MARINI**

Councilwoman Marini recused from the following presentation:

Nicholas Marini, Life Scout from Boy Scout Troop 113, presented his Eagle Scout Project. He proposes to construct a 20' x 20' open air picnic shelter to be placed next to the small playground equipment that was installed in the park June 2007. The scout will coordinate scouts, leaders, friends and family to construct this shelter by August 19, 2008. DJM Equipment would donate the use of a bobcat and age appropriate operator, a bucket and two augers, as well as the transportation to get the machinery to the park, an approximate value of \$450.00. Dolomite agreed to donate up to nine tons of stone for the base underneath and around the open air picnic shelter. The Highway Department had agreed to pick up the stone and bring it to the park. The Town of Walworth would provide the metal roofing which was left over from the construction of the park shed. The total out-of-pocket cost would be approximately \$994.18 with donations received in the amount of \$500.00; the total cost to the Town would be approximately \$494.18. Norm Druschel, Building Inspector reviewed the construction specifications of a larger building which the scout scaled down and used as his outline. Ed Parrone, Engineer for the Town would review the specifications as well. Discussion ensued regarding this ambitious project, the need for this shelter and an expense line for other Eagle Scout projects.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
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Motion by Councilwoman Hawkins-Mance to accept and file the Eagle Scout project.  
Seconded by Councilman Yale.

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

Motion carried.

Motion by Councilman Yale to authorize fund transfers from fund balance CM1 account Park Special Revenue Fund in the amount of \$400.00 and Eagle Scout line A8560.42 in the amount of \$100.00 to start expense line CM1-7110.22 Eagle Scout Park Improvement.

Seconded by Councilman Maciuska.

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

Motion carried.

**COUNCILWOMAN MARINI RETURNED TO THE PODIUM.**

**WALWORTH SUMMER DAY CAMP PROGRAM**

Amy Phillips, Camp Director for the Walworth Summer Day Camp Program reported on the “Exploring the Arts” program through activities such as arts, drama, sculpture and watercolor. Council members were presented with an art sculpture made by the students, as a token of appreciation.

Motion by Councilman Maciuska to accept the art sculpture donation.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**WOWEE – WORLD OF WILDLIFE EDUCATIONAL ENCOUNTERS**

Karin Fires, Executive Director for WOWEE, a non-profit organization with outreach programs for schools, scouts and other venues, explained that they were hoping to get a Bingo law passed in the Town of Walworth. Councilman Maciuska informed that the Town of Walworth would be having someone from the New York State Racing and Wagering come and talk to the Council members regarding Bingo rules. He further explained that when the Council members read some of the information that came out, it put the Town in a very intrusive position, as to what the Town requirements were for monitoring the organizations that had the Bingo (looking at the books and doing annual inspections). The Town had some concerns and would like to find out more information before passing a law. Karin commented that she and the Finance Manager of WOWEE would be willing to subject themselves to the rules imposed. Supervisor Plant stated that after information is gathered the Town would still have time, if they so chose, to put it out for a referendum at the General Election in November 2008. Discussion ensued.

**RESOLUTION 55-08 – AUDIT OF CLAIMS:**

Councilwoman Hawkins-Mance offered the following Resolution **55-08** and moved its adoption. Seconded by Councilwoman Marini to wit:

**WHEREAS**, the following claims submitted at the scheduled Town Board Meeting of July 17, 2008 have been audited and approved by the appropriate Council Members.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
17 JULY 2008**

**BE IT RESOLVED** that the claims be paid on **Abstract #7**, numbered 904 through 1060 in the following amounts:

GENERAL FUND	\$ 40,580.71
HIGHWAY FUND	\$ 61,354.16
WALWORTH SEWER DISTRICT #1	\$ 221,518.83
BROOKSIDE LIGHT DISTRICT	\$ 9.82
GANANDA LIGHT DISTRICT	\$ 884.43
HARVEST HILL LIGHT DISTRICT	\$ 630.40
ORCHARD VIEW LIGHT DISTRICT	\$ 91.12
WALWORTH LIGHT DISTRICT	\$ 533.28
GANANDA SIDEWALK DISTRICT	\$ 71.92
WALWORTH CONSOLIDATED DRAINAGE	\$ 4,760.26
PARK SPECIAL REVENUE FUND	\$ 476.97
WEST WALWORTH FIRE PROTECTION	\$ 14,500.00

**BE IT FURTHER RESOLVED** that the claims be paid on **Abstract #7** numbered 102 through 123 in the following amounts:

TRUST & AGENCY	\$ 26,718.26
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**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Walworth adopt resolution **55-08**.

Adopted this 17<sup>th</sup> day of July, 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.

**DEPARTMENT HEAD REPORTS:**

**HIGHWAY DEPARTMENT – TOWN HIGHWAY CONFERENCE**

Motion by Councilman Yale authorizing Mike Frederes, Highway Superintendent to attend the 79<sup>th</sup> Town Highway Conference and Expo held in Buffalo, New York on September 23 – 26, 2008 for a cost of \$93.00 for registration and \$411.00 for room and board to be expended from line A5010.41.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**HIGHWAY DEPARTMENT – SALT INCREASE**

Mike Frederes, Highway Superintendent advised Council members that the price of salt will go up 50% for next year.

**SEWER DEPARTMENT –**

Nothing reported at this time.

**RECREATION DEPARTMENT – HILL CUMORAH YOUTH CAST VOLUNTEERS**

Jacqueline VanLare, Recreation Director, thanked Hill Cumorah cast volunteers for their time and outstanding service to the Town of Walworth. They created a perennial flower bed (located where the outhouse was), scraped/painted the bridge in Ginew Park, painted swing sets on the playground and pulled weeds around the Town Complex. Discussion ensued regarding what had been provided for refreshments and what may be provided for next year. Councilman Maciuska suggested that a thank you letter be sent. Jacqueline Van Lare confirmed.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
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**RECREATION – SUMMER DAY CAMP**

Jacqueline Van Lare, Recreation Director, reported that the first week of Summer Day Camp was excellent, the kids enjoyed themselves and the parents were pleased.

**ASSESSOR –**

Nothing reported at this time.

**ENGINEER FOR THE TOWN –**

Ed Parrone, Engineer for the Town reported that the Town should be hearing very soon regarding the grant application relative to the Gananda Senior Housing Project, which also, hopefully, would be a positive thing for the sewers.

**ENGINEER FOR THE TOWN – MS4 MAP UPDATING**

Ed Parrone, Engineer for the Town stated that the Town needed to do some map updating for the MS4 and need to look at the outfalls and conditions. Mr. Parrone stated that this might be an opportunity to get one of the scout troops to possibly be involved, perhaps taking pictures as a project for them. Councilwoman Hawkins-Mance asked if this needed to be updated every year. Mr. Parrone replied “yes.”

**TOWN CLERK –**

Nothing reported at this time.

**COMMITTEE REPORTS:**

**LIBRARY COMMITTEE – DAY CAMP**

Councilman Maciuska advised Council members that the Day Camp was tied in with the library and that there were some activities that the library is participating in at Day Camp.

**LIBRARY COMMITTEE – LIBRARY BLOG**

Councilman Maciuska reported that the library now had a blog. It is The Gateway Online, walworthseely.blogspot.com. This is a place where you can go and talk about Town topics.

**LIBRARY COMMITTEE – LETTER OF APPRECIATION**

Councilman Maciuska reported that the Walworth Seely Friends President, Jane Cala was retiring. Councilman Maciuska asked that a letter of appreciation be sent from the Town Board thanking her for her service to the community.

**SEWER COMMITTEE – SEWER ENGINEER INTERVIEWING**

Councilman Maciuska reported that there was a miscommunication regarding the scheduling of the interviewing for the Sewer Engineer. He will contact Barbara Kuelling and arrange the scheduling.

**PERSONNEL COMMITTEE – HEALTH CARE COSTS**

Councilwoman Marini stated that she had given Town Board members a copy of the proposals for the health care costs that she would like to discuss in Executive Session to give an idea of the possibilities.

**ANIMAL CONTROL – PER DIEM ANIMAL CONTROL OFFICER APPOINTMENT**

Motion by Councilwoman Hawkins-Mance to recommend that Stephanie Sixbey be appointed as the per diem Animal Control Officer at the rate of \$25.00 per call plus mileage for each call she goes on for a term to expire December 31, 2008.

Seconded by Councilwoman Marini.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
17 JULY 2008**

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

Motion carried.

**RESOLUTION 54-08 TO WITHDRAW FUNDS FROM THE SEWER REPAIR RESERVE FUND OR FACILITY/BUILDING REPAIRS LINE SS8130.27R FOR THE PURPOSE OF ROOF REPLACEMENT AT THE WASTE WATER TREATMENT PLANT FACILITY SUBJECT TO PERMISSIVE REFERENDUM FOR THE TOWN OF WALWORTH:**

Councilman Maciuska offered the following Resolution **54-08** and moved its adoption. Seconded by Councilwoman Marini to wit:

**WHEREAS**, the Town Council of the Town of Walworth authorized the acceptance of the lowest bid and contracted for the roof replacement at the Walworth Waste Water Treatment Plant at a “Sit with the Supervisor” session on May 3, 2008; and

**WHEREAS**, the Town Council of the Town of Walworth proposes Resolution **54-08** subject to a permissive referendum; and

**WHEREAS**, the purpose and effect of which is to withdraw funds from the Sewer Repair Reserve Fund for Facility/Building repairs line SS8130.27R for the purpose of roof replacement at the Waste Water Treatment Plant Facility; and

**WHEREAS**, for an amount not to exceed twenty-four thousand nine hundred twenty dollars (\$24,920.00);

**THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Walworth directs the Clerk of the Board to advertise such in the legal newspaper for the Town of Walworth; and

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Walworth adopt Resolution **54-08**.

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

Resolution carried.

**RESOLUTION 57-08 TRI-PARTY SECURITY AND CUSTODIAL AGREEMENT WITH M&T BANK:**

Councilwoman Hawkins-Mance offered the following Resolution **57-08** and moved its adoption. Seconded by Councilman Yale to wit:

**WHEREAS**, the Town Council of the Town of Walworth desires to maintain or continue to maintain public deposit with the Bank; and

**WHEREAS**, the Bank desires to obtain such deposits and to provide security therefore as required by the General Municipal Law, Bank Law and other Applicable statutes; and

**WHEREAS**, the Custodian agrees to provide safekeeping services and to hold any securities pledged by the Bank in a custodial account established for the benefit of the Local Government as secured party pursuant to this Agreement;

**THEREFORE, BE IT RESOLVED** that “EXHIBIT B” Schedule of Eligible Collateral, Margin (iii) be omitted from the Agreement, and

**BE IT FURTHER, RESOLVED** that the Town Council of the Town of Walworth directs the Supervisor for the Town, Robert Plant to sign the Agreement; and

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Walworth adopt Resolution **57-08**.

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

Resolution carried.

Motion by Councilwoman Marini authorizing the use of eligible surety bonds.  
Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

**TOWN INVESTMENT POLICY:**

Supervisor Plant stated that the Town was updating the Town Investment Policy and hopes to have it completed for the next Town Board meeting.

**LABELLA ASSOCIATES – ENGINEER OF RECORD FOR THE TOWN OF  
WALWORTH PHEASANT RUN SUBDIVISION:**

Motion by Councilwoman Marini to appoint Labella Associates as Engineer of record for the Town for the Pheasant Run Subdivision.  
Seconded by Councilman Yale.

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

Motion carried.

**LETTER OF SUPPORT DOLOMITE GROUPS:**

July 16, 2008

“History and intent:

Oldcastle Materials (The Dolomite Groups) have been a certified member of the Wildlife Habitat Council since 2004 and is committed to improving wildlife habitat through the enrichment of pre-existing habitat and the establishment of new habitat on the The Dolomite Groups Canandaigua Road Property. In the fall of 2007 Oldcastle Materials (The Dolomite Groups) invited and met with a WH C biologist and visited the Canandaigua Road Property on November 29, 2007 for the purpose of exploring the land and developing and presenting functional enhancement recommendations that augment food, water, cover and space resources to be used in habitat enhancement for the Canandaigua Road Property.

Request of Town Participation:

Personnel from Oldcastle Materials (The Dolomite Groups) have approached the Town of Walworth in an effort to ascertain if there would be any interest by The Town of Walworth in some type of corroboration in the development of the Canandaigua Road Property and possible interest in helping to promote volunteer and recreational programs (yet to be determined) that might be designed to help maintain and use the habitat for wildlife educational purposes which support environmental and wildlife management programs for this and future generations to enjoy.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
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Proclamation:

The Town of Walworth has determined support by the Town of Walworth of this endeavor to develop the Canandaigua Road Property by “The Dolomite Groups” for the purpose of improving through enrichment of pre-existing and establishing new wildlife habitat designed to raise environmental awareness is one that will benefit all persons living in the Town of Walworth and surrounding communities. Therefore it is the intent of the Town of Walworth to support in a non-financial way the Dolomite Groups efforts with this project by helping with volunteer efforts and coordination with the Parks and Recreational Department of the Town of Walworth a cooperative effort to develop recreational and educational programs which encourage active and continuing participation in this important role in species conservation to be enjoyed now and by future generations.

Sincerely,  
Robert Plant, Supervisor”

Motion by Councilman Maciuska authorizing the Supervisor to sign the letter of support for Dolomite Park.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**JUSTICE COURT TRANSLATOR PREPAY:**

Motion by Councilwoman Hawkins-Mance approving pre-pay in the amount of \$105.00 for the Justice Court language translator. This prepayment facilitates reimbursement from Wayne County.

Seconded by Councilman Yale.

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

Motion carried.

**CONTRACT AUTHORIZTION - WILBERT CONSERVATION EASEMENT**

Motion by Councilwoman Marini authorizing the Supervisor to enter into a contract for the Wilbert Conservation Easement.

Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

**FINANCIAL TRANSACTIONS:**

Councilwoman Marini offered the following Resolution **56-08** and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

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

\$90.00 from A1110.48 Justice Interpreter to A1110.22 Justice Equipment  
To cover current expenses.

\$500.00 from General Fund Balance to A6989.41 Farm Land Preservation Grant.  
To cover current costs.

\$5,000.00 from Walworth Consolidated Drainage Fund Balance to SD1-8540.41

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
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Maintenance of Drainage. To cover current costs.  
\$700.00 from W. Walworth Fire Protection Fund Balance to SF2-3410.42 Service Award. To cover 2008 Contribution.  
13,824.32 from Sewer Fund Balance to SS8130.27R Building Repairs. To cover cost of Diffuser Sleeves . To be reimbursed from Repair Reserve.  
\$500.00 from Sewer Fund Balance to SS8130.403 Lab Supplies. To cover current costs. Funds to cover transfer credited to SS2650 Sale of Scrap.

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

Resolution carried.

**EXECUTIVE SESSION:**

Motion by Councilwoman Marini to enter into executive session to discuss the employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 8:12 PM.

**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled Town Board meeting.

Motion by Councilman Maciuska to direct the first Deputy Town Clerk to accept the letter from the Planning Board, date it with today's date so the Town can pass it on due to time being of the essence for the Planning Board to get that letter.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**ADJOURNMENT:**

Motion by Councilman Yale to adjourn. Seconded by Councilwoman Hawkins-Mance and unanimously carried.

Time: 8:42 PM.

Respectfully Submitted,

Linda Kleeman  
Deputy Clerk