

**WALWORTH TOWN BOARD – REGULAR MEETING  
7 AUGUST 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
	Thomas Yale	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
	Karen Ambroz	Assessor

**MINUTES:**

Motion by Councilwoman Marini to approve the Minutes of July 17, 2008, as presented.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**CORRESPONDENCE:**

Susie Jacobs, Town Clerk, read the following letter from Wayne Central School District:

Dated: July 11, 2008

“Dear Mrs. Susie Jacobs, Town Clerk,

At the annual organizational meeting, the Wayne Central Board of Education appointed Mrs. Helen Jensen as school tax collector for the 2008-2009 school year.

Under §37 of the Town Law, collection of school taxes in first class towns is the duty of the Town’s Receiver of Taxes & Assessments unless it is conveyed by town board resolution to the tax collector appointed by the Board of Education.

I am writing to request a resolution designating Mrs. Jensen as school tax collector for the portion of your town within the Wayne Central School District.

If a continuing resolution is already in place, this letter serves as notice of Mrs. Jensen’s appointment.

Unless you have a continuing resolution, please forward a certified copy of your resolution to me at the address noted above following town board action.

Should you have any further questions, please do not hesitate to contact me at 315.524.1025.

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

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
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**RESOLUTION 60-08 WAYNE CENTRAL SCHOOL DISTRICT TAX COLLECTOR  
APPOINTMENT FOR 2008-2009 SCHOOL YEAR:**

Councilman Maciuska offered the following Resolution **60-08** and moved its adoption.

Seconded by Councilwoman Marini to wit:

**WHEREAS**, an organizational meeting of Wayne Central School Education appointed Mrs. Helen Jensen as School Tax Collector for the 2008-2009 school year; and

**WHEREAS**, the Town of Walworth acknowledges §37 of Town Law, collection of school taxes in first class towns is the duty of the Town Receiver of Taxes and Assessments unless it's conveyed by Town Board resolution to the Tax Collector appointed by the Board of Education; and

**THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Walworth designates Mrs. Helen Jensen as School Tax Collector for the portion of Walworth within the Wayne Central School District.

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Walworth adopt Resolution **60-08**.

Adopted this 7<sup>th</sup> day of August, 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.

Susie Jacobs, Town Clerk, read a letter from the Town of Ontario:

Dated: August 4, 2008

“Dear Susie,

Attached is a copy of the Town of Ontario's proposed Local Law #4-2008, which would amend the Chapter A154 of the Code of the Town of Ontario, entitled “Land Development Regulations and Public Works Requirements”. A public hearing will be held by the Ontario Town Board at 1850 Ridge Road on August 25, at 7:00 p.m. All interested persons shall have an opportunity to be heard.

If you have any questions, please feel free to contact me at 315.986.3441, ext. 200.  
Thank you.

Debra DeMinck, Ontario Town Clerk”

Susie Jacobs commented that she did not receive the proposed Local Law. She stated that she would obtain a copy of the proposed Local Law #4-2008 for the Town of Ontario and provide this to Council Members.

**PUBLIC PARTICIPATION:**

Supervisor Plant introduced Joseph LaRosa, Investigator from the New York State Racing and Wagering Board, who had given a presentation to Council members this evening at a 7:00PM meeting. Supervisor Plant stated that Mr. LaRosa informed Council members that the Town Board did not have any responsibility other than adopting a Local Law. Supervisor Plant further stated that everything fell on the Town Clerk as far as reviewing books, investigating and enforcement. Mr. LaRosa supplied Council members with flyers from the NYS Racing & Wagering Board – Guidelines for Conducting Raffles, Bingo Guidelines, Bell Jar Ticket Guidelines and Casino Night Guides. He also stated that for more information, access to the rules and regulations, and to print the forms required for licensing and financial reporting, the website was very resourceful at: [www.racing.state.ny.us](http://www.racing.state.ny.us)

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Councilman Maciuska inquired if Mr. LaRosa knew what percentage of the towns in the State had a Bingo Law? Mr. LaRosa responded that most towns that he visited had a Bingo Law. However, Bingo is beginning to die out. Discussion ensued including some of the history of Bingo and why it is beginning to die out in some towns, due to the merging of some non-profit organizations. Mr. LaRosa commented that there was no reason to “re-invent the wheel,” stating that a copy of a Local Law could be obtained; he then explained the procedure for the Town to pass a Local Law for Bingo. Councilman Maciuska voiced another concern regarding the original package given to Council members, in which it stated that the Town had a responsibility to look at the books, which he stated he personally found difficult to deal with. Mr. LaRosa replied that the Town Clerk was the licensing authority. The Town Clerk had the authority to issue the license, suspend the license, revoke the license, and bar future organizations from obtaining a license at any given time. Whenever the Town Clerk so deemed, she could examine books and records. Mr. LaRosa left his business card and stated that he might be contacted with any questions or concerns. Council members thanked him for his time.

**DEPARTMENT HEAD REPORTS:**

**HIGHWAY DEPARTMENT – WATERFORD ROAD SIDEWALK PROJECT**

Mike Frederes, Highway Superintendent, stated that the Waterford Road Sidewalk Project had been completed a couple of weeks ago. Everything looks pretty good.

**HIGHWAY DEPARTMENT – BOYNTON ROAD PROJECT**

Mike Frederes, Highway Superintendent, stated that Boynton Road was paved last week. Shoulders needed to be put on and some topsoil, then that project would be completed.

**HIGHWAY DEPARTMENT – BUDGET INFORMATION**

Mike Frederes commented that fuel had gone up 84%, salt had gone up 47%, paving materials up 65%, sealing materials up 63%. He commented that these were all major lines in his budget.

**SEWER DEPARTMENT – ROOF REPLACEMENT WASTE WATER TREATMENT PLANT**

Rob Burns, Sewer Superintendent, updated Council members that the roof replacement was under way.

**SEWER DEPARTMENT – SEWER DIFFUSERS S.B.R. TANKS**

Rob Burns reported that the Diffusers for the S.B.R. Tanks replacements were still in process.

**SEWER DEPARTMENT – SLUDGE TANK PATCH PROJECT**

Rob Burns reported that the Sludge Tank Patch Project would begin next week.

**RECREATION – AUTHORIZATION BACK-STOP DOLOMITE PARK**

Motion by Councilwoman Marini authorizing the Recreation Department to remove the back-stop at Dolomite Park and declare it surplus.

Seconded by Councilwoman Hawkins-Mance.

Discussion: Councilman Maciuska asked what the condition of the back-stop was and if it could be saved to reuse later.

Adopted: Vote Ayes 5 Nays 0

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
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**RECREATION – ALCOHOL USE AMY CASSIDY - GINEGAW PAVILION**

Motion by Councilwoman Marini authorizing the issuance of an Alcohol Use Permit at Ginegaw Pavilion for beer to Amy Cassidy on Sunday, August 31, 2008, from 2:00 PM to dusk.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**ASSESSOR – NYS ASSESSOR’S ASSOCIATION SEMINAR ON ASSESSMENT ADMINISTRATION AND ANNUAL MEETING AUTHORIZATION FOR PREPAY**

Motion by Councilman Yale authorizing prepayment for Karen Ambroz to attend the New York State Assessor’s Association Seminar on Assessment Administration and Annual Meeting September 21 – 24, 2008; for registration and lodging not to exceed \$900.00, to be expended from budget line A1355.41.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**TOWN CLERK – NYS HUNTING LICENSES**

Susie Jacobs, Town Clerk, advised Council members that New York State hunting licenses would go on sale beginning August 18, 2008, through October 1, 2008. She presented Council members with a copy of the 2008-2009 Official Guide to Laws and Regulations for New York Hunting & Trapping and explained that there would be a new mentoring program for youth. Councilman Yale asked if Susie Jacobs would consider Saturday hours for the sale of hunting licenses. Susie stated that she would love to offer Saturday hours.

**TOWN CLERK – CORNELL MUNICIPAL CLERK INSTITUTE**

Susie Jacobs, Town Clerk, reported that she had just completed the Cornell Municipal Clerk Institute First Year Program. This institute was designed to develop and maintain a training program that would enhance the administration of her office as well as the quality, professional competence and performance of her job, assuring quality service to Town residents. Susie invited Council members and fellow employees to stop in her office so that she could share some of the materials obtained. Susie thanked Council members and residents for allowing her the opportunity to attend.

**COMMITTEE REPORTS:**

**TOWN COMPLEX STUDY GROUP PHASE II**

Councilwoman Hawkins-Mance reported that the Study Group Phase II will meet Wednesday, August 27, 2008.

**TOWN BOARD MEETING - GINEGAW PAVILION**

Motion by Councilwoman Marini requesting that the Town Board meeting of August 21, 2008, be held at the Ginegaw Pavilion, weather permitting.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**PERSONNEL COMMITTEE – HEALTH CARE COSTS**

Councilwoman Marini updated Council members that she had shared all of the employee/employer compensation rates for the health plans. The Town is still waiting for Paychex to see if they had a proposal for Excellus for any other plans, we’re hoping to hear any day now.

**SEWER COMMITTEE – SEWER ENGINEER INTERVIEWING**

Councilman Maciuska stated that the committee was having some difficulty in the scheduling of interviews but would get them done. Councilman Maciuska stated that four firms had already been interviewed.

**SEWER COMMITTEE – LARGE TANK DIFUSSER COVERS COST**

Councilman Maciuska advised that the Superintendent of Sewers had been directed to take a look at the large tank and get a cost estimate to replace the diffuser covers.

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**LIBRARY COMMITTEE – CIRCULATION STATISTICS**

Councilman Maciuska reported that July, 2008, was the highest month in history for the number of circulations at 14,076, doubled over a ten-year period.

**LIBRARY COMMITTEE – ICE CREAM SOCIAL**

Councilman Maciuska reported that there would be an Ice Cream Social to celebrate all of the reading that had been done this summer on Wednesday, August 20, 2008, from 1:30PM to 4:00PM in the Walworth Town Hall main meeting room. Visit with participants from the summer reading program and some special guests; come when it is convenient, we'll be here. Councilman Maciuska also handed out [owwl2go.owwl.org](http://owwl2go.owwl.org) download cards to download free audio books and eBooks.

**FARMLAND GRANT APPLICATION FOR DeMINCK:**

Motion by Councilman Yale to include the Farmland Grant Application for the DeMinck Tummonds Road property, both sides of the road.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

Supervisor Plant mentioned that for all of the Farmland Preservation Grants the Town of Walworth works with the Genesee Land Trust; there is a memorandum of understanding between the Town of Walworth and the Genesee Land Trust. The Supervisor also mentioned that the Craft farm would be a joint proposal with the Town of Penfield, and the Town of Walworth would be acting as the lead agency because the homestead was in the Town of Walworth. The Town of Penfield would be contributing towards the grant writing.

**RESOLUTION 58-08 - JUSTICE COURT AUDITED RECORDS:**

Councilman Maciuska offered the following Resolution **58-08** and moved its adoption.

Seconded by Councilwoman Marini to wit:

**WHEREAS**, the Town Council of the Town of Walworth audited the Walworth Town Court books at a regular Town Board meeting on January 17, 2008; and

**WHEREAS**, the Walworth Town Court filed with the Walworth Town Clerk the summary report on January 17, 2008; and

**WHEREAS**, a Resolution to accept and file the Walworth Town Court summary report was not presented by the Town Council of the Town of Walworth on January 17, 2008;

**THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Walworth accept and file the Walworth Town Court audit of January 17, 2008.

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Walworth adopt Resolution **58-08**.

Adopted this 7<sup>th</sup> day of August, 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.

Motion by Councilwoman Hawkins-Mance authorizing Susie Jacobs, Town Clerk, to send a letter to Justice Wolfe stating that his checkbook was not present during the Town Board audit on January 17, 2008 and request that this be presented for examination.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
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**BURN PERMIT – 4300 CANANDAIGUA ROAD:**

Motion by Councilman Yale to approve the issuance of a burn permit for 4300 Canandaigua Road.

Seconded by Councilman Maciuska.

Discussion: Councilman Yale had concerns and made a motion to table the permit because of the proximity to the school and the wind direction. Councilman Yale's preference was to hold the burn when school was shut down. Council members agreed that the motion should be tabled until the Town contacted the school.

Motion by Councilman Yale to table the burn permit for 4300 Canandaigua Road pending contact and discussion with the school.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Susie Jacobs, Town Clerk, will contact the school.

**RESOLUTION 59-08 - FINANCIAL TRANSACTION**

Councilman Yale offered the following Resolution **59-08** 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:

\$4,650.00 from A1990.41 Contingent Account to A1620.21 Equipment Computer Town Hall. To cover additional cost of wireless connection for Highway & Sewer.

\$750.00 from A7110.45 Park - Vehicle/Mower Maintenance to A7110.42 Park - Supplies & Maintenance. To cover cost of additional repairs.

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

Resolution carried.

**TRI-BOARD MEETING:**

Supervisor Plant stated that the Tri-Board meeting was scheduled for Thursday, November 20, 2008, at 7:00PM in the Walworth Town Hall main meeting room.

**INTERSECTION LIGHT – CREAM RIDGE ROAD AND BILLS ROAD:**

Supervisor Plant and Mike Frederes, Highway Superintendent, explained that because of the additional cost of the pole required for the intersection light at Cream Ridge Road and Bills Road, this project would be completed in 2009.

**TOWN OF WALWORTH MISSION STATEMENT:**

Supervisor Plant distributed the Town of Walworth Mission Statement. He asked Council members to review it and get back to him.

**EXECUTIVE SESSION**

Motion by Councilwoman Marini to enter into executive session to discuss pending or possible litigation and 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.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
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Seconded by Councilwoman Hawkins-Mance.  
Adopted: Vote Ayes 5 Nays 0  
Time: 8:20PM.

**RECONVENE:**

Supervisor Plant reconvened the regular scheduled meeting.  
Time: 9:07PM.

**AUTHORIZATION TO PREPARE “BINGO” LOCAL LAW:**

Motion by Councilman Yale authorizing the Town Attorney to prepare a law called “Bingo” for the Town of Walworth, such that it can be reviewed, voted on, and put before the general public at the November election.  
Seconded by Councilwoman Marini.

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

Motion carried.

**ADJOURNMENT:**

Motion by Councilwoman Hawkins-Mance to adjourn.  
Seconded by Councilman Maciuska and unanimously carried.  
Time: 9:09PM.

Respectfully Submitted,

Susie C. Jacobs  
Walworth Town Clerk