

**WALWORTH TOWN BOARD – REGULAR MEETING  
18 SEPTEMBER 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
	Suzi Hawkins-Mance	Councilwoman
	Patricia Marini	Councilwoman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	Rob Burns	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor
	Ed Parrone	Engineer for the Town
	Denise Munson	Attorney for the Town

**EXECUTIVE SESSION:**

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

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 7:31 PM.

**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled Town Board meeting.

Time: 7:37 PM.

**MINUTES:**

Motion by Councilwoman Hawkins-Mance to approve the minutes of September 4, 2008, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**CORRESPONDENCE:**

Susie Jacobs, 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 August, 2008, as presented.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**PUBLIC PARTICIPATION:**

No one present offered any comments.

**RESOLUTION 67-08 – AUDIT OF CLAIMS:**

Councilwoman Hawkins-Mance offered the following Resolution **67-08** and moved its adoption. Seconded by Councilman Maciuska to wit:

**WHEREAS**, the following claims submitted at the scheduled Town Board Meeting of September 18, 2008, have been audited and approved by the appropriate Council Members;

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**BE IT RESOLVED** that the claims be paid on **Abstract #9**, numbered 1,249 through 1,400, in the following amounts with the **exception** of vouchers number 1390, in the amount of \$187.51, and number 1391, in the amount of \$68.35, Claimant's Name Susie C. Jacobs;

GENERAL FUND	\$	42,717.62
HIGHWAY FUND	\$	51,696.92
WALWORTH SEWER DISTRICT #1	\$	51,441.07
BROOKSIDE LIGHT DISTRICT	\$	10.05
GANANDA LIGHT DISTRICT	\$	883.46
HARVEST HILL LIGHT DISTRICT	\$	634.50
ORCHARD VIEW LIGHT DISTRICT	\$	92.76
WALWORTH LIGHT DISTRICT	\$	637.83
GANANDA SIDEWALK DISTRICT	\$	2,578.85
WALWORTH CONSOLIDATED DRAINAGE	\$	606.83
PARK SPECIAL REVENUE FUND	\$	4,757.05
ARBOR/TUMMONDS	\$	2,524.50
LIN/SWA/JAC/LEW/SMI/ARB/DAA	\$	9,085.50

**BE IT FURTHER RESOLVED** that the claims be paid on **Abstract #9**, numbered 157 through 168, in the following amounts:

TRUST & AGENCY	\$	21,459.62
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**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Walworth adopt resolution **67-08**.

Adopted this 18<sup>th</sup> day of September, 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

Nothing reported at this time.

SEWER DEPARTMENT

Nothing reported at this time.

RECREATION DEPARTMENT – GENESEE VALLEY CONFERENCE

Motion by Councilwoman Marini authorizing Jacqueline Van Lare to attend the 2008 Genesee Valley Recreation and Parks Society Annual Conference on Friday, November 14, 2008, in Victor, New York, at a cost not to exceed \$70.00, to be expended from budgeted line A7310.49.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

ASSESSOR

Nothing reported at this time.

ENGINEER FOR THE TOWN – DESIGN CRITERIA

Ed Parrone, Engineer for the Town, presented the revised draft of the Design Criteria Guidelines and Technical Specifications for the Town of Walworth to the Town Board. A certified copy has been filed in the Town Clerk's office. He stated

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that further discussion was needed. A workshop was scheduled for October 9, 2008, 7:30 PM, in the Walworth Town Hall main meeting room.

**ATTORNEY FOR THE TOWN**

Nothing reported at this time.

**TOWN CLERK**

Nothing reported at this time.

**COMMITTEE REPORTS:**

**HIGHWAY COMMITTEE – WAYNE CENTRAL SCHOOL DISTRICT 2008-2009  
SNOW REMOVAL CONTRACT**

Motion by Councilman Yale authorizing the Supervisor to enter into an agreement with Wayne Central School District for salting and sanding driveways and parking lots of the school district for the 2008-2009 snow season, at an amount estimated to be \$18.00 per trip, per the agreement.

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.

**PUBLIC HEARING 7:45 PM – BINGO:**

Susie Jacobs, Town Clerk, stated that the notice of Public Hearing for Proposed Local Law No. 4 of the year 2008 was duly published 2 times in the Town's official newspaper on September 7 and September 14, 2008, with the same dates being posted at the Town Hall. Copies were available for the public.

Motion by Councilman Maciuska to waive the reading of the Legal Notice.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Supervisor Plant declared the Public Hearing opened.

Time: 7:48 PM.

No comments were heard from the public.

Motion by Councilwoman Hawkins-Mance to close the Public Hearing.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Time: 7:50 PM.

Discussion ensued. Council members stated that unfortunately the Town would not be acting on Proposed Local Law No 4 for 2008 due to the time requirements of the adoption of the Local Law and the general election not being sufficient. The Town will re-address this next year.

**COMMITTEE REPORTS CONTINUED:**

**LIBRARY COMMITTEE – UPDATE**

Council man Maciuska reported that the Library Board has requested that they be placed on the Agenda for the Tri-Board Meeting. The Library Board would like to talk to Wayne Central School District about some possibilities. Councilman Maciuska stated that the Library Board had continued their training, and he explained the four (4) different types of libraries. They are the Association Library, Municipal Public Library (which is what we have), School District Library, and Special District Public Library.

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**SEWER COMMITTEE – BIO-DIGESTERS REMOVAL**

Councilman Maciuska gave a summary, explaining that when the Town converted the Waste Water Treatment Plant to the new process in 2001, the bio-digesters were taken out of service and are of no need to the present plant. He stated that Alpco Recycling has proposed to provide someone to help with the removal of these and accept all debris in return for the scrap iron. Councilman Maciuska stated that this would be a win-win situation for everyone and in the Town's best interest.

Motion by Councilman Maciuska to declare the bio-digesters surplus and authorize their removal from the Waste Water Treatment Plant.

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.

**ALTERNATIVE ENERGY MORATORIUM DISCUSSION:**

Supervisor Plant inquired if Council members were prepared to discuss and review the documentation from other towns on alternative energy. Discussion ensued, with Council members stating their likes and dislikes. Supervisor Plant asked the Town Attorney for her comments. Denise Munson, Attorney for the Town, stated that she had a lot of comments regarding the Town of Williamson and their power-generating windmills Local Law No. 2 of the year 2005. Further discussion ensued, with the determination that Councilman Maciuska will work with Denise Munson, Attorney for the Town.

**PUBLIC HEARING 8:00 PM – SEWERS:**

Susie Jacobs, Town Clerk, stated that the notice of Public Hearing for Proposed Local Law No. 5 of the year 2008 was duly published 2 times in the Town's official newspaper on September 7 and September 14, 2008, with the same dates being posted at the Town Hall. Copies were available for the public.

Motion by Councilman Maciuska to waive the reading of the Legal Notice.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Supervisor Plant declared the Public Hearing opened.

Time: 8:02 PM.

No comments were heard from the public.

Motion by Councilwoman Hawkins-Mance to close the Public Hearing.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

Time: 8:04 PM.

Supervisor Plant stated that the Macedon Town Board did move and approve the sewer rates.

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**ADOPTION LOCAL LAW NO. 5 OF THE YEAR 2008:**

Councilman Maciuska offered the following Resolution **66-08** and moved its adoption.

Seconded by Councilwoman Marini to wit:

**WHEREAS**, the Town Board of the Town of Walworth held a Public Hearing on September 18, 2008, to consider the adoption of proposed Local Law No. 5 of the year 2008, entitled A LOCAL LAW AMENDING THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY AMENDING CHAPTER 139 entitled “SEWERS”, pertaining to SEWER RENTS SETTING FORTH RENT CHARGES AND PROVISION FOR MINIMUM SEWER RENT NOT TO BE CHARGED IN CASE OF DISCONNECT FOR MORE THAN 30 CONTINUOUS DAYS said proposed Local Law No. 5 of the year 2008 is hereby introduced before the Town Board of the Town of Walworth in the County of Wayne in the State of New York.

The text of the Proposed Local Law appears as follows:

SECTION 1. Amending Chapter 139-6 of the Town of Walworth Municipal Code is hereby amended as follows:

1. That Subdivision A of 139-6 entitled “Amount; collection; late and additional charges; notification of charges; responsibility of sewer district” is hereby amended to read as follows:
  1. Amount. Each unit shall pay a minimum charge of **\$ 60.40** for each three-month period for sewer rent. In the event that the three months’ water consumption exceeds 16,000 gallons, then the unit shall also pay **\$3.70** for each additional 1,000 gallons or part thereof of water consumed as determined above during the three months covered by the water bill.

**SECTION 2. Effective 1<sup>st</sup> Day of January, 2009.**

This Local Law shall take effect immediately after filing in the Office of the Secretary of State.

**BE IT RESOLVED**, the Town Board of the Town of Walworth does hereby adopt proposed Local Law No. 5 of the year 2008 to the Town of Walworth Municipal Code.

**BE IT RESOLVED**, that the Town Clerk submit the necessary documents pertaining to the adoption of said proposed Local Law No. 5 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 **66-08**.

Adopted this 18<sup>th</sup> day of September, 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 64-08 PALMYRA-MACEDON CENTRAL SCHOOL DISTRICT TAX COLLECTOR APPOINTMENT FOR 2008-2009 SCHOOL YEAR:**

Councilwoman Marini offered the following Resolution **64-08** and moved its adoption. Seconded by Councilman Maciuska to wit:

**WHEREAS**, at a meeting of Palmyra-Macedon Central School District the Board of Education has appointed Mrs. Lynne Green 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. Lynne Green as School Tax Collector for the portion of Walworth within the Palmyra-Macedon Central School District;

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Walworth adopt Resolution **64-08**.

Adopted this 18<sup>th</sup> day of September, 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.

**AUTHORIZATION FOR CODE ENFORCEMENT OFFICER TO ATTEND REGIONAL GOVERNMENT WORKSHOP:**

Motion by Councilman Yale authorizing Phil Williamson, Code Enforcement Officer, to attend a Regional Government Workshop in Mt. Morris, New York, at a cost not to exceed \$40.00, to be expended from budgeted line A3620.43.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**AUTHORIZATION FOR TOWN SUPERVISOR AND COUNCIL MEMBERS TO ATTEND SEMINAR ON PERSONNEL MANAGEMENT AND LABOR RELATIONS:**

Motion by Councilwoman Hawkins-Mance authorizing Supervisor Plant and Council members to attend a one-day seminar in Newtonville, New York.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**AUTHORIZATION OF HARRIS BEACH BILL:**

Motion by Councilwoman Hawkins-Mance authorizing the prepayment of Harris Beach Bill.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

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

Motion carried.

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**FINANCIAL TRANSACTIONS:**

Councilman Yale offered the following Resolution **68-08** 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:

\$4,500.00 from Parks Special Revenue (CM1) Fund Balance to establish expense Line CM1-7110.21 Capital Expenditures. To cover cost of Pavilion Roof.

\$178.37 from Parks Special Revenue (CM1) Fund Balance to CM1-7110.22 Eagle Scout Projects. To cover cost pavilion.

\$247.50 from A1990.41 Contingent Account to A6989.41 Farm Land Preservation Grant. To cover current expenses.

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 Hawkins-Mance 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.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Time: 8:09 PM.

**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled Town Board meeting.

Time: 9:07 PM.

**MOTION AMENDED FOR AUTHORIZATION FOR TOWN SUPERVISOR AND COUNCIL MEMBERS TO ATTEND SEMINAR ON PERSONNEL MANAGEMENT AND LABOR RELATIONS:**

Motion by Councilwoman Marini to amend the motion authorizing the Supervisor and Council members to also include the Highway Superintendent, Mike Frederes, to attend seminar.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

**BUDGET REPORTS WITH DEPARTMENT HEADS:**

Supervisor Plant and Council members reviewed presented budgets with the following Department Heads. Discussion ensued with some departments.

Highway

Town Clerk

Supervisor Plant stated that a budget work session would be held on Thursday, September 25, 2008, at 7:00 PM.

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**ADJOURNMENT:**

Motion by Councilwoman Marini to adjourn.

Seconded by Councilwoman Hawkins-Mance and unanimously carried.

Time: 9:25 PM.

Respectfully Submitted,

Susie C. Jacobs  
Town Clerk