

**WALWORTH TOWN BOARD – REGULAR MEETING
17 JANUARY 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
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	George Schaller	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Ed Parrone	Parrone Engineering
	Diane Hermanet	Town Justice Court Clerk

MINUTES:

Motion by Councilwoman Hawkins-Mance to table the Minutes of January 3, 2008.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

CORRESPONDENCE:

Susie Jacobs, Town Clerk, read the following letter, dated January 14, 2008:

“Dear Supervisor Plant and members of the Walworth Town Board, I would like to inform you that I am resigning from my position on the Recreation Committee. I have enjoyed serving on this committee for many, many years. Thank you for the opportunities to work with and for Walworth residents of all ages. If I can be of any help to the committee in the future please let me know. Sincerely, Lorraine Rieck.”

Motion by Councilman Maciuska to accept and file.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Motion by Councilwoman Marini authorizing a letter be sent thanking Lorraine for her service to the Town.

Seconded by Councilman Maciuska.

Discussion: Supervisor Plant stated that Lorraine had been active in the Town for a very long time.

Adopted: Vote Ayes 5 Nays 0

Susie Jacobs, Town Clerk, read the following letter from the Walworth Food Pantry:

“Dear Town Hall, Library and Highway Department Staff, On behalf of the Walworth Food Pantry I would like to thank you for the generous donations to the Christmas Sharing Program. Christmas in the homes of several local families was definitely made brighter by your gifts. The Walworth Food Pantry was able to service twenty-three (23) families this year with gifts, food, warm clothes, hats and mittens, thanks to the help of many groups like yours. May peace be upon you all throughout the coming year. Sincerely, Elaine Leasure, Chairperson, Christmas Sharing Program.”

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AD FOR RECREATION COMMITTEE:

Motion by Councilwoman Marini to advertise the opening for the Recreation Committee for a period of ten (10) days.

Seconded by Councilman Maciuska

Adopted: Vote Ayes 5 Nays 0

SUPERVISOR'S REPORT:

Motion by Councilwoman Marini to approve and file the Supervisor's Monthly Report for December, 2007, as presented.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

PUBLIC PARTICIPATION:

No one present offered any comments.

AUDIT OF CLAIMS RESOLUTION 09-08:

Councilman Yale offered the following Resolution **09-08** and moved its adoption.

Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, the following claims submitted at the scheduled Town Board Meeting of January 17, 2008, have been audited and approved by the appropriate Council members;

BE IT RESOLVED that the claims be paid on **Abstract #1**, numbered 1 through 82, in the following amounts:

GENERAL FUND	\$	85,558.99
HIGHWAY FUND	\$	15,503.29
WALWORTH SEWER DISTRICT #1	\$	58,696.19
BROOKSIDE LIGHT DISTRICT	\$	15.91
HARVEST HILL LIGHT DISTRICT	\$	780.23
ORCHARD VIEW LIGHT DISTRICT	\$	142.45
WALWORTH LIGHT DISTRICT	\$	713.40
WALWORTH CONSOLIDATED DRAINAGE	\$	5,855.00
SELF INSURANCE FUND	\$	4,452.00

BE IT FURTHER RESOLVED that the claims be paid on **Abstract #1**, numbered 1 through 5, in the following amounts:

TRUST & AGENCY	\$	20,581.01
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NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Walworth adopt resolution **09-08**.

Adopted this 17th day of January, 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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DEPARTMENT HEAD REPORTS:

HIGHWAY DEPARTMENT – DEC INSPECTION

Mike Frederes, Highway Superintendent, reported that the Highway Department was inspected by the DEC for their fuel storage and filling station. No violations were found; there were only a couple of suggestions for improvement.

HIGHWAY DEPARTMENT – WIND STORM

Mike Frederes, Highway Superintendent, reported that during last week's windstorm there were three (3) roads that were closed for part of the day. One road was closed overnight and well into part of the next day.

SEWER DEPARTMENT- PENN POWER OF SYRACUSE

Motion by Councilman Maciuska authorizing George Schaller, Sewer Superintendent, to sign a service contract with Penn Power of Syracuse for six (6) stand-by generators, with two visits each, for an amount not to exceed \$3,600.00, from budgeted line SS8130.409.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

RECREATION – GANANDA LACROSSE FIELD REQUEST – DOLOMITE PARK

Jacqueline Van Lare stated that she had received a request from the Gananda Youth Lacrosse Club for the use of Dolomite Park from mid-March through the end of June, 2008, as follows:

- Practice - Mondays through Thursdays
- Games - Saturdays

Motion by Councilwoman Marini authorizing the use of Dolomite Park by Gananda Youth Lacrosse as presented.

Seconded by Councilman Maciuska.

Discussion: Councilman Maciuska asked if this would conflict with any of the soccer programs or anything. Jacqueline said "no."

Adopted: Vote Ayes 5 Nays 0

ENGINEER – ROOF BIDS

Ed Parrone, Parrone Engineering, stated that the roof bids were taken back in December, 2007. He added that he and Phil Williamson, Code Enforcement Officer, met this past week to finalize the agreements.

ENGINEER – DESIGN CRITERIA

Ed Parrone, Parrone Engineering, stated that he hoped that within the next month he would be able to present a draft of the Design Criteria to the Town. Pending items are from Mike Frederes, Highway Superintendent.

JUSTICE COURT – CLERK TO THE JUSTICE

Diane Hermanet, Town Justice Court Clerk, spoke representing the Justice Court to advise the Town Council that the Justices had chosen a part-time Clerk. Diane stated that she had copies of the resume available if Council members would like to review it, as well as the background check, which had come back "no record." She continued to say that letters to former employers had gone out and they were waiting for their return. If these letters came back with no major criticism, Diane would like for the employee to start the first week of February, 2008. She will be a part-time employee working 16 hours a week, four days a week, from 1:00 to 5:00 PM.

Motion by Councilman Yale authorizing the Justice Department budgeted position of the Clerk to the Justice employment hire.

Seconded by Councilman Maciuska.

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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.

TOWN CLERK – CODE BOOK “SUPPLEMENT 20”

Susie Jacobs, Town Clerk, advised that General Code, Code Book Supplement #20 had arrived, and she had begun to issue them to those individuals with code books. General Code has completed the update on the Internet. She also stated that the PC Code Book on Share would be updated as soon as Integrated came out to do so.

COMMITTEE REPORTS:

TOWN CLERK’S ANNUAL REPORT

Councilman Maciuska stated that he would like to present the Town Clerk’s 2007 Annual Report for review and approval. He reported that the total receipts were \$118,790.13 and total disbursements were \$118,790.13. He further stated that the biggest disbursement was to the General Fund and the biggest revenue was from Recreation, followed by Building Permits.

Motion by Councilwoman Marini to accept and file the Town Clerk’s 2007 Annual Report.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

Discussion: Supervisor Plant asked, “Is this something that we’ve done in the past?” Councilwoman Marini said, “I don’t think so.” Susie Jacobs, Town Clerk, stated that the Town Clerk is “required to file, on or before January 20, a written statement with the Town Board showing in detail her receipts and disbursements for the year.” Councilman Maciuska commented that being the liaison for Susie Jacobs, he would present the Report.

LIBRARY OPEN HOUSE –

Frank Maciuska reported that the Walworth Seely Public Library Board of Trustees Open House was being held this evening.

TOWN COMPLEX STUDY GROUP

Councilwoman Hawkins-Mance reported that the Town Complex Study Group would be meeting Saturday morning to tour Macedon’s, Ontario’s, and Williamson’s Town Halls. This is to get an idea of what their facilities look like versus what we have here.

JUSTICE COURT REPORT

Justice Terrence Wolfe reported that while Council members would be reviewing the Court books, he felt a summary should be given prior to this. In the year 2007 the Court disposed of 1,105 cases, assessed \$61,955.00 in fines, \$43,150.00 in surcharges, \$988.77 in civil fees, for a grand total of \$106,093.77. He further reported that he had breakdown of DWI, AUO, speeding tickets and so forth, that he would respectfully like to submit to the Board, and advised that the Court books were open for their review.

RECESS - AUDIT COURT BOOKS

Time: 7:45 PM.

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RECONVENED:

Time: 7:57 PM.

REQUEST FOR PROPOSAL DISCUSSION:

Supervisor Plant asked if George Schaller, Sewer Superintendent, or Ed Parrone, Parrone Engineering, had any comments. Ed Parrone stated that this was a fairly generic RFP and asked if we were looking for input from the proposers and then we would put a more formal proposal back out? Councilman Yale stated “no, not necessarily,” that what the Board was looking for was originality from the proposers. They were looking for a partner who could best meet our needs. He further said that this was part of the test, it was not for the Board to tell them how to manage or what the best product was for our community. “They are supposed to be the experts so I am burdening them to come back and say, how can we get the best value?” Councilman Yale stated that he had done this before in other arenas with quite good success. He further stated that he has received some very original ideas from some of the companies that respond. He said it was not in the same industry but a good parallel. Councilman Yale said that they are acknowledging that this group is not the expert in Waste Water Management; the only expert we have is retiring. Ed Parrone agreed that this is a unique way of doing things, and he hoped that the proposers clearly understood that you’re not going to be comparing apples to apples; this is the beauty of the process. Councilman Yale agreed. George Schaller, Sewer Superintendent, stated that he was worried about the time frame. Councilman Yale stated that this process could not work - and work well - prior to George’s departure. Councilman Yale stated that we would have an interim without George here and that would be something for another discussion as to George’s availability on some sort of part-time basis; of course, this was just exploratory. Councilwoman Marini stated that in addition the Board would be doing interviews of the individuals that had applied so they would be able to scope out what the availability was in that arena as well. Councilman Yale stated that they had a discussion at the last Board meeting with one company and it peaked their interest enough that they decided to go and see what was out there. George Schaller commented that whatever the Board needed from him, he would be willing to help.

RECESS – AUDIT TOWN CLERK, RECEIVER OF TAXES AND CHIEF FISCAL OFFICER BOOKS:

Time: 8:02 PM.

RECONVENED:

Supervisor Plant reconvened the meeting.

Time: 8:42 PM.

REQUEST FOR PROPOSAL DISCUSSION CONTINUED:

Council members and George Schaller, Sewer Superintendent, clarified the title to be shown on the RFP, being Waste Water Pollution Control Facility. Councilman Yale suggested that the proposals be submitted on or before February 7, 2008, at 5:00 PM in the office of the Town Supervisor.

Motion by Councilman Yale authorizing that, with the noted changes, the RFP be sent out, the Town Supervisor identify suitable recipients, and it be advertised.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

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PUBLIC HEARING – CHAPTER 166 ENTITLED “SNOWMOBILES, ALL-TERRAIN VEHICLES AND OFF-ROAD MOTORCYCLES”:

HEARING:

Motion by Councilman Yale to waive the reading of the legal notice.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 8:45 PM

Supervisor Plant declared the Public Hearing opened and asked if anyone from the public had any comments.

NEGATIVE DECLARATION:

Ken Cigna, resident, stated that he is a member of the Snowmobile, ATV and Off-Road Motorcycle Law Committee and actively participated in all of the meetings that he was informed of. He has personally lived the inconvenience of having a snowmobile trail within seventy-five (75) feet of his dining room, and to say it is an annoyance is an understatement. Snowmobilers come by from a single sled to packs of ten (10) to twelve (12) sleds at a time. There are some not so noisy sleds and there are some extremely noisy sleds. Without seeing them, he usually knows a snowmobile or 4-wheeler is coming by on the trail, no matter what room he is in. They come through at all hours of the day and night, on weekdays and especially on weekends. He urged the Town Board to pass this ordinance and to make some modifications in the process of doing so. While the ordinance specifies seventy-five (75) feet from a private residence without permission, he would like to see a larger distance. He does not think that twice the seventy-five feet or more, even up to two hundred (200) feet is unreasonable. If the Town Board insists on keeping the seventy-five (75) feet distance, he strongly urged to add the restriction that no trails are to be within two hundred (200) feet of a residence without permission of all the homeowners within that distance. He further stated that to have a couple of snowmobilers go by within two hundred (200) feet is one thing. To establish a trail where hundreds of snowmobilers go by on a daily basis is quite another thing and unacceptable. Doing this would not hamper the adjoining neighbor who wants to do a little riding on their property, while at the same time would still give others, who are not so enamored by the various types of vehicles mentioned in the law, some recourse when it comes to more than a few vehicles. On a final note he thanked Councilwoman Marini for taking the time to chair the ordinance meetings, even though she may not have agreed with everything he said.

DISCUSSION:

Council members engaged in discussion with the general public regarding an organized trail. Councilman Yale stated that the Committee did not define any differentiation in this law. Councilwoman Marini agreed. Councilman Yale stated he was not sure how this could be done because a trail was not a property or entity held by any of the organizations. They mark it theoretically with the permission of the property owner; it's not legally a recognized entity. Supervisor Plant stated that “yes, it is, the snowmobile clubs and their trails receive money from the State of New York. It comes through the County and gets disbursed to them for trail maintenance.” Further discussion ensued with a resident saying that this was not State money, but money that was from everyone's registration for the snowmobile club. Councilman Yale commented that this was State money. Another resident commented that this money goes to Parks and Recreation. Councilwoman Marini clarified that Parks and Recreation was a State agency. Councilman Yale stated again that a trail was not a legal entity. Councilwoman Marini commented that like a road, it was dedicated to the Town and we accept ownership with regard to the maintenance. Councilwoman said a trail could be modified; someone could pull their permission at any point in time through the club. It is not something that the Town could request of a person to do or enforce. Councilman Yale said that the idea of having organized trails at least two hundred (200) feet was more of an issue dealing with the “permission-giving” entity recommending that; enforcing that was not within the Town's power.

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Supervisor Plant asked if there was another chapter that regulated dirt bike tracks, and their not being allowed in certain areas. Councilwoman Marini said that was by special use permit, and Councilman Yale stated this was more of a permissive usage situation. Councilman Maciuska suggested that the Board needed to define exactly what they were talking about – there should be a definition of what a “marked trail” was, especially if it was going to be referred to in this ordinance. “We need to define whether a marked trail is something that is established through covenants and agreements of homeowners to allow it.” Someone from the public stated that a marked trail was going to be “between the landowner and the Club that was marking it.” Council members agreed that a definition was needed. Marked trails increase the volume of traffic; both Councilwoman Marini and Councilman Yale agreed. Councilman Maciuska asked how many trails in town were marked. Supervisor Plant stated that there were both marked and unmarked trails in town. Discussion ensued as Councilwoman Marini tried to locate the trail map. Councilwoman Marini stated that the Wayne County Sheriff’s Department had reviewed these provisions, and they said that they would be able to enforce them. She also said a couple of property owners have agreed to have “spot checks,” allowing police to set up check points to check for mufflers and some of the other issues that might eliminate some of the people on the trails that aren’t following the rules. Supervisor Plant suggested that the definition of a “marked trail” be something that is maintained by a club and is on the official map produced by the club and submitted to the Town. A resident stated that the definition of a marked trail would be one by a club that’s affiliated with the New York State Snowmobile Association (NYSSA). Supervisor Plant agreed that this was a good idea as those were the only clubs that were reimbursed by the County. These maps would then be submitted to the Town prior to December 26, opening day of the trail system, and any time there is an addition or change to the trail. Supervisor Plant suggested that there be a link from the Town website to the snowmobile clubs’ (Canal Towns, Webster Ridge Runners, Williamson Drift Riders) websites.

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 9:02 PM.

Councilwoman Marini stated that she would draft the wording and get it out to the Supervisor so that it could be placed on the agenda for the next meeting of February 7, 2008. She will also prepare and get the wording to Art Williams, Attorney for the Town.

FINANCIAL TRANSACTIONS:

Motion by Councilman Yale authorizing the Senior Account Clerk to transfer from the following:

\$4,452.20 from Self Insurance Fund Balance to MS9050.81 Unemployment Payments NYS. To cover payment to State 4th Quarter 2007.

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.

FINGER LAKES BUILDING OFFICIALS ASSOCIATION CONFERENCE:

Motion by Councilman Yale authorizing Phil Williamson, Code Enforcement Officer, and Norm Druschel, Building Inspector, to attend the annual Finger Lakes Building

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Officials Association Conference the week of March 21, from budgeted line item A3620.43, for an amount not to exceed \$390.00 each.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

SMALL CITIES GRANT DISCUSSION:

Supervisor Plant explained that the Small Cities Grant submitted in conjunction with Home Leasing in 2007 had been turned down. He commented that he had met with the Grant Authority and they explained that the Home Leasing Grant had “wordings that needed to be changed which followed through into the Town’s grant, so that wording was wrong in the Town’s grant, too.” He continued to explain that Home Leasing needed to submit a new grant request within the next couple of weeks and the Town’s was due the first or the end of March, 2008. The Supervisor said the Town needed to decide if they would like to re-do the grant request. He had talked with Stu Brown; the cost of his time would be approximately \$3,000.00 to do the grant. Councilman Maciuska asked what the grant was for. The Supervisor explained that the grant was to extend the sewer up Canandaigua Road from where it ends now by the car wash, all the way to the apartments, which is halfway down Canandaigua Road going North. Councilman Yale stated that the big thing was that it gets the sewer across the waterway. Supervisor Plant informed Councilman Maciuska that the initial grant request was for \$400,000.00. Councilwoman Hawkins-Mance asked if the revisions to be done by Stu Brown were big enough to warrant \$3,000.00, which was half the price of what the Town paid in 2007. Supervisor Plant stated, “I really don’t know, not being a grant writer.” Supervisor Plant stated that Stu Brown, Home Leasing, Edgemere and he would be meeting next week to go over the criteria that needed to be changed in Home Leasing’s grant so that the Town’s would match. Discussion ensued with Council members regarding the process of making the changes on the grant request. Councilman Maciuska asked if there had been a report issued to show where the Town erred? Supervisor Plant stated that no report had been issued; however, he had been invited to a meeting with the Small Cities people and had taken notes as best as he could regarding where the Town had been lacking on their grant application. Stu Brown also had representation at that meeting. Council members had some further discussion with regards to the economic benefits that the sewer line would bring to the Town; with the short time frame and need for coordination involved in such an immediate fashion, the majority agreed that Stu Brown should be contracted with again. Councilwoman Marini suggested that Councilwoman Hawkins-Mance be the contact person in working with them on the revision, as it would give her added insight as to what the Town was dealing with.

Motion by Councilman Yale to approve the re-submission of the Small Cities Grant, and contracting with Stu Brown for that submission, to submit and coordinate with the Town liaison, to be Councilwoman Suzi Hawkins-Mance, for an amount not to exceed \$3,000.00.

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.

SET DATE TO INTERVIEW FOR WASTE WATER TREATMENT PLANT SUPERVISOR:

Councilwoman Marini stated that the interviews for the Waste Water Treatment Plant Supervisor would be scheduled for Thursday, January 24, 2008, at 7:00 PM. Four (4) candidates will be interviewed, in half-hour increments. Susie Jacobs, Town

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Clerk, will advertise this Special Meeting with the intent to enter into Executive Session for the purpose of interviews. George Schaller, Sewer Superintendent, has agreed to sit in on these interviews. Councilwoman Marini will contact the individuals to be interviewed. She will also send letters to those not selected, thanking them for applying and letting them know their applications will be kept on file. Councilman Yale stated that this would be an Executive Session and no decision would be brought before the Board.

FRANKLIN COVEY SEMINAR:

Motion by Councilman Yale authorizing Philip Williamson, Code Enforcement Officer, to attend the Franklin Covey Seminar titled “7 Habits of Highly Effective People” on March 13, 2008, in Rochester from the Supervisor’s Conference/Training line A1220.41, at a cost not to exceed \$399.00.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

BANK RECONCILIATION RECOMMENDATION:

Motion by Councilwoman Hawkins-Mance making a recommendation that all bank statements are reconciled to the actual paper copy of the bank statements that come to each department.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

JUSTICE COURT CLERK PART-TIME POSITION:

Supervisor Plant reported that he checked with Civil Service and the position the Town Board approved is going to be called Clerk to Justice.

ADJOURNMENT:

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

Time: 9:20 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk