

**WALWORTH TOWN BOARD – REGULAR MEETING
6 MARCH 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
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor
	Carl Hewings	Parrone Engineering

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of February 7, 2008, meeting as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Motion by Councilwoman Hawkins-Mance to approve the Minutes of February 9, 2008, Sit with the Supervisor meeting as presented.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

Motion by Councilwoman Hawkins-Mance to approve the Minutes of February 21, 2008, meeting as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

CORRESPONDENCE:

Susie Jacobs, Town Clerk, read the following letter from the NYS Department of Transportation regarding Study No. 4070175:

“Dear Ms. Jacobs, We have completed our investigation of traffic conditions on Canandaigua Road between Route 441 and Kuttruff Road relative to the establishment of a lower speed limit.

We have determined that a 50 mph speed limit is justified on Canandaigua Road between Route 441 and Kuttruff Road. Orders for the speed zone are being processed for filing with the Secretary of State and will be sent to you when approved. Installation of signs can follow at that time.

Sincerely, David C. Goehring, Regional Traffic Engineer”

Motion by Councilman Maciuska to accept and file the letter received from the NYS Department of Transportation.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Supervisor Plant commented that he was sorry that they didn’t lower it to 45 mph and make the whole road one speed. Council members concurred.

Susie Jacobs, Town Clerk, read a second letter from the NYS Department of Transportation, regarding Study No. 4070191 as follows:

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“Dear Ms. Jacobs, We have completed our investigation of Canandaigua Road in the vicinity of Freewill Elementary School relative to the establishment of a school speed limit.

A representative from this office made a visit to the site and conducted a field evaluation. This investigation involved making an observation of the roadway characteristics. We also met the Traffic Supervisor from the New York State Police to seek his input about lowering the speed limit.

One of the conditions which should be met for the establishment of a school speed limit is that some of the children walk or bicycle to or from the facility; or the facility and related facility (e.g. cafeteria, gymnasium, playground, athletic fields, parking lots, etc.) are separated by a highway and require the children to cross the highway on foot to access the facilities. Also, a marked crosswalk which is supervised by an adult crossing guard should be present. Since none of these conditions exist, we cannot concur with your request for a school speed limit.

Sincerely, David C. Goehring, Regional Traffic Engineer”

Motion by Councilman Maciuska to accept and file the letter received from the NYS Department of Transportation.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

PUBLIC PARTICIPATION:

A resident from Johnny Lane inquired about a recent newspaper article stating that the Town Board had approved a new roof on the Town Complex. He asked if Council members had considered a metal roof. Council members responded, yes, it had been very expensive. The resident stated that he hoped it at least was talked about; because even if you go with a 50-year shingle roof, that doesn't guarantee that you won't get shingles blowing off in the wind. He asked how expensive a metal roof was. Council members responded that it was triple the cost because of the square footage. Councilman Maciuska explained that the Town Hall had originally been slated to have a metal roof, but in order to get it in at budget, the roof was made asphalt. The resident commented that somewhere along the line, after so many roofs that you have to pay to put on, that maybe it becomes economical to go with a metal roof. Councilman Maciuska stated that the Town had also received feedback from places that have metal roofs, as far as the overall success of them; and there was mixed feedback on whether or not they were worth the cost. Supervisor Plant stated, “Especially with the wind, if a piece of metal does start to come off, you lose a large section of roof.” The resident was thanked.

Another resident, from Cream Ridge Road, spoke on two items. First, she commended the Highway Department for the fine job they were doing this winter. She stated that she was especially struck when one day a couple of weeks ago - at that point in time the coldest day of the year - she was driving down her road and spotted two Highway Department employees out repairing a mailbox. She stopped to commend them on a job well done.

The second item was regarding where the Town stood on taking over the care of the West Walworth Cemetery. She explained that folks in her church were concerned about mowing it for another season and wondered how the process was coming along. Her understanding was that she had turned the matter over to Norm Druschel some months ago and had last been told that the Town was waiting for Jean Johnson to hear from someone at the State level. Supervisor Plant stated that the Town was waiting to have an accurate recording of what the balance was. The resident asked if the Town could please help to move that process along, as the bottom line was that the church really could not maintain the cemetery again this year. Supervisor Plant stated that the Town did ask to get it done as quickly as

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possible. The resident repeated, could the Town help to move that along, because mowing season was just a couple of months away and the church folks were getting really nervous about the situation. Supervisor Plant stated that the Town wanted to get the Cemetery as quickly as possible, as that would allow us to do some other things. The resident stated that she would report to her church that the Town was working on the matter, and Supervisor Plant agreed.

DEPARTMENT HEAD REPORTS:

HIGHWAY DEPARTMENT – ADVOCACY DAY

Mike Frederes, Highway Superintendent, reported that he was in Albany this week, along with 326 other highway superintendents, lobbying for an increase in CHIPS funding this year, versus a 4 percent decrease. Results are pending the governor's budget passing. Mike met with Senator Nozzolio and Assemblyman Oaks personally. He also met with OGS in chambers about the salt crisis this year, and he thinks there will be some answers coming before next year. Discussion ensued between Council members and Mike Frederes as to why the salt crisis occurred this year.

HIGHWAY DEPARTMENT – THREE-WHEELED STREET SWEEPER BID

Sealed bid was opened on Monday, March 3, 2008 for a street sweeper that was budgeted for in the 2008 budget. One bid was received for the purchase of a three-wheeled street sweeper from:

Joe Johnson Equipment of Rochester	
2007 New Elgin Pelican P Dual Broom Sweeper	\$139,950.00
2008 New Elgin Pelican P Dual Broom Sweeper	\$148,524.00

Option 1 – Brush guard over the cab for \$1,190.00

Option 2 – Automatic lube system for \$7,700.00

Mike Frederes, Highway Superintendent, presented Council members a summary of the bid. His recommendation was to accept the bid from Joe Johnson Equipment of Rochester for the 2007 model at \$139,950.00 with no options, as that would put the Highway Department within budget. Mike commented that in his opinion the extra \$8,500.00 for the one-year newer model is not worth it. The life of the piece of equipment would be about 20 years.

Motion by Councilman Yale authorizing Mike Frederes, Highway Superintendent, to accept the bid and purchase of the 2007 model at a cost not to exceed \$140,000.00. 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.

Supervisor Plant inquired if Mike Frederes had heard anything regarding what the State was thinking about doing with State Bids next year? The Supervisor went on to say that the State was looking at towns and counties being charged back 1 ½ percent of anything purchased on State Bids. Mike Frederes, Highway Superintendent, replied that he had not heard anything.

RECREATION – ALCOHOL USE CHARLIE SCOTT – GINEGAW PARK

Jacqueline Van Lare, Recreation Director, presented an Alcohol Permit for Charlie Scott on Saturday, August 2, 2008.

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Motion by Councilwoman Marini authorizing the issuance of an Alcohol Use Permit in the Park for beer and wine coolers to Charlie Scott on Saturday, August 2, 2008. Seconded by Councilman Maciuska.

Discussion: Councilman Yale inquired if this was a resident. Councilwoman Marini and Supervisor Plant responded that Hall Center Road was just over the Town Line, so, “No.”

Adopted: Vote Ayes 4 Nays 1

ASSESSOR – SURPLUS EQUIPMENT

Karen Ambroz, Assessor, requested that Council members declare surplus a Soyata Computer Tower, Serial No. HJM97-MPPKR-6GCHQ-4QKQ2-66F36, that was in the Library; it no longer functions.

Motion by Councilman Yale to declare the Soyata Computer, Serial No. HJM97-MPPKR-6GCHQ-4QKQ2-66F36, Surplus Equipment.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

ENGINEER –

Nothing presented at this time.

TOWN CLERK –

Susie Jacobs, Town Clerk, thanked the employees who participated in the “Give Daffodils, Give Hope” fundraiser. She stated that flowers ordered would be delivered on March 10, 2008, from The American Cancer Society, and all proceeds would help in the fight against cancer.

PUBLIC HEARING 7:45 PM – SMALL CITIES GRANT:

Supervisor Plant stated that the notice had been posted.

Motion by Councilwoman Hawkins-Mance to waive the reading of the Public Notice.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Supervisor Plant declared the Public Hearing open and asked for anyone who wishes to speak on the Small Cities Grant to come forward and make your recommendations.

Time: 7:45 PM.

Copies of the Comprehensive Projects and 2008 Small Cities Grant requirements were available to the public. Following is the Comprehensive Project list:

COMPREHENSIVE PROJECTS

A comprehensive project typically includes several inter-related activities to address the needs in a designated target area. Applicants must demonstrate how the activities they propose would implement four (4) of the following nine (9) criteria.

Criterion 1. Supports comprehensive neighborhood conservation, stabilization, revitalization, new housing construction or promotes home ownership.

Criterion 2. Provides housing choice within the community: Either outside areas with concentrations of minorities and low-and moderate-income persons or in a neighborhood which is experiencing revitalization and substantial displacement as a result of private reinvestment, by enabling low-and moderate-income persons to remain in their neighborhood.

Criterion 3. Supports the expansion of housing for low-and moderate-income persons by providing additional housing units not previously available.

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Criterion 4. Addresses a serious deficiency in a community's public facilities (public infrastructure).

Criterion 5. Expands or retains employment opportunities.

Criterion 6. Supports "Main Street" revitalization or attracts/retains businesses which provide essential services.

Criterion 7. Removes slums or blighting conditions.

Criterion 8. Resolves a serious threat to health, safety or welfare.

Criterion 9. Supports other Federal or State programs being undertaken in the community or deals with the adverse impact of another recent federal or state action. The other Federal or State program or action must be of substantial size or impact in relation to the proposed program.

No comments were heard from the public.

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Time: 7:47 PM.

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: 7:50 PM.

RECONVENE:

Supervisor Plant reconvened the regular scheduled Town Board meeting.

Time: 8:20 PM.

COMMITTEE REPORTS:

SEWER COMMITTEE

Councilman Maciuska reported that the Sewer Committee is continuing negotiations with a potential employee.

TOWN COMPLEX STUDY GROUP

Councilwoman Hawkins-Mance explained that last year the Supervisor formed a Town Complex Study Group with ten members. The charge of this group was to study the Town Complex to determine if additional space might be needed in the foreseeable future. The group began its meetings on August 29, 2007, and through numerous meetings met with representatives from all the shareholders in the Town Complex, including the State Troopers. The conclusion of the group was that:

1. More space is needed.
2. The Library and Recreation Department should be moved to a new facility in close proximity to the main Town Complex.
3. The Town Clerk needs to take immediate action to facilitate movement of existing records to electronic storage.

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4. There is a need to reassign space vacated by the Library and Recreation Department to better meet the needs of the remaining occupants of the Town Complex, the specifics of which are contained in the document provided to the Town Board.
5. It would be this group's recommendation to create a new committee whose charge would be to address the financial plan for implementation of the specifics.

Following is the Town Complex Study Group's extensive proposal as presented to Town Board members:

Dear Members of the Town Board,

Over the past few years, the Town of Walworth has struggled with Town Hall and Library space issues; therefore on August 16th, 2007, the Town Board formed a group titled the Town Complex Study Group. This group was formed to coordinate questions to put forth some ideas to the Town Board that would then go out to the general public regarding the need for more space.

The group initially met on August 29th, 2007 and began the process of interviewing Department Heads, Library personnel, Court staff and State Troopers regarding space problems they were currently experiencing, space problems they anticipated experiencing, and what they felt would be needed for space in the foreseeable future.

This group, through these interviews, has determined that the following Departments are adequate and some may need reorganization of their current space and/or more efficient storage methodologies:

- #1) Town Clerks office
- #2) Senior Account Clerks office
- #3) Code Enforcement Officer's office.

The following Departments/offices definitely need more space:

- #1) Library
- #2) Court
- #3) State Trooper's Office
- #4) Town Supervisor's Office
- #5) Recreation Department
- #6) Assessor's Office
- #7) Building Department (mainly for records storage).

It was this group's unanimous decision that the Town of Walworth definitely needs more space. The group, however, also feels that the current building the Town is occupying is a sufficient building for much of the uses the Town needs. This assumes that there are more efficient storage methodologies implemented and maintained as routine process and procedure. It also assumes that the Library and Recreation Department are relocated. The vacated space will allow for more efficient rearrangement and utilization of the town complex for the remaining functions.

Therefore, in order to meet the demands of the Library and Recreation Department it is the recommendation of this committee that a "second" building be constructed for the combined use of the Recreation Department and the Library. The possibility of using an existing building to meet these needs in the Town was discussed, but it was determined that due to the weight load needed for the Library, this was most likely NOT a viable option. The group feels that if the Library and Recreation Department were pulled out and put in a separate facility, the Town would then have ample space for the Town Office's, Court and State Trooper's satellite office.

In discussions with other Towns in the area, it was found that there is significant advantage and synergy in locating the Library and Recreation Departments in close proximity to the main Town complex. However, it was also identified that having a separate building from Town business

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functions and especially Court functions is desirable from aspects of aesthetics and perceived public safety. It is recommended that a building on the existing Town property, directly west of the existing Town complex be constructed. The recommended site directly west of the existing parking lot on the west side of Lorraine Drive would allow for synergy of functions with the existing complex. The new building would be constructed with a single main entrance. The Library would be created in an area built slab-on – grade. The Recreation Department will be located to the opposite side with common multifunctional space in between the two entities. The non library space should have basement area which would house programmatic functional areas as well as infrastructural needs for the building (HVAC, electrical, hot water, etc). The need for basement space for storage and infrastructure needs was a critical discussion/shortcoming identified in other towns visited and the interviews therein with respective town officials. It should be noted that it is not the recommendation of this committee to create a complex “Rec Center” at this time. Having said that, the new building should be compatible for expansion for the Library as well as the Recreation areas to meet future unidentified needs so that the future Townspeople aren’t faced with the current situation of a building that is not functional or conducive to meet changing needs.

Systematic, functional reorganization of the space vacated by the Library and Recreation Department should be done with consideration for safety, functionality and public convenience.

1. The Town Court:
 - a. Needs to have secure and separate space for record storage.
 - b. Needs a non-public space for Lawyer conference area.
 - c. Needs a secure prisoner area for police agencies.
 - d. Needs to move as many long term records to electronic storage as possible.
2. Town Supervisor
 - a. Needs an office space that is confidential and large enough to meet with parties of up to 6 people.
 - b. Needs a controlled reception area.
3. Town Assessor
 - a. Needs an office large enough to meet with additional 2-3 people.
 - b. Needs a more confidential office.
 - c. Needs to move as much long term record storage as possible to electronic format.
 - d. Needs accessible short term storage.
4. Troopers
 - a. Need to increase their space to facilitate 24 hour presence and male/female officer needs (separate locker space).
5. Senior Account Clerk
 - a. Current space is adequate, but need to relocate conference area to a separate location.
 - b. Needs functional accessibility to the Town Supervisor.
6. Code Enforcement
 - a. Current space is adequate.
 - b. Needs to move as many records as possible to electronic storage.
7. Building Inspector
 - a. Current space is adequate.
 - b. Need to move long term records to electronic storage.
 - c. Needs accessible non-public storage.
8. Town Clerk
 - a. Current space is adequate.

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- b. Needs to move long term records to electronic storage.
 - c. Needs to cull existing storage.
 - d. Take the lead to immediately convert records management to electronic systems for all departments. Departments to have functional accessibility. This includes existing inventory as well as ongoing process standardization.
9. General
- a. Need a functional staff area (bathroom, lunch area).
 - b. Need a general conference room to house approximately 8-10 people.
 - c. Need storage (excess file cabinets etc.) to be in non publicly visited area.
 - d. Need equipped office space for Town Board members (desk, phone, file cabinet, and computer).

In conclusion it would be this group's recommendation that the Town Board form a new committee for the engineering and financial processes that would be the next step if the Town Board decides to proceed with this endeavor. It was a pleasure for the members of this community to come together to work on what may be an exciting new project for the Town of Walworth. Thank you.

Respectfully submitted 3/6/08,
The Town Complex Study Group,
Suzi Hawkins-Mance
Tom Yale
Tina Burmeister
Patti Holdraker
Maretta Kingsley
Kelly Mohr
Aimee Phillips
Pat Schmitt
Dawn Schwind
Bob Turcotte

Councilman Yale commented that as a member of this committee, he could state that the Committee put in a tremendous amount of work, thought, and research - and did it in a very objective manner. He stated that he was very pleased to be a part of this committee and watch it in action. Councilman Yale suggested that the Town Board take this recommendation back and study it, and then at the next Town Board meeting more questions could be answered, if necessary. Supervisor Plant thanked the Committee members for their hard work.

Comment: Councilman Maciuska inquired why he did not see the Receiver of Taxes' needs on this proposal; was she interviewed? Councilwoman Hawkins-Mance said, "Yes we did interview her, and her needs were adequate." Councilman Yale stated that the Receiver of Taxes spatial needs were adequate; whether she was relocated or not was yet to be determined. Councilman Maciuska stated that he inquired because he would like the Town Board to have the conference room back, which is now occupied by the Receiver of Taxes. Councilman Yale stated that the envisage was just that; it should have been added to this proposal/report so that the room would again be available for its original purpose.

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SMALL CITIES GRANT COMMENT:

Supervisor Plant explained to the public that the Small Cities Grant application was the same one as last year because there are specific requirements of what we can and cannot ask for under this grant. Home Leasing has proposed senior housing on Canandaigua Road, but they need sewer up there in order to make that happen. The grant request that the Town is applying for is to get sewer up to them. Supervisor Plant indicated that people should feel free to ask questions if they had them; there were none.

TOWN OFFICIAL REPRESENTATIVE AUTHORIZATION - RESOLUTION 20-08:

Councilman Yale offered Resolution **20-08** and moved its adoption.

Seconded by Councilwoman Marini to wit:

BE IT RESOLVED that the Supervisor of the Town of Walworth, Wayne County, New York, is hereby authorized as the official representative of the Town to execute and submit a Small Cities application to the administrative agency for the Fiscal Year 2008 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

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

Resolution carried.

HOUSING STRATEGY - RESOLUTION 21-08:

Councilman Yale offered the following Resolution **21-08** and moved its adoption.

Seconded by Councilwoman Marini to wit:

The following goals and objectives provide direction and focus to the Town of Walworth's housing and neighborhood development efforts. Home to approximately 8,402 residents, 2900 households, and 234 renter households (2000 Census), the Town's goals are consistent with current state and local community planning documents including the: Town of Walworth PC/Codebook; Town of Walworth Comprehensive Plan (amended 1-6 2005); New York State's 2005-2010 Consolidated Plan; Wayne County Housing Survey for Older Persons; and Wayne County Comprehensive Plan – Public Opinion Survey.

Community and Housing Goals:

1. To preserve the rural characteristics of the community, including its scenic landscape features.
2. To provide for a diverse mix of housing opportunities including affordable and accessible housing.
3. To provide additional affordable housing opportunities for the elderly including accessible housing.

The Town of Walworth Comprehensive Plan (TWCP) Principles include;

- The Town's highest density development is and should remain in the southern tier of the Town, including Gananda (page 19).

The TWCP development goals include:

- Encourage the development of a range of housing types, including affordable housing and housing designed for senior citizens (page 17).

Town of Walworth PC/Code: (Section 180-17 A.1) addresses each of these goals:

“This section specifically encourages innovations in residential development so that the growing demands for housing at all economic levels may be met by greater

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variety in type, design, and siting of dwellings and by the conversation and more efficient use of land in such developments.”

Objectives:

1. Pursue and utilize available Federal and State housing programs for the provision of affordable rental and home ownership units for residents.

Town of Walworth PC/Codebook: Section 180-17 C:

“Developers may avail themselves of such State, Federal, and other housing programs as may be available to accomplish these objectives. “

2. Develop flexible zoning regulations, which permit affordable and diverse housing opportunities.

Town of Walworth: Specifically Section 180-17 B.1 Planned Development:

“A maximum choice in the types of environment, occupancy tenure (e.g. cooperatives, individual ownership, condominium, leasing), types of housing, lot size and community facilities available not existing and potential Town residents at all economic levels.”

3. Create housing opportunities to meet needs including affordable, handicapped-accessible housing targeted to seniors.

4. Evaluate undeveloped parcels for suitability for affordable senior housing and economic development.

5. Encourage development and construction of affordable housing for seniors on vacant land. Support development and construction of a Home Leasing Corporation’s property - a rectangular parcel approximately 7.40 acres (part of Tax Parcel 062.114-00-162.129), located south of the intersection of Canandaigua Road and Route 441 (Walworth-Penfield Road) in Gananda, Town of Walworth into affordable senior housing (Gananda Senior Apartments).

This housing resolution was approved on this 6th day of March, 2008.

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

Resolution carried.

SENIOR HOUSING - RESOLUTION 22-08:

Councilman Yale offered the following Resolution **22-08** and moved its adoption.

Seconded by Councilwoman Marini to wit:

WHEREAS, Home Leasing Corporation (“HOME LEASING”) intends to develop and construct affordable senior housing on a rectangular parcel approximately 7.40 acres (part of Tax Parcel 062.114-00-162.129), located south of the intersection of Canandaigua Road and Route 441 (Walworth-Penfield Road), located in Gananda, Town of Walworth (the “Project”); and

WHEREAS, in furtherance of the Project, HOME LEASING will sponsor a to-be-formed Housing Development Fund Corp. (“HDFC”) pursuant to the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”) of the State of New York; and

WHEREAS, HDFC will serve as a general partner of a to-be-formed limited partnership intended to be named Gananda Senior Housing, L.P. (the “Partnership”), the beneficial and equitable owner of the Project, and will hold fee title to the land upon which the Project will be situated (the “Land”); and

WHEREAS, Section 577 of the PHFL authorizes the Town Board to exempt the Land and the Project from real property taxes; and

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WHEREAS, the Partnership will be willing to enter into a Payment In Lieu Of Taxes Agreement, substantially in the form attached hereto as Exhibit A, whereby it will make annual payments in lieu of taxes to the Town of Walworth (the “Agreement”). The Partnership shall make a payment in lieu of taxes in an amount equal to \$300 per each rental unit within the Project. For each subsequent year through year thirty in the PILOT Period, the Partnership shall make a payment in lieu of taxes equal to the amount of the previous year’s payment in lieu of taxes and an annual increase of 2%); and

WHEREAS, as permitted by Section 577 of the PHFL and to make the Project economically feasible, the Town Board is willing to exempt the Land and the Project from real property taxes for a period of thirty (30) years, subject to execution and delivery of the Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board:

Section 1. As permitted by Section 577 of the PHFL, the Town Board hereby (a) exempts the Land and the Project from real property taxes, for a period of thirty (30) years commencing with the first tax year following completion of the Project, and (b) approves the proposed Payment In Lieu Of Taxes Agreement between the Town of Walworth, Gananda Senior Housing, L.P. (or the project’s to-be-formed limited partnership), and Gananda Housing Development Fund Corp. (or the project’s to-be-formed HDFC), substantially in the form attached hereto as Exhibit A.

Section 2. The Town of Walworth will collect all payments made pursuant to the Agreement, on behalf of the taxing jurisdictions and will distribute such payments one-third to the county and one-third to the school district, retaining one-third for town purposes.

Section 3. The Supervisor of the Town of Walworth is hereby authorized to execute and deliver the Agreement on behalf of the Town of Walworth.

Section 4. This resolution shall take effect immediately, this **6th day of March, 2008**.

EXHIBIT A

FORM OF PAYMENT IN LIEU OF TAXES AGREEMENT

Gananda Senior Housing 7.40 acres of (part of parcel 062.114-00-162.129)

PAYMENT IN LIEU OF TAXES AGREEMENT

This Agreement is made as of the 6th day of March, 2008, by and among the **TOWN OF WALWORTH**, a municipal corporation organized and existing under the laws of the State of New York (the “Town”), **GANANDA SENIOR HOUSING, L.P.**, a limited partnership organized and existing under the laws of the State of New York (the “Partnership”), and **GANANDA HOUSING DEVELOPMENT FUND CORP.**, a corporation organized pursuant to the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law of the State of New York (the “Housing Development Fund Company”);

WHEREAS, the Housing Development Fund Company is the owner in fee simple and the Partnership is the beneficial and equitable owner of certain improved real property located rectangular parcel approximately 7.40 acres (part of Tax Parcel 062.114-00-162.129), located south of the intersection of Canandaigua Road and Route 441 (Walworth-Penfield Road) in Gananda, Town of Walworth (the “Property”), NY; and

WHEREAS, the Housing Development Fund Company is a general partner of the Partnership; and

WHEREAS, the Housing Development Fund Company obtained title to the Property for the purpose of developing, through the Partnership, housing for low income seniors, pursuant to Article XI of the Private Housing Finance Law of the State of New York (the “PHFL”); and

WHEREAS, the Partnership was formed in order to facilitate the development of the Project by Home Leasing Corporation (the “Sponsor”); and

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WHEREAS, during the term of this Agreement, the rents to be charged for apartment units in the Project may be no greater than those permitted by the New York State Division of Housing and Community Renewal pursuant to the Low-Income Housing Tax Credit provisions of Section 42 of the United States Internal Revenue Code, as amended, and State Low-Income Housing Tax Credit, and

WHEREAS, in order to make the Project economically feasible for the Partnership, it is necessary to obtain tax relief from the Town on the real property in the Project, while still providing payments to the Town and the County to compensate for services provided by them which are utilized by the Project; and

WHEREAS, the Town wishes to grant the Partnership such tax relief as permitted by Section 577 of the PHFL; and

WHEREAS, on **March 6, 2008**, the Town Board of the Town duly adopted a Resolution granting a real property tax exemption to the Property under Section 577 of the PHFL, and authorizing the Supervisor of the Town to enter into a Payment in Lieu of Taxes Agreement with the Partnership and the Housing Development Fund Company providing for payments as set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants herein described, the receipt and sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

1. *Grant of Exemption.* As permitted by Section 577 of the PHFL, the Town hereby grants to the Partnership an exemption from all real property taxes, other than assessments for local improvements, during the PILOT Period, as defined below.

2. *Property to Which Exemption Applies.* The property to which the above exemption applies is that rectangular parcel, approximately 7.40 acres (part of Tax Parcel 062.114-00-162.129), located south of the intersection of Canandaigua Road and Route 441 (Walworth-Penfield Road), Walworth, New York, together with all improvements thereon (the "Property").

3. *Term of Exemption.* The exemption provided under this Agreement shall become effective on the first tax status date following completion of the Project, as evidenced by the issuance of a certificate of occupancy for the Project, and continue for a term of thirty (30) years thereafter, unless terminated sooner pursuant to Section 6, below (the "PILOT Period").

4. *Payment in Lieu of Taxes (PILOT).* Notwithstanding the foregoing, during the Project's construction and prior to its completion, the Partnership shall make annual payments in lieu of taxes equivalent to the taxes as of the date of this Agreement. During the first year of the PILOT Period, the Partnership shall make a payment in lieu of taxes in an amount equal to \$300 per each rental unit within the Project. For each subsequent year in the PILOT Period, the Partnership shall make a payment in lieu of taxes payment equal to the amount of the previous year's payment in lieu of taxes payment, plus two percent (2%) (each such payment, as annually increased, shall be known as a "PILOT Payment"). A schedule setting forth each PILOT Payment is attached hereto as Schedule A. Prior to the completion of construction of the Project (as evidenced by the issuance of a certificate of occupancy for the Project), the Partnership shall not be required to make a PILOT Payment.

The Town will receive each PILOT Payment on behalf of the taxing jurisdictions. It will forward one-third of each such payment to the County and one-third to the School District. Each PILOT Payment shall be made on or before March 31 of each year, commencing in the first year of the PILOT Period. Late payments will be subject to the same late charges as imposed on the collection of taxes.

5. *Regulation of Rents.* During the term of this Agreement, the rents to be charged for apartment units in the project shall be no greater than those permitted by the New York State Division of Housing and Community Renewal pursuant to the Low-Income Housing Tax Credit provisions of Section 42 of the United States Internal Revenue Code, as amended and State Low-Income Housing Tax Credit provisions.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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6. *Termination of PILOT.* In the event that the Partnership fails to make a PILOT Payment as required by this Agreement for two (2) consecutive years, this Agreement shall terminate, the exemption hereunder shall cease, and the improvements shall be placed on the assessment roll by the Assessor of the Town of Walworth. Further, if the owner seeks to change the senior age restriction, the Town has the right to reconsider the PILOT.

Schedule A Payment of Lieu of Taxes (PILOT)

Year	PILOT Payment
1	18,600
2	18,972
3	19,351
4	19,738
5	20,133
6	20,536
7	20,947
8	21,366
9	21,793
10	22,229
11	22,673
12	23,127
13	23,589
14	24,061
15	24,542
16	25,033
17	25,534
18	26,044
19	26,565
20	27,097
21	27,639
22	28,191
23	28,755
24	29,330
25	29,917
26	30,515
27	31,126
28	31,748
29	32,383
30	33,031

IN WITNESS WHEREOF, the undersigned have set unto their hands this **6th day of March, 2008**.

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

Resolution carried.

RADAR SIGNS DISCUSSION – GANANDA SCHOOL:

Supervisor Plant presented a request from Gananda School District and the Town of Macedon regarding radar speed signs in three locations along Waterford Road. He supplied Council members with proposed site locations and a quote for four radar

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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signs and explained that three radar signs were proposed at this time. Supervisor Plant commented that they have requested that the Town of Walworth provide the funding for one of radar speed signs. Discussion ensued concerning site locations, existing signs and Town lines. Councilwoman Hawkins-Mance expressed her concern for Town liability.

Motion by Councilman Yale that the Town is opposed to the installation of the radar speed signs, and at this point, the Town has no knowledge of any statistics that show these increase safety; the implication is just the opposite - that they may be a deterrent to motorists' attention to the road and may cause a safety hazard to the children instead.

Seconded by Councilman Maciuska.

Discussion: Councilman Maciuska stated that it surprised him that they were not addressing what would happen on Wildflower, near the Middle School; there were crosswalks there, also - and kids walk there without a crossing guard. Councilman Maciuska stated that he thought they needed to put together a better plan. Supervisor Plant stated that the Town of Walworth paid half the cost for a crossing guard, but he wasn't sure if that opened up liability to the Town of Walworth, if something happened to the crossing guard or because of the crossing guard. Councilwoman Marini stated that we were mandated by the State to provide a crossing guard. Supervisor Plant corrected her by saying we are not, the Town it is located in is; the crossing guard is located in the Town of Macedon.

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

Motion carried.

PROPOSED LOCAL LAW NO. 3 OF THE YEAR 2008 - RESOLUTION 18-08:

Councilwoman Hawkins-Mance offered the following Resolution **18-08** and moved its adoption. Seconded by Councilwoman Marini to wit:

BE IT RESOLVED, that Local Law No. 3 of the year 2008, entitled "A Local Law amending the code relating to "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" is introduced before the Town Board of the Town of Walworth in the County of Wayne in the state of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the Town Board, and

BE IT FURTHER RESOLVED that the Town Board hold a Public Hearing on said Proposed Local Law at the Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at **7:45 PM** on **March 20, 2008**, and

BE IT FURTHER RESOLVED that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of said public hearing at least ten (10) days prior thereto.

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

Resolution carried.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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CAREY LAKE, LLC FIREWORKS RESOLUTION 24-08:

Councilman Yale offered the following Resolution and moved its adoption.
Seconded by Councilwoman Marini to wit:

WHEREAS, that the Town of Walworth recognizes the need to encourage and foster existing businesses within the Town. As such, the Town recognizes that Carey Lake, LLC, operates a party and banquet facility located within the Town; and

WHEREAS, the property on which the business is located has very unique characteristics not found on other properties within the Town; and

WHEREAS, the property is 210 acres of mostly undeveloped land with a large body of water; and

WHEREAS, the property is located in a relatively low developed portion of the Town on Route 441 and is readily accessible and open to the public at large; and

WHEREAS, Carey Lake, LLC has contracted with Young Explosives Corporation for fireworks displays for the past 6 years. The displays are requested/contracted for activities such as wedding parties being held at the banquet house but have been available for general public enjoyment by anyone in the public wishing to view; and

WHEREAS, the unique nature of the property affords public safety not readily available at other properties within the Town during the displays;

NOW, THEREFORE, BE IT RESOLVED, that both parties have made it known to the Town Council that they wish to continue the contractual relationship;

BE IT RESOLVED, that given the unique property characteristics, its location available for general public enjoyment, the willingness of Carey Lake, LLC to publicly post notice in its restaurant and Town Hall regarding dates and times of displays, and provide copies of appropriate insurances to the Town Clerk, it is resolved that the Town of Walworth acknowledges the existence of and generally approves of such contractual relationship between these two parties in the year 2008.

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

Resolution carried.

Councilman Yale asked that the Town Clerk forward a copy of said Resolution to Mr. Carey of Carey Lake, LLC.

INTERSECTION LIGHTS DISCUSSION:

Supervisor Plant asked Mike Frederes, Highway Superintendent, if he would provide the Town Board with his recommendation of the intersections he felt would be beneficial for the Town to add lights to that don't have them. Susie Jacobs, Town Clerk commented that she had supplied Supervisor Plant with copies of the records for intersection lights in the Town.

MEMORIAL TREE FUND TEMPORARILY HALTED:

Supervisor Plant requested that the Memorial Tree Program be temporarily halted until the Town was finished with Town Complex issues. He explained that this was so the Town did not end up planting a tree in a location that would have to be dug up two years from now.

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Motion by Councilman Yale to temporarily halt the Memorial Tree Program.
Seconded by Councilwoman Marini.
Adopted: Vote Ayes 5 Nays 0

WINDOW CLEANING DISCUSSION:

Supervisor Plant stated that he had received three prices for window cleaning for the Town Hall. He had reviewed them, and All Seasons was still the least expensive.

Motion by Councilwoman Hawkins-Mance authorizing the Supervisor to sign the contract with All Seasons Window Cleaning Company for window cleaning services for the year 2008, at a cost not to exceed \$948.00.
Seconded by Councilman Yale.
Adopted: Vote Ayes 5 Nays 0

LEO ROTH CONTRACT RENEWAL:

Motion by Councilman Maciuska authorizing the Supervisor to sign the contract renewal with Leo J. Roth Corporation for the period of April 1, 2008, through March 31, 2009, for an amount not to exceed \$2,894.00.
Seconded by Councilwoman Marini.
Adopted: Vote Ayes 5 Nays 0

RESOLUTION 19-08:

Councilwoman Marini offered the following Resolution **19-08** and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, the New York State Legislature approved a bill to establish minimum training requirements for municipal planning and zoning officials. The legislation requires a minimum training standard of four (4) hours annually for members of local Planning Boards, Zoning Boards of Appeal and County Planning Board; and

WHEREAS, the Walworth Town Board supports the education of our employees and board members;

NOW, THEREFORE, BE IT RESOLVED that all Town Planning and Zoning Board members shall be required to meet or exceed the minimum training standard of four (4) hours by December 31, each year, and submit written documentation of completion of said training to the Supervisor. Training sessions will be available in the Wayne County and Monroe County area. Failure to comply with the minimum training requirement will be deemed to be a resignation from the Planning Board or Zoning Board of Appeals.

Discussion: Councilman Maciuska inquired if this Resolution would be made available to each of the Board members. Councilman Yale stated that, being this is a condition of employment, he would like acknowledgement of receipt of Resolution from board members.

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

Resolution carried.

MS4 PRESENTATION:

Supervisor Plant stated that there would be an MS4 presentation on Wednesday, April 23, 2008, at 7:00 PM, provided by the DEC. He encouraged all Council members to attend. Councilman Yale asked that Susie Jacobs, Town Clerk, provide necessary notifications.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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AREA CODE 315 DISCUSSION:

Supervisor Plant advised of posting a posting in the Town Clerk's office, from the NYS Public Service Commission regarding proceedings to investigate and evaluate options for making additional central office codes available in the 315 area code region. Copies are available for anyone interested.

GRATITUDE AND APPRECIATION TO EMPLOYEES:

Supervisor Plant expressed his gratitude and appreciation to Phil Williamson, Code Enforcement Officer, for a fine job in repairing the weather stripping on the Town Complex doors, saving the Town \$400.00 - \$500.00. Councilwoman Marini also thanked employees for stepping forward with painting and general handy responsibilities.

RECREATION COMMITTEE APPOINTMENT:

Councilwoman Marini stated that we presently had an opening, and Jacqueline Van Lare was recommending that Katrina Chellis be appointed to the Recreation Committee for the unexpired term ending December 31, 2009.

Motion by Councilwoman Marini recommending Katrina Chellis be approved and appointed to the Recreation Committee for the unexpired term ending December 31, 2009.

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.

AUTHORIZATION FOR SUPERVISOR TO NEGOTIATE WITH ATTORNEY:

Motion by Councilwoman Marini authorizing the Supervisor to enter into negotiations with an Attorney on personnel issues.

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.

SIT WITH THE SUPERVISOR:

Supervisor Plant reminded everyone of the Sit with the Supervisor session on Saturday, March 8, 2008, at 9:00 AM, at the Lincoln Fire Department.

PROPOSED LOCAL LAW NO. 2 OF THE YEAR 2008 - CHAPTER 56-8 ENTITLED "REDEMPTION OF SEIZED DOGS; FEES; DISPOSITION OF UNREDEEMED DOGS" THAT AMENDED BY DELETING AND REPEALING CHAPTER 56-8 SHALL NOW AMEND THE TOWN OF WALWORTH MUNICIPAL CODE:

Discussion took place between Supervisor Plant and Council members with clarification on the Public Hearing date and time for the proposed Local Law No.2. of the year 2008. Council members decided to hold the Public Hearing later than the published Legal Notice, being March 6, 2008, at 8:00 PM.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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Susie Jacobs, Town Clerk, stated that the notice for proposed Local Law No.2 was duly published in the Town's official newspaper with the heading Public Notice with the Legal Notice information.

Motion by Councilman Yale to waive the reading of the Public Notice.
Seconded by Councilwoman Marini.
Adopted: Vote Ayes 5 Nays 0

Supervisor Plant declared the Public Hearing opened.
Time: 8:45 PM.

No comments were heard from the public.

Motion by Councilman Yale to close the Public Hearing.
Seconded by Councilwoman Hawkins-Mance.
Time: 8:47 PM

ADOPTION:

Councilwoman Hawkins-Mance offered the following Resolution **23-08** and moved its adoption. Seconded by Councilman Yale to wit:

LOCAL LAW NO. 2 OF THE YEAR 2008

§ 56-8. Redemption of seized dogs; fees; disposition of unredeemed dogs. [Amended 4-3-1986 by L.L. No. 3-1986; 9-1-1994 by L.L. No. 1-1994; 6-1-2000 by L.L. No. 2-2000]

- A. Every dog seized shall be properly fed and cared for at the expense of said Town until disposition thereof is made as herein provided. In the event that a dog seized bears a license tag, the Dog Control Officer shall ascertain the owner of the dog and shall give immediate notice, in writing, by certified mail, return receipt requested or personal service on a person living at that address or by notice being tacked on the door of the residence and a copy mailed to the address, stating that the dog has been seized and the dog will be destroyed unless redeemed within the period hereinafter provided.
- B. The owner of a dog seized while bearing a license tag may redeem the dog within five days of personal notification of the seizure of the dog; however, if notice to the owner of the seizure is given by mail, the owner of the dog seized may redeem the dog within seven days of the service of such notice. If notice is sent by mail, it shall be sent by certified or registered mail, return receipt requested. The owner shall pay to the Town Clerk the following fees, which shall be deemed impoundment fees: \$25 as a result of the seizure, a fee equivalent to the amount allowed by the Internal Revenue Service as a mileage deduction per mile for income tax purposes times the mileage for the pickup of the dog and transporting the dog to the kennel where it is to be harbored during the seizure period and a fee in the amount of \$20 per day for each day beginning the day of seizure.
- C. In the event that the dog seized does not bear a license, the owner of the dog seized may redeem the dog within three days from the day seized, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of Article 7 of the Agricultural and Markets Law. The owner shall pay to the Town Clerk the following fees, which shall be deemed impoundment fees: \$25 as a result of the seizure; a fee equivalent to the amount allowed by the Internal Revenue Service as a mileage deduction per mile for income tax purposes times the mileage for the pickup of the dog and transporting the dog to the kennel where it is to be harbored during the seizure period; and a fee in the amount of \$20 per day for each day beginning the day of seizure, plus a license fee and penalties prescribed by law for an unlicensed dog.
- D. For a second impoundment of any dog owned by the same owner within a one-year period, the animal control officer shall, upon determination and identification of the dog, seize and take into custody said dog and serve, deliver or mail the notice of second violation in the same manner as set forth in Subsections B and C above. The owner shall pay to the Town Clerk the following fees, which shall be deemed impoundment fees: \$50 as a result of the seizure; a fee equivalent to the amount allowed by the Internal Revenue Service as a mileage deduction per mile for income tax purposes times the mileage for the pickup of the dog and transporting the dog to the kennel where it is to be harbored during the seizure period and a fee in the amount of \$40 per day for each day beginning the day of seizure, plus a license fee and penalties prescribed by law for an

unlicensed dog.

- E. For a third and any subsequent impoundment of any dog owned by the same owner, within a one-year period, the animal control officer shall, upon determination and identification of the dog, seize and take into custody said dog and serve, deliver or mail the notice of third or any subsequent violation in the same manner as set forth in Subsections B and C above. The owner shall pay to the Town Clerk the following fees, which shall be deemed impoundment fees: \$75 as a result of the seizure; a fee equivalent to the amount allowed by the Internal Revenue Service as a mileage deduction per mile for income tax purposes times the mileage for the pickup of the dog and transporting the dog to the kennel where it is to be harbored during the seizure period and a fee in the amount of \$50 per day for each day, beginning the day of seizure, plus a license fee and penalties prescribed by law for an unlicensed dog.
- F. If any dog so seized is not redeemed in the time hereinbefore set forth, the owner shall forfeit all title to the dog and the dog shall be sold by the Town or destroyed. In case of sale, the purchaser may pay the cost of seizure to the Town Clerk and obtain a license for such dog. In case the dog shall be destroyed, the animal control officer or officer who destroys the dog shall immediately dispose of the carcass and make a written report of such destruction and disposition to the Town Clerk, who shall keep a record thereof. The owner of a dog so destroyed shall pay the Town Clerk the impoundment fees in Subsections B and C herein and the cost of destruction of such dog, and such cost may be recovered by the Town in a civil action brought in the name of the Town before a Town Justice in the Town of Walworth.
- G. The destruction of any dog seized by the animal control officer or law enforcement officer as herein provided shall be accomplished by approved humane methods. No dog seized shall, be sold or surrendered to any person, firm, organization or institution for experimental use.
- H. The impoundment fees as set forth in this chapter shall be set from time to time, by resolution of the Town Board of the Town of Walworth.

Discussion: Councilman Maciuska stated that like everything else, prices have to go up. It is costing the Town more to house a dog when it is picked up, so the Town has to be able to pass that cost on to the owner of the animal.

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

Resolution carried.

ADJOURNMENT:

Motion by Councilman Yale to adjourn.

Seconded by Councilwoman Marini and unanimously carried.

Time: 8:48 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk