

**WALWORTH TOWN BOARD – REGULAR MEETING
15 OCTOBER 2009**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, to order at 7:32 PM.

Present:	Patricia Marini	Councilwoman
	Frank Maciuska	Councilman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent

Absent:	Thomas Yale	Councilman
---------	-------------	------------

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of September 3, 2009, Special Meeting, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of September 10, 2009, Special Meeting, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

COUNCILMAN YALE ENTERED THE MEETING:

Time: 7:38 PM.

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of September 19, 2009, "Sit with the Supervisor", as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

MINUTES:

Motion by Councilwoman Hawkins-Mance to table the Minutes of October 1, 2009, 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 Councilman Maciuska to approve and file the Supervisor's Monthly Report for September, 2009, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
15 OCTOBER 2009**

PRIVILEGE OF THE FLOOR – MR. CONRAD RUSSELL:

Mr. Conrad Russell addressed the Board regarding review fees and a speed limit reduction for Sherburne Road. Mr. Russell stated that he did see the Town's press release. He also stated he has been trying for months to address the review fees, and has contacted Supervisor Plant, Council Member Maciuska, and Code Enforcement Officer Phil Williamson regarding these issues. Mr. Russell noted the town was charging additional monies above the fee schedule, and was supposed to be furnishing vouchers regarding paid bills, but had yet to do so since June 11, 2009. He also said that fees were being raised. In particular, he questioned the raise in the cost of a perc test from \$75.00 to 100.00, and questioned why he needed to pay a \$100.00 fee for an ambiguous "administrative fee".

Mr. Russell further questioned the board regarding a speed limit reduction for Sherburne Road, for the safety of its residents, and pedestrians and bicyclists. He has submitted a petition signed by 50 residents, but was told only the Department of Transportation has the final jurisdiction to make such a change. Mr. Russell feels the town board should have the final say regarding its roads, and would like to see "a little more fight" from the town board to stand up for its tax-paying residents. Lastly, Mr. Russell commented that he feels the "Privilege of the Floor" policy recently adopted by the board takes from the people's constitutional rights, and also takes public participation away from the public board meetings.

PRIVILEGE OF THE FLOOR – TIME WARNER CABLE:

Mr. Mike Kenyon representative from Time Warner Cable gave a presentation regarding a changeover to digital phone and Internet services through Time Warner Cable. He stated by switching over to digital phone alone, the town would save approximately \$1,489.92 yearly on its 24 phone lines, and would have unlimited local and long distance service, as well as caller ID on every line. The quoted rate would also be locked in for 36 months. The board requested price quotes for Internet service, not to include the Sewer and Highway buildings, as well as documentation about the frequency of service outages to assist in their decision making regarding a change.

RECESS:

Town Board took a short recess to audit claims.
Time: 8:02 PM.

RECONVENE:

Reconvened the regularly scheduled meeting.
Time: 8:32 PM.

RESOLUTION 92-09 – AUDIT OF CLAIMS:

Councilwoman Hawkins-Mance offered the following Resolution **92-09** and moved its adoption. Seconded by Councilwoman Marini to wit:

WHEREAS, the following claims submitted at the scheduled Town Board Meeting of October 15, 2009, have been audited and approved by the appropriate Council Members.

BE IT RESOLVED that the claims be paid on **Abstract #10** numbered 1,410 through 1,552, in the following amounts.

GENERAL FUND	\$ 68,617.88
HIGHWAY FUND	\$ 56,323.20
WALWORTH SEWER DISTRICT #1	\$ 23,408.23
BROOKSIDE LIGHT DISTRICT	\$ 9.01
GANANDA LIGHT DISTRICT	\$ 893.61
HARVEST HILL LIGHT DISTRICT	\$ 608.45
ORCHARD VIEW LIGHT DISTRICT	\$ 81.30
WALWORTH LIGHT DISTRICT	\$ 506.37

CEMETARIES	\$	3,977.67
GANANDA IDDP GRANT FUND	\$	48,772.00
WALWORTH CONSOLIDATED DRAINAGE	\$	2,255.00

BE IT FURTHER RESOLVED that the claims be paid on **Abstract #10**, numbered 177 through 193, in the following amount:

TRUST & AGENCY	\$	24,027.25
----------------	----	-----------

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Walworth adopts resolution.

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

Resolution carried.

DEPARTMENT HEAD REPORTS:

Nothing reported at this time.

COMMITTEE REPORTS:

SEWER COMMITTEE

Councilman Maciuska commented that the Town is doing an apparent cause investigation regarding the fee schedule, as well as reviewing the Town Code and hopes to give a comprehensive report on its findings at the November 5, 2009 regular Town Board meeting. He also offered to meet with Mr. Russell and explain that he hopes that the investigation will allow the Town to correct errors and further improve the fee schedule, moving forward.

INSURANCE COMMITTEE

Councilman Maciuska reported he will be meeting with the insurance agent to review figures for the Town to consider if they wish to change insurance providers.

PARKS AND RECREATION MASTER PLAN

Councilwoman Marini stated that they will meet next Tuesday.

Councilwoman Hawkins-Mance commented that two grant proposals have been submitted and thanked Highway Superintendent Mike Frederes, Building Inspector Norm Druschel and Linda Kleeman for their hard work and dedication in helping to get these proposals completed.

BUDGET PUBLIC HEARING:

Motion by Councilwoman Hawkins-Mance to set the 2010 Budget Public Hearing for Thursday, November 5, 2009 at 7:55 PM.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
15 OCTOBER 2009**

2010 BUDGET PUBLIC HEARINGS SCHEDULED:

Motion by Councilman Yale to hold the 2010 Budget public hearings at the Walworth Town Hall as follows:

- LINCOLN VOLUNTEER FIRE DEPARTMENT contract request hearing to be held; at 7:45PM.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

2010 BUDGET PUBLIC HEARINGS SCHEDULED:

Motion by Councilman Yale to hold the 2010 Budget public hearings at the Walworth Town Hall as follows:

- WEST WALWORTH VOLUNTEER FIRE DEPARTMENT contract request hearing to be held; at 7:50 PM.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

RESOLUTION 94-09 NEW FEES UNDER WALWORTH TOWN LAW:

Councilman Maciuska offered the following Resolution and moved its adoption.

Seconded by Councilwoman Hawkins-Mance to wit:

RESOLUTION ADOPTING NEW FEES
UNDER WALWORTH TOWN
CODE SECTION 180-58

Whereas the Walworth Town Board has determined that the building permit and related fees collected by the Town under Town Code section 180-58 should be modified to more accurately reflect the true costs to the Town in reviewing plans and structures, maintaining files, responding to members of the public and applicants, ensuring compliance, clerical time and other related costs; and

Whereas the Walworth Town Board previously passed a Local Law allowing Town fees to be established and modified by Resolution; and

Whereas the Walworth Town Board, in accordance with the above purpose, has determined that additional fee changes should be authorized;

Now, therefore, be it resolved that the Town Board of the Town of Walworth, in regular session duly convened, and in accordance with the Walworth Town Code authorizing the adoption of fees by Resolution, hereby states as follows:

1. That the attached 2 pages describing fee changes, which are attached hereto as Exhibit A, and incorporated herein by reference, are hereby authorized by the Town Board; and

EXHIBIT "A"

- E. The building permit shall be issued only after payment of the applicable fee or fees, except in cases where the applicant is a religious corporation duly formed and existing under the Religious Corporation Laws of the State of New York or is a fire district or fire department located within the Town of Walworth. Then in that event, the applicable fee or fees are waived. The fees are as follows: [Amended 4-5-2001 by L.L. No. 2-2001; 3-7-2002 by L.L. No. 2-2002; 3-20-2003 by L.L. No. 1-2003; 6-16-2005 by L.L. No. 3-2005]
- (1) Dwellings on one-lot developments: \$125 per unit, (new 150.00 per unit) plus an additional \$0.10 per square foot over 2,500 square feet.
 - (2) Multifamily dwellings: \$325, (new 400.00) plus \$50 per unit in excess of three units.
 - (3) Farm buildings, if permit required: \$1 per 100 (new 10.00 per 100) square feet.
 - (4) Commercial and industrial buildings and additions thereto: (Shall be at .10 per sq. ft. no less than 250.00)
 - (a) Per square foot to 5,000 square feet: \$0.07. - eliminate
 - (b) Per square foot from 5,000 to 10,000 square feet: \$0.06. - eliminate
 - (c) Per square foot over 10,000 square feet: \$0.05. - eliminate
 - (d) In no event shall the commercial and industrial permit fee be less than \$125 on - each building. - eliminate
 - (5) Additions to existing residential buildings: \$50 (75.00) per application.
 - (6) Renovations, alterations, reconstruction, change of use and additions to nonresidential (Commercial) buildings: \$125 (250.00) per application.
 - (7) Installation and/or replacement of accessory buildings, except for pole barns and barns: \$35 (50.00) each building.
 - (8) Installation and/or replacement of a telecommunications tower, including accessory buildings constructed in connection with the construction of the telecommunications tower: \$500 (1000.00) per tower.
 - (9) Installation and/or replacement of an antenna on an existing telecommunications tower sharing the use of the tower with an existing telecommunications tower user and the construction of any accessory facilities in connection with such shared use: \$500 (750.00)
 - (10) Wood stove installation and/or replacement and simultaneous chimney inspection: \$40 (50.00) each and an additional charge of \$30 (40.00) for each re-inspection.
 - (11) Chimney, wood stove/property maintenance inspection: \$30 (40.00) each.
 - (12) Septic system inspection for new repair or replacement: \$50 (75.00) each and an additional charge of \$30 for each inspection in excess of two inspections pursuant to the same permit application.
 - (13) Park and recreation fee: \$650 per dwelling unit.
 - (14) In the event that construction is commenced before the issuance of a building permit, in addition to all fees as set forth in the various subsections within § 180-58E, the applicant shall pay the appropriate building permit fees, plus an additional 50% of said fee.
 - (15) Installation or replacement of swimming pools in residential zoning districts: \$30 (50.00) each and an additional charge of \$30 for each additional inspection.
 - (16) Installation and/or replacement of decks, breezeways, roofs, and carports: \$35 (50.00) each.

- (17) Demolition of a building: \$75 each.
- (18) Installation and/or replacement of a residential tower antenna or windmill *or any solar or wind energy applications*. \$50 each.
- (19) Placement and/or replacement of a mobile home in a licensed mobile home park: \$85 (100.00) per unit.
- (20) Renewal of a prior issued building permit: 50% of the current (original + postage) permit fee.
- (21) Installation and/or replacement of a pole barn / barn buildings: \$1 per 100 square feet with a minimum of \$50.
- (22) In instances where there is no site plan or subdivision of property and no other application fee provided for in § 180-58E: \$25.
- (23) Fireplace installation: \$30. (50.00)
- (24) Installation and/or replacement of a hot tub: \$30 (40.00), plus \$100 to be paid in escrow to guarantee final inspection after the completion of the work, which said monies will be refunded upon final inspection.
- (25) Modification of home and finishing basement: \$40 (50.00), plus \$100 to be paid in escrow to guarantee final inspection after the completion of the work, which said monies will be refunded upon final inspection.
- (26) Installation and/or replacement of an enclosed porch or sunroom: \$40. (50.00)
- (27) Installation and/or repair of standby residential generators: \$35, (50.00) plus \$100 to be paid in escrow to guarantee final inspection after the completion of the work, which said monies will be refunded upon final inspection.
- (28) Installation and/or repair of standby commercial/industrial generators: \$125, (150.00) plus \$100(250.00) to be paid in escrow to guarantee final inspection after the completion of the work, which said monies will be refunded upon final inspection.
- (29) Installation and/or repair of an electrical transfer switches: \$35, (50.00) plus \$100 to be paid in escrow to guarantee final inspection after the completion of the work, which said monies will be refunded upon final inspection.
- (30) Manufactured home on private lot: \$125. (150.00) + additional fees
- (31) Adding emergency egress window and window well: \$30. (50.00)
- (32) Tear off/reroof: \$30. (40.00)
- (33) Replacement windows: \$30. (40.00)
- (34) Building siding (commercial only): \$30. (40.00)
- (35) Electrical work (requiring an outside entity): \$35, (40.00) plus \$100 to be paid in escrow to guarantee final inspection after the completion of the work, which said monies will be refunded upon final inspection.
- (36) Replacement water heaters: \$35. (40.00)
- (37) Replacement furnaces: \$35. (40.00)
- (38) Air-conditioning units: \$35. (40.00)

2. That the fee changes authorized herein shall take effect immediately upon adoption of this Resolution by the Walworth Town Board.

It is so authorized.

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

Resolution carried.

RESOLUTION 93-09 LAMARTINA:

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

RESOLUTION AUTHORIZING ALL DEMOLITION COSTS TO BE
LEVIED AGAINST THE RUTH ANN LAMARTINA PROPERTY:
5012 LINCOLN ROAD, WALWORTH, NEW YORK 14568
TAX ID #6111600728074

Whereas the Town Board of the Town of Walworth has acted, on an emergency basis, to demolish a structure at the property of Ruth Ann LaMartina located at 5012 Lincoln Road, Walworth, New York;

Whereas the Town Board previously incurred expenses for the demolition, a hearing was held thereon, and such expenses were previously authorized by the Town Board to be levied against the property;

Whereas the Town has now completed the demolition and all invoices from contractors associated with the project have now been received, and the Town now wishes to state the bills with particularity and to ensure that they are levied against the property;

Costs of the Demolition:

Alpco Recycling	\$9,800.00
Parrone Engineering	\$ 213.75
Paradigm Env. Services	\$ 250.00
Attorney Fees	
(Aug. Sept. Oct. 2009)	\$ 675.00
Town Highway Dept. Fees	<u>\$2,439.34</u>
 TOTAL	 \$13,378.09

these amounts have either been paid by the Town or are currently due and owing by the Town, or are charges incurred by the Town

Whereas the Town, pursuant to Town Law Section 67-9, wants to levy all costs of the demolition, including those costs stated above, against the property;

and the matter having come before the Town Board for a hearing;

and the Guardian for Ruth Ann LaMartina having been notified of the time and date of the hearing;

Now therefore, be it resolved by the Town Board of the Town of Walworth, in a regular session duly convened, as follows:

That all costs of the demolition of the LaMartina property located at 5012 Lincoln Road be submitted to the Assessor and levied against the property and collected by the Assessor in the normal course, including the following:

Alpco Recycling	\$9,800.00
Parrone Engineering	213.75
Paradigm	250.00
Attorney Fees	675.00
Town Highway Dept.	<u>2,439.34</u>
TOTAL	\$13,378.09

This Resolution shall become effective immediately upon passage by the Town Board of the Town of Walworth.

It is so authorized.

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

Resolution carried.

RESOLUTION 95-09 FINANCIAL TRANSACTIONS:

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

TRANSFERS

\$2,422.50 from SS8130.405 Sewer Fuel to SS8130.404 Engineering. To cover current expenditures.
 \$7,171.34 from Sewer Fund Balance to SS9060.81 Health Insurance. To cover changes & payment of coverage one month in advance.
 \$200.00 from A1410.45 Town Clerk Software to A1410.42 Town Clerk Office Expense. To cover current expenditures.
 \$7500.00 from A1910.41 Unallocated Insurance to A1620.44 Computer Maintenance. To cover purchases of hours Integrated Systems.
 \$100.00 from A8010.41 Zoning Board Signs/Copies to A8020.42 Planning Board Signs/Expense. To cover current expenditures.
 \$8,099.23 from General Fund Balance to A9060.81 Health Insurance. To cover changes & payment of coverage one month in advance.
 \$1,865.09 from Highway Fund Balance to DA9060.81 Health Insurance To cover payment of coverage one month in advance.
 \$3,977.67 from CM6 Cemeteries Fund Balance to CM6-8810.44 Lusk Cemeteries. To cover cost of Poison Ivy Removal.

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

Resolution carried.

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn. Seconded by Councilman Yale and unanimously carried.
 Time: 8:50 PM.

Respectfully Submitted,

Susie C. Jacobs
 Town Clerk