

**WALWORTH TOWN BOARD – REGULAR MEETING
19 NOVEMBER 2009**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, to order at 7:33 PM.

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

MINUTES:

Motion by Councilman Yale to approve the minutes of August 6, 2009, as presented.
Seconded by Councilman Maciuska.
Adopted: Vote Ayes 5 Nays 0

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the minutes of September 17, 2009, as presented.
Seconded by Councilman Maciuska.
Adopted: Vote Ayes 5 Nays 0

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the minutes of September 3, 2009, as presented with the following amendment:
RECREATION –
Walworth was chosen 1 of 2 Towns in Wayne County to be in “Eat Well – Play Hard” Program. Fitness Stations will be installed at no cost to the Town.

Seconded by Councilman Maciuska
Adopted: Vote Ayes 5 Nays 0

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the minutes of November 5, 2009, as presented.
Seconded by Councilman Maciuska.
Adopted: Vote Ayes 5 Nays 0

CORRESPONDENCE:

Susie Jacobs, Town Clerk, stated she had nothing to enter into record.

SUPERVISOR’S REPORT:

Motion by Councilwoman Hawkins-Mance to approve and file the Supervisor’s Monthly Report for October 2009, as presented.
Seconded by Councilman Yale.
Adopted: Vote Ayes 5 Nays 0

PUBLIC PARTICIPATION:

Public comments were heard from four (4) residents.

- Conrad Russell spoke regarding the Town’s review fees and engineering charges. He discussed some of his personal experiences. Discussion ensued.

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- Anna Prinsen addressed zoning laws and assessments. Based on a neighbor's situation, she suggested that the Town Assessor should consider more than a drive-by of homes before evaluating them.
- Dennis Landry remarked on fees for building homes. He commented that based on his experience, by paying an engineer for drafting plans and also paying a Town engineer to review the plans is perhaps not the best use of money. Why do we pay for the same service twice?
- Rich Hull commented on a budget line for the New York State Retirement funding. He reviewed the proposed 2010 budget and feels that the \$25,000 is not enough for the New York State Retirement funding. He contacted the State Comptroller's office for figures. Discussion ensued explaining how the \$25,000 was compiled. It is his feeling that the board is misleading the public by artificially misrepresenting the line item to keep the budget flat. Further discussion ensued.

DEPARTMENT HEAD REPORTS:

Nothing reported at this time.

COMMITTEE REPORTS:

LIBRARY COMMITTEE – LIBRARY TRUSTEES RESIGNATIONS

Councilman Maciuska reported the Library had two (2) Library Board Trustees resign.

TOWN CLERK – FIRE PROOF CABINET AUTHORIZATION

Councilman Maciuska presented a request for the purchase of a Fire Proof & Impact Resistant Lateral Cabinet. Procurement form was submitted with quotes from the following vendors:

Reliable Office Supplies \$2,999.00
Staples Office Supplies \$3,199.00
Village Office Supply \$2,962.12
Delivery and setup included.

Motion by Councilman Maciuska authorizing the purchase of one (1) Fire Proof & Impact Resistant Lateral Cabinet, from Village Office Supply, for an amount not to exceed \$2, 962.12, to be expended from budgeted line item A1410.22R.

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.

TOWN MASTER PLAN COMMITTEE

Councilman Yale stated that the Town Master Plan Committee will begin meeting in January on opposite Thursdays (2nd & 4th) of regular Town Board meetings. Councilman Yale anticipates two (2) months worth of meetings.

**PROPOSED LOCAL LAW NO. 7 OF THE YEAR 2009 – AMENDING CHAPTER 56
OF THE WALWORTH TOWN CODE - DOGS HEARING:**

Susie C. Jacobs, Town Clerk, stated that the notice for the Public Hearing was duly published in the Town's official newspaper on November 15, 2009, with the same being posted on same date at the Walworth Town Hall.

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HEARING:

Motion by Councilwoman Hawkins-Mance to waive the reading of the legal notice.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Supervisor Plant declared the Public Hearing open.

Time: 7:45 PM.

PUBLIC COMMENT:

No one from the public offered any comments.

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 7:47 PM.

**RESOLUTION 100-09 ADOPTION LOCAL LAW NO. 7 OF THE YEAR 2009 –
AMENDING CHAPTER 56 IF THE WALWORTH TOWN CODE - DOGS:**

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

DOGS

- §56-3. Definitions. SERVICE OF NOTICE shall be hereby amended to read as follows: Shall be by regular mail and certified mail **return receipt requested**, or personal delivery to the owner or another person at the last **known** address reflected on the application to license the dog or, if it is unlicensed, then upon the owner, if ascertained, or another person at the delivery address. A notice delivered by the Dog Control Officer and tacked on the door of the residence and a copy mailed to the address shall be deemed sufficient notice.
- §56-5 F. shall be amended by replacing the words properly removes and properly disposes with **immediately removes and disposes**
- §56-8 A. shall be amended to read as follows: 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 **serve notice by regular mail and certified mail return receipt requested, or by personal delivery to the owner or another person at last known** address and 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.
- §56-8 B. shall be amended to read as follows: The owner of a dog seized while bearing a license tag may redeem the dog within five days of **service of notice** 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 **regular mail** and certified 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, a fee in the amount of \$20 per day for each day beginning the day of seizure **and the replacement cost of any damaged clothing and equipment during the seizure.**

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PUBLIC COMMENT:

Mr. Conrad Russell, Sherburne Road, addressed the Board to ask what to do regarding un-mowed grass that borders his property. Supervisor Plant suggested Mr. Russell contact him after the meeting, as the public hearing comments must pertain to the Local Law which is being proposed.

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 7:56 PM.

**RESOLUTION 101-09 ADOPTION LOCAL LAW NO. 8 OF THE YEAR 2009 –
AMENDING CHAPTER 128 OF THE WALWORTH TOWN CODE - PROPERTY
MAINTENANCE:**

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

A Local Law amending Chapter 128 of the Walworth Town Code
PROPERTY MAINTENANCE

The Town Board of the Town of Walworth hereby amends the Walworth Town Code Chapter 128 entitled PROPERTY MAINTENANCE as follows:

Section 128-3 entitled Regulation by Town Board – the following words shall be inserted after the phrase “require a notice to be served”: either personally or by regular mail, return-receipt requested, at the last known residence address of the owner.

Section 128-3 shall be further amended as follows: existing paragraph shall be labeled “A.”.

Section 128-3 shall be amended by the addition of a paragraph “B.”, to follow paragraph “A.”, as follows: The notice to be served and posted, as stated in paragraph “A.” above, shall state the name of the Town of Walworth and the name of the Home Owner, and shall be in the form of “Town of Walworth v _____, Home Owner”, and shall further reference the street address and Tax ID number of the property.

Section 128-3 shall be amended by the addition of a paragraph “C.”, as follows: Proof of Service and posting shall be filed in the Office of the Town Clerk of the Town of Walworth and the County Clerk of the County of Wayne within ten (10) days of both service and posting.

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 98-09 – AUDIT OF CLAIMS:

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

WHEREAS, the following claims submitted at the scheduled Town Board Meeting of November 19, 2009, have been audited and approved by the appropriate Council Members.

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BE IT RESOLVED that the claims be paid on **Abstract #11** numbered 1,553 through 1,848, in the following amounts.

GENERAL FUND	\$ 51,641.69
HIGHWAY FUND	\$ 212,294.51
WALWORTH SEWER DISTRICT	\$ 76,772.87
BROOKSIDE LIGHT DISTRICT	\$ 10.30
GANANDA LIGHT DISTRICT	\$ 896.23
HARVEST HILL LIGHT DISTRICT	\$ 643.82
ORCHARD VIEW LIGHT DISTRICT	\$ 96.15
WALWORTH LIGHT DISTRICT	\$ 547.07
CEMETARIES	\$ 300.00
PARK SPECIAL REVENUE FUND	\$ 176.33
WALWORTH CONSOLIDATED DRAINAGE	\$ 17.60

BE IT FURTHER RESOLVED that the claims be paid on **Abstract #11**, numbered 194 through 208, in the following amount:

TRUST & AGENCY	\$ 62,417.45
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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.

RESOLUTION 104-09 AUTHORIZING THE SUPERVISOR TO SIGN A CONTRACT WITH THE LINCOLN VOLUNTEER FIRE DEPARTMENT:

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

BE IT RESOLVED, that the Town Board held a Public Hearing on November 5, and

BE IT RESOLVED, that Robert Plant, Town Supervisor of the Town of Walworth, is hereby authorized and directed to sign the contract with the Lincoln Volunteer Fire Department for fire protection in the Lincoln Fire Protection District, for the contract amount of \$157,575.00 for the year 2010.

Now, therefore, **BE IT FURTHER RESOLVED**, that the Town Board of the Town of Walworth adopts Resolution 104-09.

ADOPTED this 19 day of November, 2009, at the meeting of the Town Board.

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

Resolution carried.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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**RESOLUTION 105-09 AUTHORIZING THE SUPERVISOR TO SIGN A
CONTRACT WITH THE WEST WALWORTH VOLUNTEER FIRE DEPARTMENT:**

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

BE IT RESOLVED, that the Town Board held a Public Hearing on November 5, 2009, and

BE IT RESOLVED, that Robert Plant, Town Supervisor of the Town of Walworth, is hereby authorized and directed to sign the contract with the West Walworth Volunteer Fire Department for fire protection in the West Walworth Fire Protection District, for the contract amount of \$172,000.00 for the year 2010.

Now, therefore, **BE IT FURTHER RESOLVED**, that the Town Board of the Town of Walworth adopts Resolution 105-09.

ADOPTED this 19th day of November, 2009, at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 106 -09 ADOPTION 2010 BUDGET:

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

BE IT RESOLVED, that the Budget for the year 2010 be adopted subject to the use of fund balances and reserves as follows:

General Fund	-	\$ 112,000.00
Highway Fund	-	\$ 257,000.00
Debt Service	-	\$ 22,463.00
Public Library	-	\$ 25,000.00

Now, therefore, **BE IT FURTHER RESOLVED**, that the Town Board of the Town of Walworth adopts Resolution 106-09.

Adopted this 19th day of November 2009 at the meeting of the Town Board.

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

Resolution carried.

**AUTHORIZATION TO ADVERTISE FOR BOARD AND COMMITTEE POSITIONS
AVAILABLE JANUARY, 2010:**

Motion by Councilwoman Marini authorizing to advertise for Board and Committee positions available January, 2010.

Second by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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RESOLUTION 99-09 FINANCIAL TRANSACTION:

Councilman Yale offered the following Resolution and moved its adoption, seconded by Councilwoman Hawkins-Mance to wit:

\$10,500.00 FROM Sewer Fund Balance to SS8130.409 Maintenance. To cover current expenses. Funds to cover transfer credited to SS8120R Richardson Foods Sewer Rents.

\$101.33 from CM1-7110.23 Lodge Furnishings to CM1-7110.41 Parks Contractual. To cover current expenditure.

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

Resolution carried.

RESOLUTION 102-09 CORRECTIONS/AMENDMENTS TO TOWN BOARD MINUTES:

Councilwoman Marini offered the following Resolution 102-09 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS the Town Board of the Town of Walworth has noted the need for amendments/corrections to Minutes of their meetings as outlined below:

Resolution 21-09 has an incorrect resolution number in the first sentence which shall be corrected;

Resolution 26-09 has an incorrect resolution number in the Now Therefore Be It Resolved Sentence which shall be corrected;

Resolution 33-09 has an incorrect resolution number in the first sentence which shall be corrected;

Resolution 16-09 is listed in the February 5, 2009 and the February 19, 2009 minutes – this shall be corrected as follows: Resolution 16-09 in the February 19, 2009 minutes will remain as approved and Resolution 16-09 in the February 5, 2009 will be amended as Resolution 16A-09;

Motion “Employee Step Change Authorization” on Page 213 of the August 20, 2009 does not list which member made the motion which should list Councilwoman Marini who made the motion;

Motion “Demolition & Removal of Structure – 5012 Lincoln Road” on Page 216 of the August 20, 2009 does not list which member made the motion which should list Councilman Yale who made the motion; and

The following resolutions were not acted on by the Town Board of the Town of Walworth at the listed meeting dates and shall be listed in the Town Clerk’s Resolution Log – “VOID - No Action Taken by the Town Board of the Town of Walworth”

Resolution 12-09 – January 15, 2009;
Resolution 19-09 -- February 19, 2009;
Resolution 24-09 – March 5, 2009;
Resolution 31-09 – March 19, 2009;
Resolution 32-09 – March 19, 2009;
Resolution 39-09 – April 2, 2009
Resolution 41-09 – May 7, 2009

The Draft minutes do not contain pages numbered 23 and 37, they shall be marked “This page intentionally left blank.”;

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NOW, THEREFORE BE IT RESOLVED that the above Corrections/Amendments shall be so noted in the minutes and that paper copies shall be provided to each Town Board member.

Adopted this 19th day of November 2009 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 103-09 ADOPTION OF RULES OF PROCEDURE: TOWN BOARD MINUTES AND TOWN BOARD RESOLUTIONS:

Councilwoman Marini offered the following Resolution 103-09 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS the Town Board of the Town of Walworth has noted the need for adoption of Rules of Procedure: Town Board Minutes and Town Board Resolutions; and

WHEREAS, the Adopted Rules of Procedure: Town Board Minutes and Town Board Resolutions shall be as follows:

1. The Town Clerk shall not take verbatim Minutes unless specifically directed by the Town Board.
2. The Minutes shall be available to the public in draft form within two (2) weeks after the Town Board Meeting.
3. All Minutes shall bear a “DRAFT” designation in upper case letters on each page of the Minutes, until approved by the Board.
4. The Town Board Minutes shall be submitted to the Town Board for approval and adoption; the Minutes shall not become official until approved and adopted by the Town Board.
5. When the Minutes have been approved, the “DRAFT” designation shall be removed from each page. Efforts shall be made to correct errors in the Minutes before approval. In the event errors are later found, efforts shall be made to correct such errors at the earliest opportunity by Motion of a Town Board Member.
6. If amendments to the minutes are offered at a Town Board meeting, the minutes will be TABLED pending receipt of an electronic or printed copy of the minutes containing the amendments. The Minutes as Amended will be presented prior to the next Town Board meeting for consideration of approval and adoption.
7. Resolutions shall be prepared by the Town Clerk unless the Town Board directs preparation by another.
8. The Town Board shall make every effort to have proposed Resolutions to the Town Clerk by no later than 10:00 AM on the date of the Town Board meeting. Thereafter, the Town Clerk shall make every effort to have written Resolutions ready for the proposed Town Board to review by no later than 12:00 PM on the day of the Town Board Meeting.
9. The Resolution Number will be assigned at the time of a Motion being made for adoption of a Resolution. The Town Clerk will bring the Resolution Log to the Town Board Meeting.
10. When referring to Town Board Resolutions at Town Board meetings, the Resolution shall be referred to by number, when assigned. Town Board members may also paraphrase the title or text of the Resolution for members of the public. However, the text of Resolutions referred to

in this manner shall not be changed by the Town Clerk without a specific directive from the Town Board.

- 11. The Town Clerk shall prepare the Approved Minutes of the Town Board within 2 weeks of the date of approval of the minutes.

NOW, THEREFORE BE IT RESOLVED that the above Adopted Rules of Procedure: Town Board Minutes and Town Board Resolutions shall be effective immediately upon the signing of the members of the Town Board.

Adopted this 19th day of November 2009, at the meeting of the Town Board.

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

Resolution carried.

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.
Seconded by Councilwoman Marini and unanimously carried.
Time: 8:13 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk

ADOPTED 2010 BUDGET FOLLOWS: