

**WALWORTH TOWN BOARD – REGULAR MEETING
6 AUGUST 2009**

Presiding Supervisor Plant called the 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
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	Robert Burns	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor
	Carl Hewings	Engineer for the Town
Absent:	Suzi Hawkins-Mance	Councilwoman

MINUTES:

Motion by Councilman Maciuska to approve the Minutes of July 2, 2009.
Seconded by Councilman Yale.

Discussion: Supervisor Plant stated that he had one question: "Where the minutes of May 7th had been approved, there was a question as to the resolution that did not follow." Susie Jacobs, Town Clerk, stated that she had a response to that. At the meeting on July 2nd, Councilwoman Hawkins-Mance stated that although the Minutes of May 7, 2009, were approved; she had had time to review them subsequently, and she wanted to know if they could be amended because Resolutions 46-09 and 47-09 noted that 'Councilman Maciuska offered the following resolution,' however, there was no resolution following. Susie Jacobs stated that she had researched Councilwoman Hawkins-Mance's inquiry, and Resolutions 46-09 & 47-09 had the motion stated as the Council member had offered it; there was no further wording to follow.

Adopted: Vote Ayes 4 Nays 0

Motion by Councilwoman Marini to approve the Minutes of July 16, 2009.

Seconded by Councilman Yale

Adopted: Vote Ayes 3 Nays 0 Abstain 1

Motion by Councilwoman Marini to approve the Minutes of July 24, 2009, Special Meeting.

Seconded by Councilman Yale

Adopted: Vote Ayes 3 Nays 0 Abstain 1

CORRESPONDENCE:

1. Susie Jacobs indicated that she had received the following item from the Wayne Central School District:

Mrs. Susie Jacobs
Walworth Town Clerk
3600 Lorraine Drive
Walworth, New York 14568

Dear Susie,

At the annual organizational meeting, the Wayne Central Board of Education appointed Mrs. Helen Jensen as school tax collector for the 2009-10 school year.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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Under §37 of the Town Law, collection of school taxes in first class towns is the duty of the Town's Receiver of Taxes & assessments unless it is conveyed by board resolution to the tax collector appointed by the Board of Education.

I am writing to request a resolution designating Mrs. Jensen as school tax collector for the portion of your town within the Wayne Central School District.

If a continuing resolution is already in place, this letter serves as notice of Mrs. Jensen's appointment.

Unless you have a continuing resolution, please forward a certified copy of your resolution to me at the address noted above following town board action.

Should you have any further questions, please do not hesitate to contact me at 315-524-1025.

Thank you.
Sincerely,
James E. Switzer
School District Clerk

**RESOLUTION 79-09 WAYNE CENTRAL SCHOOL DISTRICT TAX COLLECTOR
APPOINTMENT FOR 2009-2010 SCHOOL YEAR:**

Councilwoman Marini offered the following Resolution 79-09 and moved its adoption. Seconded by Councilman Yale to wit:

WHEREAS, an organizational meeting of Wayne Central School Education appointed Mrs. Helen Jensen as School Tax Collector for the 2009-2010 school year; and

WHEREAS, the Town of Walworth acknowledges §37 of Town Law, collection of school taxes in first class towns is the duty of the Town Receiver of Taxes and Assessments unless it's conveyed by Town Board resolution to the Tax Collector appointed by the Board of Education; and

THEREFORE, BE IT RESOLVED that the Town Council of the Town of Walworth designates Mrs. Helen Jensen as School Tax Collector for the portion of Walworth within the Wayne Central School District;

BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopt Resolution 79-09.

Adopted this 6th day of August, 2009, at the meeting of the Town Council.

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

Resolution carried.

2. Susie Jacobs indicated that an application for a License had been received for Mark W Voelckers, for the period January 1, 2009, through December 31, 2009; Mr. Voelckers requested that the following be read in correspondence:

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July 30, 2009

Town Board/Town of Walworth

RE: License Application

Dear Bob and Members of the Board,

Enclosed please find a completed application for a Town of Walworth License for the period January 1, 2009, through December 31, 2009. A check for the application fee is attached. My apologies for the lateness of this application.

Business as unusual (good) in 2008 and it's been busy so far this year as well. Nothing out of the ordinary really – except all of the rain this year! Still working with cars made in England from the 50s, 60s, 70s and 80s. A few newer ones now and then. My son Evan worked w/ me last year and it was fun – we work well together. He's out in Provo, UT, now working and planning to attend school.

Our youngest daughter Rebecca just left for school out in Idaho. Wow! – no kids at home. I won't know what to do!! ☺

In case you didn't know...

My father – William W. Voelckers – passed away quietly July 15th. He was known and liked by many people and was very helpful to me as I worked to establish my home and workplace here in town. My mother lives in Penfield and 2 of my 3 sisters live in the area.

Thank-you for your patience. The slow economy and increasing cost of things has caused some delays in payments from my customers and I'm a pay as you go type of guy, so I appreciate the time you've extended to me to submit this app.

As always, please contact me with any questions, suggestions, or comments you may have. I can be reached at work most every weekday at 315-986-3097 or at home.

Thank-you everyone for your support through the years.

Sincerely,
Mark Voelckers

Supervisor Plant inquired if there had been any complaints filed with the Building Inspector or Code Enforcement Officer. Susie Jacobs responded that there had not been any filed. She also stated that she believed that the property had been inspected.

Motion by Councilman Yale approving the application to operate an Automobile Salvage Yard to Mark W. Voelckers for a period not to exceed ONE YEAR, commencing the 1st day of January, 2009, and terminating on the 31st day of December, 2009.

Seconded by Councilman Yale

Adopted: Vote Ayes 4 Nays 0

3. Susie Jacobs commented that Code Enforcement, Building Clerk, and Board members had received the following and read the following from the Town of Ontario:

July 30, 2009

Town of Walworth

Susie Jacobs, Town Clerk

Dear Susie,

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A second public hearing will be held by the Ontario Town Board, at 1850 Ridge Road on August 10, 2009, at 7:00 p.m. to consider proposed Local Law#2-2009 which would amend the Town Zoning Law, Town Code Chapter 150. The information was sent to you with the July 2, 2009, letter.

If you have any questions, please feel free to contact me at 315-524-3441 ext 200.

Thank you,
Debra DeMinck
Ontario Town Clerk

Attached was Town of Ontario Notice of Public Hearing.

Motion by Councilman Maciuska to accept and file.
Seconded by Councilwoman Marini.
Adopted: Vote Ayes 4 Nays 0

Susie indicated that that concluded the correspondence.

PRIVILEGE OF THE FLOOR:

Supervisor Plant inquired if anyone had signed up to speak. Susie Jacobs replied that no one had.

ATTORNEY GENERAL OFFICE PRESENTATION:

Debra Martin, Assistant Attorney General in Charge of the Rochester Regional Office, presented on Oil & Gas Leases: Landowners' Rights. Her presentation included:

- Why so much interest in Natural Gas?
- The Good and Bad News about Oil & Gas Lease?
- What is an Oil & Gas Lease?
- How is the DED involved?
- Before you sign a Lease.
- What happens after you sign a Lease?
- Key terms in the Lease.
- Problems with Land man.
- Tips for Landowners.
- Key Contact information.

Ms. Martin highlighted some of the Attorney General's position on Oil and Gas Leases. The Attorney General's purpose in getting involved in an Oil and Gas Lease issue is really as a lawyer; these are contracts that can affect the titles to your properties - make sure that people understand their legal rights when they enter into these contracts. The document that is filed in the County Clerk's Office is a very complicated legal document; these new documents are much more complicated, so it is important to receive specialized advice from an attorney in Oil and Gas Leases. She gave examples of statistics of the enormity of what we are sitting on in the Finger Lakes Area. If you look at the State of Texas, which has a very similar type of shale, they pump 338 thousand cubic feet per day. What we are sitting on is a projection of 300 million cubic feet per day in our area, and at this point we are only producing about 10% per day of the existing reserves. So, be very cautious when approached by a salesman; have documents reviewed by a lawyer: review terms, think about if you want this on your property, and remember that everything on the lease is negotiable. Discussion ensued, with questions. In New York State if you do not sign a lease, they cannot take the gas out from under your property without paying you - but they can take it, and they will pay you not necessarily the best price for it. So hire a Lawyer and let him negotiate for you.

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Ms. Martin also presented “TEST YOUR VULNERABILITY TO ID THEFT”:

1. Do you use your mother’s Maiden name, your date of Birth, SSN as a Password? Yes/No
2. Do you give out personal information over the internet on any website? Yes/NO
3. Do you place telephone orders on your cell or portable phone? Yes/No
4. Do you get pre-approved credit card offers regularly? Yes/No
5. Do you routinely throw your mail in the trash without shredding? Yes/No
6. Do you provide your SSN whenever asked? Yes/No
7. Do you use your SSN as an ID number? Yes/No
8. Do you carry multiple credit cards and ID cards in your wallet? Yes/No
9. Do you use your debit card whenever you can? Yes/No
10. Do you respond to informational surveys giving age, income level, and address, because they are “Harmless”? Yes/No

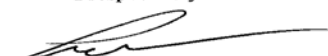
The answers to these questions and others were discussed. For further information you may contact the New York State Attorney General at 800-771-7755 or at www.oag.state.ny.us

LINCOLN ROAD PROPERTIES – CLOSE HEARING:

Supervisor Plant stated that Code Enforcement Officer, Mr. Philip Williamson, was present and asked if he would address the Board to explain what had been happening here and go through the whole process.

Mr. Williamson stated that he had been asked to enter into testimony the following:

- I Philip D. Williamson am the Code Enforcement Officer for the Town of Walworth and I am duly authorized to serve people with Notices regarding demolition actions.
- I did conduct an investigation, and prepared and filed a written Notice of Unsafe Building with regard to this matter. The notice does bear my signature and was submitted to the Town Board of the Town of Walworth.
- The Notice Of Unsafe Building dated May 8, 2009 did include within the body of said Notice Of Unsafe Building a request that the property owner attend the Town Board meeting to be held at 8:15pm on May 21, 2009. The Notice as described was duly served upon the property owner on May 8, 2009.
- Barbara J. Orenstein Attorney and Counselor At Law as consultant for the Guardianship Program at Lifespan of Greater Rochester, Inc., which is the Court Appointed agency as Guardian for Ruth Ann LaMartina, did respond to the Notice by letter dated May 14, 2009. In that letter Ms. Orenstein did advise Lifespan would not be attending the Hearing scheduled for May 21, 2009, and requested an additional 60 days in order to establish an effective strategy to comply with zoning requirements of the Town of Walworth.
- As Code Enforcement Officer I swear that the contents of the Notice Of Unsafe Building were true on the day said Notice was made, and that I adopt the report as my testimony in the above matter. I also testify the property owner has failed to take any action to remedy the situation and the property is in the same or worse condition as at the time of the original Notice.
- As of this date August 6, 2009 there has not been any further communication from the Guardian for Ms. LaMartina or Barbara J. Orenstein Attorney and Counselor At Law as consultant for the Guardianship Program at Lifespan of Greater Rochester, Inc. regarding this matter.
- I respectfully submit this testimony and I have nothing further to report.


Philip D. Williamson
Code Enforcement Officer

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Councilman Maciuska commented, “So we have gotten no correspondence at all – like, oops, we forgot about the meeting.” Mr. Williamson said that is what he testified, as well. Councilman Maciuska asked, “Have we contacted them at all to remind them?” Mr. Williamson responded, “They asked for the 60-day extension – and we told them that we granted that; then there was no further correspondence - no further comment.”

Supervisor Plant asked if there was anyone who wished to speak on this subject; if no one did, and then the Town Board needed to move that the proofs were closed.

Motion by Councilman Maciuska requesting that the proofs in this matter be closed. Seconded by Councilwoman Marini.

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

Motion carried.

Motion by Councilman Maciuska to enter the testimony of the Code Enforcement Officer into the Town minutes.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

DEMOLITION OF 5012 AND 5041 LINCOLN ROAD - AND ADD THE COST TO THE TAXES - DISCUSSION:

Supervisor Plant stated that the Board needed to discuss this and make some sort of decision. “I wish to inform the Board that I received a phone call today from a resident of the Town who was at that intersection and had parts of the chimney fall on his car at that intersection. I have placed a call to the Wayne County Highway Department also because it is a County road; both roads are County roads. Mike Frederes, Highway Superintendent, wasn’t aware of it until tonight. We will be discussing more with the County tomorrow morning, I’m sure, but this Board needs to make some sort of decision about these two separate properties. One is 5012 Lincoln Road, which is the one that the bricks fell off of; according to the papers which have been filed, it is the one that is in need of removal. That property is beyond saving. We will also need to discuss 5041 Lincoln Road.”

Councilman Maciuska stated that, “We have been dealing with this for a number of years. The situation has changed, unfortunately, for the property owner. No one wants to see anyone go into the hospital, but we have been dealing with this and I thought that we had an agreeable solution when Lifespan notified us that they would work with us. Obviously, that hasn’t come through. Therefore, I don’t think we have any alternative, especially the property on the corner of Lincoln and Plank. We need to take it down for two reasons: One is that it is an attractive nuisance for the kids and secondly, it is a safety hazard. We have followed due process. We have given more than one opportunity for the property owner to come in and address the Board. Also, all we asked for was a plan - tell us what you are going to do with the property to make it safe - and that hasn’t happened; so, therefore, I feel that we would be derelict in our duties if we didn’t take some action to make that property safe, put it in a safe condition. I don’t think just boarding it up is going to do it.”

Supervisor Plant responded that we had filed paperwork with the County that we didn’t file with the owner.

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Motion by Councilman Maciuska that a demolition order be issued for the property at the corner of Lincoln Road and Plank Road, with an address of 5012 Lincoln Road, and that that be added back to the tax rolls.

Seconded by Councilman Yale.

Discussion: Councilman Maciuska stated that, “We have gone through this before. It isn’t the first time that the Board has had to take this action, but this is the first time since I have been a Councilman that we have had to get and actually carry through and take property down. It is unfortunate, but we have given multiple opportunities. We have tried to work with the property owner who seems to over the years just pay the taxes and not feel that they have any responsibility. It is unfortunate that we have come to this; but if bricks are falling on people, we have to do something. Otherwise, we’re negligent.”

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

Motion carried.

Discussion on 5041 Lincoln Road: Councilman Maciuska inquired with regard to the current situation on this property – was it boarded up? Mr. Williamson responded that the property wasn’t secure; it was in a secure position - he stated that it was in much better shape than the other property. Mr. Williamson stated that it was secure as far as our Town Code required. Discussion ensued. Councilman Yale stated that given the information, we should stay with the actions taken. Council members concurred.

Motion by Councilman Maciuska to close the hearing.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

RESOLUTION 76-09 ADOPTION OF PROPOSED LOCAL LAW NO 4 OF 2009 - SOLAR:

Councilman Maciuska noted that a public hearing was held and that some changes had been made regarding this Proposed Local Law:

- Location in the Code Book so that the two laws follow each other.
- Some definitions that were requested, removed “Wayne County rules and regulations;” Wayne County does not have any rules and regulations on Solar and Wind Energy. Wayne County Planning Board recommended that this be removed, which was done.

Councilman Maciuska commented that those were the significant changes.

Councilman Maciuska offered the following Resolution **76-09** and moved its adoption. Seconded by Councilwoman Marini to wit:

**A LOCAL LAW AMENDING CHAPTER 180 OF THE TOWN OF WALWORTH
CODE ENTITLED ZONING, REGARDING SOLAR COLLECTORS AND
INSTALLATIONS.**

Be it enacted by the Town Board of the Town of Walworth as follows:

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Section 1. Chapter 180, Article II, Section 180-4 of the Town of Walworth Code, entitled “Definitions” is amended by adding the following definitions for “QUALIFIED SOLAR INSTALLER,” “SOLAR COLLECTOR,” and “SOLAR BATTERY.”

“QUALIFIED SOLAR INSTALLER- A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed qualified solar installers for the purposes of this section. Persons who are not on the NYSEDA’s list of eligible installers or NABCEP’s list of certified installers may be deemed to be qualified if the Town determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.”

“SOLAR COLLECTOR- A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.”

“SOLAR STORAGE BATTERY- A device that stores energy from the sun and makes it available in an electrical form.”

Section 2. Chapter 180, Article V of the Town of Walworth Code, entitled “Supplementary Regulations,” is amended by adding Section 180-43.5 as follows:

“§ 180.43.5 Solar collectors and installations.

- A. Rooftop and building-mounted solar collectors are permitted in all zoning districts in the Town. Building permits shall be required for installation of rooftop and building-mounted solar collectors.

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B. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts in the Town, subject to the following requirements:

- 1) The location of the solar collector meets all applicable setback requirements of the zone in which it is located.
- 2) The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
- 3) The total surface area of all ground mounted and free standing solar collectors on the lot shall not exceed 1000 square feet.
- 4) A building permit shall be obtained for the solar collector.
- 5) The solar collector shall be located in a side or rear yard.

C. Where site plan approval is required elsewhere in this chapter for a development activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of proposed solar collectors. Where a site plan exists, an approved modified site plan shall be required if any of the thresholds specified in §151-18(2) of this chapter are met, including but not limited to proposed changes to or additions of solar collectors where such changes or additions meet a §151-18(2) threshold.

D. All solar collector installations must be performed by a qualified solar installer, and prior to operation the electrical connections shall be inspected by the Town and the New York Board of Fire Underwriters or other appropriate electrical inspection agency as determined by the Town. In addition, any connection to the public utility grid shall be inspected by the appropriate public utility with proof of said inspection presented to the Town.

E. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with other applicable laws and regulations as appropriate. Written notification of installation and removal of said solar storage

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batteries shall be made to the Fire Department responsible for immediate response to the location of the solar storage batteries.

- F. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities by no later than 90 days after the end of the 12 month period.

Section 3. In the event that any portion of this law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

Section 4. This local law shall take effect upon publication of the local law or an abstract of same in the official newspaper of the Town, or upon its filing with the New York Secretary of State, whichever is the last to occur.

Adopted this 6th day of August, 2009, at the meeting of the Town Council.

Discussion: Councilman Maciuska commented that the Town has people who want to have Solar installed; they have been very patient with us while we worked through this process. Councilman Yale reiterated that this was a very necessary process for everybody's safety and wellbeing, and a lot of good work was done on this, especially by Mr. Maciuska. Councilman Yale thanked Councilman Maciuska.

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

Resolution carried.

RESOLUTION 77-09 ADOPTION OF PROPOSED LOCAL LAW NO 5 OF THE YEAR 2009 - WINDMILL ENERGY FACILITIES:

Councilman Maciuska stated that a public hearing was held on Proposed Local Law No. 5 of the Year 2009, and we did make some changes as follows:

- Clarified conflicts as far as what side of the road – Suggestion by Wayne County Planning Board.
- Wayne County Planning Board also requested that the tower height be increased – The Town of Walworth has decided not to enact this because the intent of our law is for residential and agriculture use, not for commercial use; and, the height that they are talking about is typical commercial properties, which is doubled.
- Location in the Code Book so that the two laws follow each other, and not a stand-alone; we put it into another section of Zoning, following the Solar Local Law.

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Councilman Maciuska offered the following Resolution **77-09** and moved its adoption. Seconded by Councilman Yale to wit:

Chapter 180-43.6

WIND ENERGY FACILITIES

[HISTORY: Adopted by the Town Board of the Town of Walworth 03-19-2009 by L.L. No. 02-2009. Amendments noted where applicable.]

ARTICLE I

General Provisions

A. Title.

This chapter may be cited as the "Wind Energy Facility Law of the Town of Walworth, New York."

B. Purpose.

The Town Board of the Town of Walworth adopts this chapter to promote the effective and efficient use of the Town's wind energy resources through wind energy conversion systems (WECS), without harming public health and safety, and to avoid jeopardizing the welfare of the residents.

C. Statutory authority.

The Town Board of the Town of Walworth enacts this chapter under the authority granted by:

- (1) Article IX of the New York State Constitution, § 2(c)(6) and (10).
- (2) New York Statute of Local Governments, § 10, Subdivisions 1, 6 and 7.
- (3) New York Municipal Home Rule Law, § 10 Subdivision 1(i) and (ii), Subdivision 1a(6), (11), (12) and (14).
- (4) The supersession authority of New York Municipal Home Rule Law, § 10, Subdivision 1d(3), specifically as it relates to determining which body shall have the power to grant variances under this chapter, to the extent such grant of power is different than under Town Law § 267.
- (5) New York Town Law, article 16 (Zoning and Planning).
- (6) New York Town Law § 130(1) (Building code), (3) Electrical Code), (5) Fire prevention), (7) (Use of streets, highways, sidewalks and public places); (7-a) (Location and construction of driveways), (11) Peace, good order and safety), (15) (Promotion of public welfare), (15-a) (Excavated Lands), (16) (Unsafe buildings and collapsed structures), (19) (Trespass), and (25) (Building lines).
- (7) New York Town Law § 64(17-a) (protection of aesthetic interests) and (23) (General powers).

D. Findings.

The Town Board of the Town of Walworth finds and declares that:

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(1) While wind energy is a potentially abundant, renewable and nonpolluting energy resource of the Town and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources, the potential benefits must be balanced against potential impacts.

(2) The generation of electricity from properly sited small wind turbines can be a cost-effective mechanism for reducing on-site electric costs, with a minimum of environmental impacts.

(3) Regulation of the siting and installation of wind turbines is necessary for protecting the health, safety, and welfare of neighboring property owners and the general public.

(4) Large-scale multiple-tower wind energy facilities represent significant potential aesthetic impacts because of their large size, lighting, and shadow flicker effects.

(5) Installation of large-scale multiple-tower wind energy facilities can create drainage problems through erosion and lack of sediment control for facility and access road sites and harm farmlands through improper construction methods.

(6) Large-scale multiple-tower wind energy facilities may present risks to the property values of adjoining property owners.

(7) Large-scale wind energy facilities may be significant sources of noise, which, if unregulated, can negatively impact adjoining properties, particularly in areas of low ambient noise levels.

(8) Construction of large-scale multiple-tower wind energy facilities can create traffic problems and damage local roads.

(9) If improperly sited, large-scale multiple-tower wind energy facilities can interfere with various types of communications.

(10) The Town has many scenic view sheds that would be negatively impacted by large-scale multiple-tower wind energy facilities.

E. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL OR FARM OPERATIONS -- The land and on-farm buildings (including residence), equipment, manure-processing and -handling facilities, and practices that contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation, as defined in § 301, Subdivision 13, of the Agriculture and Markets Law, and timber processing, as defined in § 301, Subdivision 14, of the Agriculture and Markets Law. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

EAF -- The Environmental Assessment Form used in the implementation of SEQRA as that term is defined in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

LEGAL LOT—a parcel of property identified by a separate, distinct identification number on the Town taxable parcels map.

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RESIDENCE -- Any dwelling for habitation, either seasonally or permanently, by one or more persons. A residence may be part of a multifamily or multi use building and shall include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools or other buildings used for educational purposes, and correctional institutions.

ROOF-MOUNTED WIND TURBINE (RMWT)--A relatively small wind generating facility which generates original power on-site for onsite use by the property owner or home-owner, mounted on the principal building's roof and with a maximum height no greater than ten (10) feet above the roof peak.

SEQRA -- The New York State Environmental Quality Review Act and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations, Part 617.

SITE -- The parcel of land where the WECS is to be placed. The site could be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements.

SMALL WIND ENERGY CONVERSION SYSTEM (small WECS) -- A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 10 kw and which is intended to primarily reduce on-site consumption of utility power.

SOUND PRESSURE LEVEL -- The level that is equaled or exceeded a stated percentage of time. An L10 - 50 dBA indicates that in any hour of the day, 50 dBA can be equaled or exceeded only 10% of the time, or for six minutes. The measurement of the sound pressure level can be done according to the International Standard for Acoustic Noise Measurement Techniques for Wind Generators (IEC 61400-11), or other accepted procedures.

TOTAL HEIGHT -- The height of the tower and the furthest vertical extension of the WECS, small WECS or roof-mounted wind turbine.

WIND ENERGY CONVERSION SYSTEM (large WECS) -- A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill"). For the purposes of this Chapter, WECS electrical output is greater than 10 kw.

WIND ENERGY FACILITY -- Any wind energy conversion system, small wind energy conversion system, or wind measurement tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures.

WIND MEASUREMENT TOWER -- A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction. Temporary (no more than two years) towers may be allowed as part of a small WECS application, where the requested tower meets all height, setback and other requirements of this chapter.

F. Prohibited acts; permit required; exemptions; transfer of facility or permit; replacement or modification.

(1) No wind energy facility shall be constructed, reconstructed, modified, or operated in the Town of Walworth except in compliance with this chapter.

(2) No large WECS shall be constructed, reconstructed, modified, or operated in the Town of Walworth. No wind measurement tower shall be constructed, reconstructed, modified, or operated in the Town of Walworth, except in conjunction with and as part of an application for a small WECS.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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(3) No small WECS or roof-mounted wind turbine shall be constructed, reconstructed, modified, or operated in the Town of Walworth except pursuant to a wind power Special Use Permit, and building permit if required by State law, issued pursuant to this chapter, except as provided in Section “F(6)” below.

(4) Permit Timetable:

(a) When a wind power Special Use Permit is approved, construction must begin within 12 months of the approval date, and the Owner has a total of 18 months to make a small WECS or roof-mounted wind turbine operational.

(5) This chapter shall apply to all zoning districts or areas in the Town of Walworth.

(6) Exemptions. No permit or other approval shall be required under this chapter for small WECS utilized solely for agricultural operations in a state or county agricultural district, except as required by state law, as long as the facility is set back at least 1 1/2 times its Total Height from a property line and does not exceed 120 feet in Total Height. Towers over 120 feet in Total Height utilized solely for agricultural operations in a state or county agricultural district shall apply for a wind power special use permit and Building Permit in accordance with article II of this chapter but shall not require a Total Height variance. Prior to the construction of a small WECS under this exemption, the property owner or a designated agent shall submit a sketch plan or building permit application to the Town to demonstrate compliance with the setback requirements.

(7) Transfer. No transfer of any wind energy facility or special use permit, nor sale of the entity owning such facility, including the sale of more than 30% of the stock of such entity (not counting sales of shares on a public exchange), shall occur without prior approval of the Town, which approval shall be granted upon receipt of proof of the ability of the successor to meet all requirements of this chapter and written acceptance of the transferee of the obligations of the transferor under this chapter. No transfer shall eliminate the liability of an applicant nor of any other party under this chapter.

(8) Notwithstanding the requirements of this section, replacement in kind or modification of a small WECS or RMWT may occur without Planning Board approval when there will be:

- (a) No increase in total height;
- (b) No change in the location of the small WECS or RMWT;
- (c) No additional lighting or change in facility color; and
- (d) No increase in noise produced by the small WECS or RMWT.

G. Applicability.

(1) The requirements of this chapter shall apply to all wind energy facilities proposed, operated, modified, or constructed after the effective date of this chapter.

(2) Wind energy facilities for which a required Building and wind power Special Use Permit has been properly issued and upon which construction has commenced prior to the effective date of this chapter shall not be required to meet the requirements of this chapter; provided, however, that:

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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(a) Any such preexisting wind energy facility that does not provide energy for a continuous period of 12 months shall meet the requirements of this chapter prior to recommencing production of energy.

(b) No modification or alteration to an existing wind energy facility shall be allowed without full compliance with this chapter.

(c) Any wind measurement tower existing on the effective date of this chapter shall be removed no later than 24 months after said effective date, unless a special use permit for said wind energy facility is obtained.

(3) Wind energy facilities are allowed as accessory uses. Wind energy facilities constructed and installed in accordance with this chapter shall not be deemed expansions of a nonconforming use or structure.

**ARTICLE II
Small Wind Energy Conversion Systems**

H. Purpose and intent.

The purpose of this article is to provide standards for small wind energy conversion systems designed for on-site home, agricultural, and small commercial use and that are primarily used to reduce on-site consumption of utility power. The intent of this article is to encourage the development of small wind energy systems and to protect the public health, safety, and community welfare.

I. Permitted areas.

Small WECS may be permitted upon issuance of a special use and building permit:

- (1) On any parcel meeting the standards of this chapter; or
- (2) RMWTs are permitted uses in all zoning districts.

J. Applications.

Applications for small WECS or RMWT wind power Special Use Permits shall include:

- (1) The name, address, and telephone number of the applicant. If the applicant will be represented by an agent, the name, address and telephone number of the agent, as well as an original signature of the applicant authorizing the agent to represent the applicant is required.
- (2) The name, address, and telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner confirming that the property owner is familiar with the proposed application and authorizing the submission of the application.
- (3) The address of each proposed tower site, including Tax Map section, block and lot number.
- (4) Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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(5) A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.

(6) Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.

(7) Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

(8) A visual analysis of the small WECS or RMWT as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

K. Development standards.

All small wind energy systems, except roof-mounted wind turbines, shall comply with the following standards; additionally, such systems shall also comply with all the requirements established by other sections of this article that are not in conflict with the requirements contained in this section:

(1) A system shall be located on a lot a minimum of one acre in size; however, this requirement can be met by multiple owners submitting a joint application, where the aggregate size of their lots is at least one acre.

(2) Only one small WECS (plus, where authorized, a temporary wind measurement tower) per legal lot shall be allowed. Where there are multiple applicants, such as a neighborhood, their joint lots shall be treated as one lot for purposes of this limitation.

(3) Small WECS shall be used primarily to reduce the on-site consumption of utility-provided electricity by the applicant (s).

(4) Tower heights shall be limited as follows:

(a) On parcels between one and five acres: 65 feet or less.

(b) On parcels of five or more acres: 80 feet or less.

(c) The allowed height shall be reduced if necessary to comply with all applicable federal aviation requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.

(5) The maximum turbine power output is limited to 10 kw.

(6) The system's tower and blades shall be manufactured or painted a nonreflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and shall incorporate nonreflective surfaces to minimize any visual disruption.

(7) The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). Facilities shall not exceed the ridgeline level, where the ridgeline is defined as the average height of the summertime vegetation on the parcel.

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(8) Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

(9) All on-site electrical wires associated with the system shall be installed underground except for tie-ins to a public utility company and public utility company transmission poles, towers and lines. This standard may be waived or modified by the Planning Board if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.

(10) The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.

(11) At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

(12) Towers shall be constructed to provide one of the following means of access control or other appropriate method of access:

(a) Tower-climbing apparatus located no closer than 12 feet from the ground.

(b) A locked antic limb device installed on the tower.

(c) A locked protective fence at least six feet in height that encloses the tower.

(13) Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any aboveground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

(14) The lowest portion of any blade for a small WECS may not at any time be closer than 25 feet from the ground.

(15) Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be regraded and revegetated to the preexisting natural condition after completion of installation.

(16) To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a radius of 250 feet. Modification of this standard may be made by the Planning Board when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

(17) All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.

(18) All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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(19) All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive stress on the tower structure, rotor blades and turbine components.

(20) Any construction involving agricultural land should be done according to the NYS Department Agriculture and Market “Guidelines for Agricultural Mitigation for Wind Power Projects.”

(21) No individual small WECS tower facility shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television, wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.

(22) RMWTs shall be installed in accordance with manufacturer’s directions are exempt from this section.

L. Setback and noise standards.

A small wind energy system shall comply with the following standards:

(1) Setback requirements. A small WECS shall not be located closer to a property line than 1 1/2 times the total height of the facility.

(2) Noise. Except during short-term events, including utility outages and severe windstorms, a small WECS or RMWT shall be designed, installed, and operated so that noise generated by the system shall not exceed 50 decibels (dBA), as measured by an unweighted meter at the closest property line.

M. Abandonment of use; maintenance.

(1) Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the Town of Walworth.

(2) All small WECS or RMWTS shall be maintained in good condition and in accordance with all requirements of this article.

(3) Any small WECS or RMWTS found to be unsafe by the local code enforcement officer shall be repaired by the owner to meet federal, state and local safety standards or removed within three months.

(4) If any small WECS or RMWTS is not operated for a continuous period of 12 successive months, the Town will notify the landowner by registered mail that said WECS or Roof-Mounted Wind Turbine is deemed abandoned and shall be dismantled and removed from the property within four additional months at the expense of the property owner. The Town will provide 45 days for the owner to respond. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the Town deems the timetable for corrective action to be unreasonable, they must notify the landowner and such landowner shall remove the turbine within 180 days of receipt from the Town.

ARTICLE III

Variances; Application Fee;
Tax Exemption; Enforcement; Penalties

N. Variances.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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(1) The Zoning Board of Appeals, in accordance with its normal procedures, may grant variances for small WECS or RMWTS but in no event shall the Zoning Board of Appeals grant a variance allowing a WECS larger than permitted by this chapter or a WECS primarily designed to generate electricity for off-site use or any large-scale multiple-tower wind facilities.

(2) If a court of competent jurisdiction orders the Zoning Board of Appeals to consider a use variance for any wind energy facility other than a small WECS or RMWT and such use variance is granted or the prohibition on any wind energy facility other than a small WECS or RMWT is invalidated, no wind energy facility shall be allowed except upon issuance of a special use permit issued by the Planning Board after a public hearing, said permit shall require a decommissioning plan and removal bond and a public improvement bond to protect public roads, and shall comply with the following minimum setbacks:

(a) The statistical sound pressure level generated by a WECS shall not exceed L₁₀ - 45 dBA measured at the nearest off-site dwelling existing at the time of application. If the ambient sound pressure level exceeds 45 dBA, the standard shall be ambient dBA plus 5 dBA. Independent certification shall be provided before and after construction demonstrating compliance with this requirement.

(b) From the nearest site boundary property line: 1,500 feet.

(c) From the nearest public road: 1,500 feet.

(d) From the nearest off-site residence existing at the time of application, measured from the exterior of such residence: 1,500 feet.

(e) From any non-WECS structure or any aboveground utilities: 1 1/2 times the total height of the WECS

(f) From federal or state-identified wetlands, to protect bird and bat populations: 250 feet. This distance may be adjusted to be greater or lesser, at the discretion of the reviewing body, based on topography, land cover, land uses and other factors that influence the flight patterns of resident birds.

O. Fees.

(1) Nonrefundable application fees shall be as follows:

(1) Small WECS special use permit: \$150.

(2) Roof-Mounted Wind Turbine WECS special use permit: \$75.

(3) Fees are waived for small WECS in any agricultural application where the tower is less than 120 feet in height.

(2) The fees established by this section may be changed by Town Board resolution.

P. Tax exemption.

The Town hereby exercises its right to opt out of the tax exemption provisions of Real Property Tax Law §487, pursuant to the authority granted by Subdivision 8 of that law.

Q. Enforcement; penalties for offenses.

(1) The Town Board shall appoint such Town staff or outside consultants as it sees fit to enforce this chapter.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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(2) Any person owning, controlling or managing any building, structure or land who shall undertake a wind energy facility in violation of this chapter or in noncompliance with the terms and conditions of any permit issued pursuant to this chapter, or any order of the enforcement officer, and any person who shall assist in so doing, shall be guilty of an offense and subject to a fine of not more than \$350 or to imprisonment for a period of not more than six months, or subject to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of \$350 for each violation, and each week said violation continues shall be deemed a separate violation.

(3) In case of any violation or threatened violation of any of the provisions of this chapter, including the terms and conditions imposed by any permit issued pursuant to this chapter, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.

(5) The penalties established by this section may be modified by Town Board resolution, adopted after a duly-noticed public hearing.

Adopted this 6th day of August, 2009, at the meeting of the Town Council.

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

Resolution carried.

DEPARTMENT HEAD REPORTS:

HIGHWAY DEPARTMENT – WOODS EDGE ROAD

Mike Frederes, Highway Superintendent, reported that one of the paving projects was completed yesterday on Woods Edge; they installed all new storm pipe under the road, milled and paved the asphalt.

HIGHWAY DEPARTMENT – TOWN HIGHWAY CONFERENCE AND EXPO AUTHORIZATION

Motion by Councilman Yale authorizing Mike Frederes, Highway Superintendent, to attend Fall Conference - Town Highway Conference and Expo, Lake Placid, New York, September 22-25, 2009. Prepay \$96.00 from budgeted line A5010.41.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

HIGHWAY – ROUTE 350 SIGNAGE

Supervisor Plant commented that Mike Frederes had sent a letter to New York State regarding “curve” signage on Rt. 350; the sign was put up yesterday. Good results.

SEWER – NEW ENVIRONMENTAL BENEFIT STRATEGY PERMIT

Rob Burns, Sewer Superintendent, informed that all information had been put in on the New Environmental Benefit Strategy Permit where they thought it needed to be, and a copy had been supplied to Carl Hewings, Engineer for the Town, to review and give his OK.

RECREATION – SENIOR CITIZEN ENTERTAINMENT AUTHORIZATION

Motion by Councilwoman Marini authorizing Prepay to cover the cost of Entertainment for the Senior Citizen Picnic Tuesday, for an amount not to exceed \$200.00, Budgeted item from line A7620.41.

Seconded by Councilman Maciuska.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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Adopted: Vote Ayes 4 Nays 0

**RECREATION – GANANDA YOUTH FOOTBALL & CHEERLEADING
AUTHORIZATION**

Motion by Councilwoman Marini authorizing Gananda Youth Football & Cheerleading use of Dolomite Park from August through the end of October, 2009.
Seconded by Councilman Maciuska.

Discussion: Inquired and agreed “No conflicts.”

Adopted: Vote Ayes 4 Nays 0

RECREATION – PAVILION/LODGE USE PLUS 100 PEOPLE AUTHORIZATION

Motion by Councilwoman Marini authorizing occupancy of over 100 people and live music in the park on Sunday, September 6, 2009.
Seconded by Councilman Maciuska.

Discussion: Councilman Yale inquired what the hours would be: Ms. Van Lare replied that the hours for music would be 6:00 PM – 8:30 PM.

Adopted: Vote Ayes 4 Nays 0

ASSESSMENT –

Nothing reported at this time.

ENGINEER FOR THE TOWN

Carl Hewings, Engineer for the Town, reported application reviews are ongoing, and the testing and inspection of the Canandaigua Road sewer extension to the Senior Housing is just about finished; they have just a few more items to take care of.

TOWN CLERK –

Susie Jacobs, Town Clerk, informed that New York State DEC permits go on sale on August 17th! The Walworth Town Clerk’s Office will be open August 17 – October 1’ with extended hours as follows: Monday through Friday from 8:00AM – 12:00PM & 1:00PM – 5:00PM, for the sale of hunting licenses and deer management permits.

TOWN CLERK – CORNELL MUNICIPAL CLERKS INSTITUTE – SECOND YEAR

Susie Jacobs noted that she had completed the second year of Cornell Municipal Clerks Institute to help her develop and implement action plans for the good of our local government and for professional growth based on the learning experiences at the Institute. She stated that the power of useful knowledge lies in the willingness and ability to ensure its productive application. “One of the most important measures of the Institute’s success is my application of the thoughts, ideas, information and learning from this experience. This transfer is the return on investment of time, money, etc., for me and you” She supplied Council members with her CMCI credit hours for the Institute for their review and indicated that she was willing to share with regard to any of the courses/experiences. She thanked those who had allowed her to attend.

TOWN CLERK – CMCI SCHOLARSHIP AWARDED

Susie Jacobs advised that she was the recipient of a scholarship award to attend CMCI - third year studies for 2010 - from General Code.

COMMITTEE REPORTS:

LIBRARY COMMITTEE

Councilman Maciuska noted that the Library was busy preparing their 2010 budget. The Board of Trustees will meet next week; hopefully it will be approved.

CABLE COMMITTEE

Councilman Maciuska reported that we will be getting more HD channels.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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SEWER COMMITTEE

Councilman Maciuska indicated that based on a discussion with a constituent, some questions had come up regarding mapping. Subsequent to discussions with the Town Supervisor, the Superintendent for Sewers and the Engineer, the Committee is on a quest to make sure that our mapping is correct and that a copy is made available in the Town Hall. We are working diligently to make sure that the sewer districts and the extensions are all properly captured.

PERSONNEL COMMITTEE

Councilwoman Marini stated that the Personnel Committee met on July 21, 2009, regarding the salary matrix. After reviewing the surrounding communities regarding position titles, the Committee recommends that there be a creation of two new job titles within the salary matrix. The first one would be Waste Water Lab Technician and the second one would be Waste Water Technician. These would be for two existing employees at a future date. They would maintain their current job titles until we determine the grade levels and funding.

Motion by Councilwoman Marini to add to the salary matrix the titles of Waste Water Lab Technician and Waste Water Technician.

Seconded by Councilman Maciuska.

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

Motion carried.

Supervisor Plant inquired about the salary matrix for other positions. Councilwoman Marini stated that all of the other positions were within the guidelines of surrounding communities. Supervisor Plant replied that with the exception of those two, the department heads could all use the salary matrix for figuring the 2010 budget. Councilwoman Marini stated that that was correct; she added that a few people were in between steps, and that was being cleared up. Also, the actual application of how the salary matrix works had been clearly defined. Department heads will only be receiving the 2010 rates; they will not be asked to figure anything. They will just pull a step off the chart, which is the way it was designed.

ASSESSOR DEPARTMENT – EQUALIZATION RATE

Councilman Yale reported that the equalization rate came in at 1.0. Kudos to our Assessor. Discussion ensued.

RESOLUTION 66-09 TO ESTABLISH CD FUND – GANANDA IDDP GRANT FUND FOR THE PURPOSE OF INCOME AND DRAW DOWNS OF EXPENSES OF GRANT FUND:

Councilman Yale offered the following Resolution **66-09** and moved its adoption. Seconded by Councilman Maciuska to wit:

WHEREAS, the Town Council of the Town of Walworth desires to establish a CD FUND to be known as GANANDA IDDP GRANT FUND FOR THE PURPOSE OF RECEIPT AND PAYOUT OF GRANT FUNDS. Budget Line Items will be established for this purpose. Income Line Item #CD3989 other Home Community Services – State Aid and Expense Line Item #CD8670.41 Special Project for the Elderly and Handicapped,

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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THEREFORE, BE IT RESOLVED that the Town Council of the Town of Walworth adopt Resolution **66-09**.

Adopted this 6th day of August, 2009, at the meeting of the Town Council.

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

Resolution carried.

BURN PERMIT – 4320 DOWNS ROAD

Motion by Councilman Maciuska to approve the issuance of a burn permit for 4320 Downs Road, based on no perceived ill affects to neighbors or structures, and isolated location and very big parcel.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

BURN PERMIT – 1032 ATLANTIC AVENUE

Motion by Councilman Yale to approve the issuance of a burn permit for 1032 Atlantic Avenue, based on location and isolation from any other structures or hazards.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

BURN PERMIT – 943 KUTTRUFF ROAD

Motion by Councilwoman Marini to approve the issuance of a burn permit for 943 Kuttruff Road, based on location and no interference with neighbors.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

DISCUSSION OF AUDIT RESPONSES:

Supervisor Plant stated that he had received the response to the Bonadio report from the Town Clerk; he stated that, "I would like everyone to have an opportunity to go over it and we can have a discussion on all of them at the next meeting."

RESOLUTION 75-09 AUTHORIZING LINE OF CREDIT:

Councilman Maciuska offered the following Resolution **75-09** and moved its adoption.

Seconded by Councilman Yale to wit:

WHEREAS the Town of Walworth has declared JP Morgan Chase, N.A., an official depository for the Town of Walworth by Resolution 58-09, and

WHEREAS the Town of Walworth desires to authorize a Line of Credit for four thousand dollars and no cents (\$4,000.00) with a thousand dollars and no cents (\$1,000.00) limit each for the following individuals:

Mike Frederes, Highway Superintendent
Robert Burns, Sewer Superintendent
Jackie Van Lare, Recreation Director
Robert Plant, Town Supervisor

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
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BE IT RESOLVED that the following Line of Credit with JP Morgan Chase, N.A., be established in the amount of four thousand dollars (\$4,000.00), each individual named above will have a limit of one thousand dollars (\$1,000.00).

Adopted this 6th day of August, 2009, at the meeting of the Town Council.

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

Resolution carried.

RESOLUTION 78-09 FINANCIAL TRANSACTION:

Councilman Yale offered the following Resolution **78-09** and moved its adoption. Seconded by Councilwoman Marini to wit:

BE IT RESOLVED that the Senior Account Clerk be authorized to modify budget as follows:

\$550.00 from General Fund Balance to A7550.41 Festival In The Park. To cover General Pest Control Invoice. Funds to cover this transfer were credited to Line Item A2705 Gifts and Donations.

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

Resolution carried.

HEALTH CARE INQUIRY:

Per an inquiry, Council members discussed the possibility of allowing former retired senior citizen employees into the health care plan at their own expense. They agreed to direct this to the Health Care Committee and Health Care Administrator. Discussion ensued.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into executive session to discuss pending or possible litigation.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

Time: 8:30 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 9:00 PM.

WALWORTH LIONS CLUB USE OF LODGE AUTHORIZATION:

Motion by Councilwoman Marini authorizing the Walworth Lions Club the use of the Lodge in Ginegaw Park for their Dinner meetings, beginning September 15 through December 31, 2009, based on the Lions Club's contributions toward the construction

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of the Lodge. We will also be looking at making a provision in ordinance that will address this type of request.

Seconded by Councilman Maciuska.

Discussion: Councilman Yale stated that it be noted that we are doing this as an extension of all the work the Lion's Club did in helping to bring this to fruition.

Adopted: Vote Ayes 4 Nays 0

ADJOURNMENT:

Motion by Councilman Yale to adjourn.

Seconded by Councilwoman Marini and unanimously carried.

Time: 9:03PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk