

**WALWORTH TOWN BOARD – REGULAR MEETING  
17 SEPTEMBER 2009**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, to order at 7:30 PM.

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

**“CATCH A KID” AWARD:**

A “Catch a Kid Award: was presented to Evan Schwind, who volunteered over 60 hours of his summer time as a camp counselor for the Walworth Recreation Department. He is also willing to give of himself.

A “Catch a Kid Award: was presented to Kyler Schwind, who volunteered over 30 hours of his summer time as a camp counselor for the Walworth Recreation Department. He is also willing to give of himself.

**EXECUTIVE SESSION:**

Motion by Councilwoman Hawkins-Mance to enter into executive session to discuss pending or possible litigation and/or the employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Time: 7:35 PM.

**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 7:55 PM.

**MINUTES:**

Motion by Councilman Maciuska to approve the Minutes of August 20, 2009, as presented.

Seconded by Councilman Yale.

Discussion: Councilman Maciuska stated the Minutes be amended on page 217, under the “THE TOWN CLERK RESPONSE TO BOARD INQUIRY” he would like that deleted according to **personal** information and accordance with New York State Town Law 30, paragraph 1, information such as that should not be part of the official record and the control of the minutes are at the discretion of the Town Board therefore I move that we amend that and have that section deleted.

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

Motion carried.

**MINUTES:**

Motion by Councilwoman Marini to Table the Minutes of September 3, 2009, as presented.

Seconded by Councilman Yale.

Supervisor Plant asked that the Minutes be held over until the next meeting until he has an opportunity to read them over.

Adopted: Vote Ayes 5 Nays 0

**CORRESPONDENCE:**

Laurie Wiecek, Deputy Town Clerk, had nothing to enter into record.

Supervisor Plant stated that he received correspondence from CompuTel Consultants. They want to go through and verify that Time Warner Cable has been sending the correct amount of franchise fees each year for the last few years. The only cost is that they receive half of whatever amount they find the Town is being shorted. There are many addresses that are not Walworth mailing addresses but are in the Town. It is possible that some Towns may be getting franchise fees that belong to the Town of Walworth.

Motion by Councilman Maciuska to have this information verified.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**SUPERVISOR'S REPORT:**

Motion by Councilwoman Marini to approve and file the Supervisor's Monthly Report for August, 2009, as presented.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**PRIVILEGE OF THE FLOOR:**

Anthony Evans, Orchard View Development, stated that the portion of Mykola Road that has been completed is ready to be dedicated to the Town of Walworth. Ed Parrone, Engineer for the Town, indicated that all seems to be in order. Councilman Maciuska stated that the Town should proceed with the dedication.

**AMENDMENT RESOLUTION 84-09:**

Motion by Councilwoman Hawkins-Mance to amend Resolution 84-09

AUTHORIZING GRANT WRITING FOR THE NYS DEC 2009 WATER QUALITY IMPROVEMENT PROGRAM – SALT STORAGE FACILITY as presented.

Seconded by Councilman Yale.

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

Motion carried.

SUPERCEDED RESOLUTION 84-09 OF AUGUST 20, 2009  
RESOLUTION 84-09 AUTHORIZING GRANT WRITING FOR THE NYS DEC 2009  
WATER QUALITY IMPROVEMENT PROGRAM – SALT STORAGE FACILITY  
Councilwoman Hawkins-Mance offered the following Resolution and moved its  
adoption.

Seconded by Councilwoman Marini to wit:

**WHEREAS**, Councilwoman Hawkins-Mance is the official grant writer for the Town  
of Walworth, and

**WHEREAS**, the Town of Walworth desires to apply for the New York State  
Department of Environmental Conservation 2009 Water Quality Improvement  
Projects Program - Salt Storage Facility;

**BE IT RESOLVED**, that Councilwoman Hawkins-Mance be authorized to write a  
grant on behalf of the Town of Walworth.

Adopted this 17<sup>th</sup> day of September, 2009, at the meeting of the Town Council.

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

Motion carried.

**AMENDMENT RESOLUTION 85-09:**

Motion by Councilwoman Hawkins- Mance to amend Resolution 85-09  
AUTHORIZING GRANT WRITING FOR THE NYS DEC 2009 WATER QUALITY  
IMPROVEMENT PROGRAM – FOUR EQUIPMENT FOR MAPPING OUTFALLS  
AND OTHER MS4 REQUIREMENTS as presented.

Seconded by Councilman Yale.

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

Motion carried.

Motion by Councilman Yale to amend the date to September 17, 2009.

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

SUPERCEDED RESOLUTION 85-09 OF AUGUST 20, 2009  
RESOLUTION 85-09 AUTHORIZING GRANT WRITING FOR THE NYS DEC 2009  
WATER QUALITY IMPROVEMENT PROGRAM – FOUR EQUIPMENT FOR  
MAPPING OUTFALLS AND OTHER MS4 REQUIREMENTS

Councilwoman Hawkins-Mance offered the following Resolution and moved its  
adoption.

Seconded by Councilwoman Marini to wit:

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
17 SEPTEMBER 2009**

**RESOLUTION 85-09 AUTHORIZING GRANT WRITING & APPLYING FOR THE NYS DEC 2009 WATER QUALITY IMPROVEMENT PROGRAM – FOR EQUIPMENT FOR MAPPING OUTFALLS AND OTHER MS4 REQUIREMENTS:**

Councilwoman Hawkins-Mance offered the following Resolution and moved its adoption.

Seconded by Councilwoman Marini to wit:

**WHEREAS**, Councilwoman Hawkins-Mance is the official grant writer for the Town of Walworth, and

**WHEREAS**, the Town of Walworth desires to apply for the New York State Department of Environmental Conservation 2009 Water Quality Improvement Projects Program - for equipment for mapping outfalls and other MS4 requirements.

**BE IT RESOLVED**, that Councilwoman Hawkins-Mance be authorized to write & apply for such grant on behalf of the Town of Walworth.

Adopted this 17th day of September, 2009, at the meeting of the Town Council.

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

Resolution carried

**RESOLUTION 87-09 – 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 September 17, 2009, have been audited and approved by the appropriate Council Members.

**BE IT RESOLVED** that the claims be paid on **Abstract #9**, numbered 1,245 through 1,409, in the following amounts:

GENERAL FUND	\$	42,514.59
HIGHWAY FUND	\$	71,136.78
WALWORTH SEWER DISTRICT #1	\$	27,283.92
BROOKSIDE LIGHT DISTRICT	\$	8.62
GANANDA LIGHT DISTRICT	\$	877.84
HARVEST HILL LIGHT DISTRICT	\$	598.15
ORCHARD VIEW LIGHT DISTRICT	\$	76.99
WALWORTH LIGHT DISTRICT	\$	494.61
PARK PAVILION CAPITAL FUND	\$	44.52
GANANDA SIDEWALK	\$	180.54
GANANDA IDDP GRANT FUND	\$	71,054.00
PARK SPECIAL REVENUE FUND	\$	1,114.88
WALWORTH CONSOLIDATED DRAINAGE	\$	220.00
WATER EXTENSIONS LIN/SWA/CO/JAC/LEW/SMI	\$	8,653.50
WATER EXTENSIONS ARBOR/TUMMONDS	\$	2,416.50
PARKVIEW GREEN PARK DISTRICT	\$	880.00

**BE IT FURTHER RESOLVED** that the claims be paid on **Abstract #9**, numbered 150 through 176, in the following amount:

TRUST & AGENCY	\$	29,705.39
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**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Walworth adopts Resolution 87-09.

Adopted this 17<sup>th</sup> day of September 17, 2009, at the meeting of the Town Council.

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

Resolution carried.

Motion by Councilwoman Hawkins-Mance to amend Resolution 87-09 in the following sentence to read: Adopted this 17<sup>th</sup> day of September, 2009 at the meeting of the Town Council.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

**DEPARTMENT HEAD REPORTS:**

HIGHWAY – WAYNE CENTRAL SALT AND SANDING 2009/2010

Motion by Councilman Yale to authorize the Town Supervisor to sign the contract with Wayne Central School District for salt and sanding 2009/2010 as presented by Mike Frederes, Highway Superintendent.

Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

HIGHWAY –

Mike Frederes presented the following:

DATE: September 16, 2009  
TO: Board Members  
RE: Sand Blast Purchase

Dear Board Members:

I request permission to purchase a sand blast unit to replace our existing unit which failed during the last job we did making it necessary to rent one to finish with. The manufacturer of our machine no longer is in business. (I believe it to be 30 years old) and parts are not available. We have demo'd two units with one being totally useless (BRUT-300H) and one being superior (MARCO 3.5).

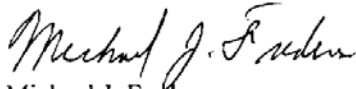
Delivery prices as follows – J.C. SMITH – BRUT-300H	\$1850.00
ADMAR - MARCO 3.5 (new)	\$3125.00
ADMAR – MARCO 3.5 (used rental)	\$2900.00
MARCO-Direct from Manufacturer- MARCO 3.5 (New)	\$2789.00 ←

While the BRUT from J.C. SMITH is cheapest they are not comparable machines in size or quality .

My recommendation is to purchase a new unit from MARCO direct from the factory for \$2789.00 with full warranty. They are a reputable company and we have purchased supplies from them before. Funds to be expended from A5132.21 – Highway Garage Equipment of which there is sufficient balance.

Thank you.

Sincerely,



Michael J. Frederes  
Town of Walworth Highway Superintendent

Motion by Councilwoman Hawkins-Mance to approve.  
Seconded by Councilwoman Marini.

Discussion: Supervisor Plant asked Mike Frederes why he wasn't taking the lowest price. Mike demonstrated both units and the cheapest one showed problems from the start. It also did not have the same capacity. Discussion ensued.

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

Motion carried.

#### PARKS AND RECREATION DEPARTMENT –

Jackie Van Lare, Recreation Director just wanted to remind everyone that on Saturday, October 3 from 9:00 AM until 12:00 PM, the doors will be open for reservations for 2010 for both the Pavilion and the Lodge. Also, there are only 6 (six) weekends left for 2009.

#### ASSESSMENT –

Nothing to report at this time.

#### ENGINEER –

Ed Parrone, Engineer for the Town, stated that he had a conversation with Stuart Brown regarding the Green Initiative. He hopes to hear something back from them within the next month or so.

#### TOWN CLERK –

Nothing to report at this time.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
17 SEPTEMBER 2009**

**COMMITTEE REPORTS:**

**SEWER –**

Councilman Maciuska reported that the Town has been approached by the Town of Macedon regarding a small subdivision – six (6) apartments and has contacted the Engineer for the Town and the Attorney for the Town regarding this matter. We are ready to work through this. It is a line that is already there, Clark Properties, and make sure that we follow all procedures and get the right inspections. From a technical aspect, both from the engineering firm and also from the sewer department, it doesn't look like this is going to be a problem. What we have to really investigate is do we bring them in as a district extension, a new district or an out-of-district user. That's why I asked Denise Munson to come up with some ideas on the best way to do that. They have to work through the Town of Macedon first and then Macedon has to approach us but Supervisor Bill Hammond contacted me and we talked this through and I don't think it is going to be a problem. It is going to be good for the district.

**SEWER – TRAINING – DAILY LAB UPDATES**

Motion by Councilman Maciuska to authorize the sewer personnel, John, Tim and Rob, to attend the Daily Lab Updates in Waterloo on November 17, 2009, at a cost of \$35.00 each for a total of \$105.00. This does not have to be pre-pay. This is to be taken from line item SS8110.41.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**SEWER – TRAINING CHECKLIST FORMS AND UPDATED: TOOLS FOR COMPLIANCE**

Motion by Councilman Maciuska to authorize Tim to also attend the Checklist Forms and Updates: Tools for Compliance training class. That is a state school and will be held at Woodcliff Lodge with credit hours. The cost of this class is \$150.00 to be taken from line item SS8110.41

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**INSURANCE COMMITTEE –**

Councilman Maciuska contacted the agency and asked them to send a copy of the proposal, which he has not received. When he does, he will review it and compare it to NYMIR and make a recommendation to the Board.

**CABLE –**

Councilman Maciuska stated that the telephone cable presentation that was to happen at this meeting has been postponed until the October 15<sup>th</sup> Town Board meeting. There is no installation fee if a three-year contract is signed. They would hook-up the Sewer Department, the Town offices building and the Highway Department.

**LIBRARY COMMITTEE –**

Councilman Maciuska indicated that they have been very busy working on the budget. The Board is going to take a look at what the finance committee put together and will meet. Hopefully, there will be something at the next budget workshop. It was very productive.

**HIGHWAY –**

Councilman Yale mentioned that we had a very successful Lincoln Enterprise that our Highway Department participated in and did an excellent job. It looks very nice over there and I am sure that the community really appreciates all of the efforts of everybody but the Walworth Highway Department stepped up again.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
17 SEPTEMBER 2009**

**TOWN COMPLEX STUDY GROUP –**

Councilwoman Hawkins-Mance stated that the next Town Complex Study Group, Phase II, will meet on Tuesday, September 22, to get up-to-date on new developments.

Motion by Councilman Yale authorizing Phil Williamson and Norm Druschel to attend the Fall Government Workshop, no date given, \$40 per person, pre-pay registration fee plus mileage.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**RESOLUTION 89-09 SET PUBLIC HEARING FOR BINGO LAW:  
PROPOSED LOCAL LAW NO. 6 OF THE YEAR 2009:**

Councilman Yale offered the following Resolution 89-09 and moved its adoption. Seconded by Councilwoman Marini to wit:

**BE IT RESOLVED**, that proposed Local Law No. 6 of the year 2009, entitled A LOCAL LAW AMENDING THE TOWN OF WALWORTH MUNICIPAL CODE RELATING TO BINGO; that by adding CHAPTER 93 entitled “BINGO”; SECTION 93-1 BINGO PERMITTED; RESTRICTIONS, SECTION 93-2 CONDUCT OF GAME, SECTION 93-3 SUNDAY GAMES AUTHORIZED, SECTION 93-4 PENALTIES FOR OFFENSES, SECTION 93-5 APPROVAL BY THE ELECTORATE REQUIRED, said proposed Local Law No 6 for the year 2009 is hereby introduced before the Town Board of the Town of Walworth in the County of Wayne in the State of New York, and of the Town of Walworth, and

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

**BE IT FURTHER RESOLVED** that the Town Board hold a Public Hearing on said Proposed Local Law at the Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at **7:35 o’clock PM** on **October 1, 2009**, and

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

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

Motion carried.

Recording device did not properly record the remainder of the meeting.

Motion by Councilman Yale to amend the election date to 3<sup>rd</sup> day of November, 2009.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
17 SEPTEMBER 2009**

**BURN PERMIT – 3693 STALKER ROAD:**

Motion by Councilman Yale authorizing approval of a Burn Permit for 3693 Stalker Road; based on reviewing the map and location of the burn pile and the density of the area, it is clear that this is not a hazard or danger to others.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Motion by Councilwoman Hawkins-Mance to adopt the mileage form.

Seconded by Councilwoman Marini.

Discussion: Council members discussed that the form must be approved prior to travel. Clarification is needed as to whether the form is required for all travel or just for travel that is not routine such as banking.

Motion by Councilwoman Hawkins-Mance to withdraw motion to adopt.

Seconded by Councilwoman Marini.

**RESOLUTION 88-09 – FINANCIAL TRANSACTIONS:**

Councilwoman Marini offered the following Resolution 88-09 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

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

\$542.00 A1330.21 Rec of Taxes Equipment from A1330.42 Rec of Taxes Conferences. To cover purchase of Computer.

\$62.99 A1410.42 Town Clerk Office Expense from A1410.45 Town Clerk Software Support. To cover mileage costs.

\$10,050.00 A3650.41 Demolition of Unsafe Buildings from A1990.41 Contingent Account. Demolition Cost of LaMartina Property.

\$44.52 HP8310.43 Site Construction Park Pavilion from Park Pavilion Fund Balance. To cost current expenses.

\$71,054.00 CD8670.41 IDDP Gran Fund from CD3989 Home/Community Service State Grant. To cover third draw down of Gananda IDDP Grant.

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

Time: 8:30 PM.

Respectfully Submitted,

Laurie A. Wiecek  
Deputy Town Clerk