

**WALWORTH TOWN BOARD – REGULAR MEETING
5 FEBRUARY 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:	Thomas Yale	Councilman
	Patricia Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk
	Denise Munson	Attorney for the Town
	Mike Frederes	Highway Superintendent
	Robert Burns	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director

Absent:	Frank Maciuska	Councilman
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PUBLIC PARTICIPATION:

A resident from Church Street offered her comments about snowmobiles riding on the sidewalks. The resident stated that she tried to keep her sidewalks clean, then snowmobiles come up on the sidewalks and make a mess, then they have to be cleaned again; and keeping them clean is very hard. She asked if there was something the Town could do, because she couldn't go chasing them down at her age. She went on to say that she did not recall this being such a problem last year, but then we did not have so much snow. She was hopeful that the Town Board could resolve this problem.

EXECUTIVE SESSION:

Motion by Councilwoman Hawkins-Mance to enter into executive session to discuss a personnel issue.

Seconded by Councilwoman Marini and unanimously carried.

Time: 7:33 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled Town Board meeting.

Time: 8:57 PM.

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of January 8, 2009, Organizational Meeting, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Motion by Councilwoman Hawkins-Mance to approve the Minutes of January 15, 2009, meeting as presented.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

CORRESPONDENCE:

Susie Jacobs, Town Clerk, read the following two (2) items:

1.)

“Dear Mr. Robert Plant:

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We are Western Wayne Brownie Troop #978 and members of the Walworth community. Our troop consists of twelve girls in the third grade at Freewill Elementary School. As part of our journey in learning leadership essentials, we were asked to choose an issue in our community that concerns us. After much discussion, we decided that our community is in need of more sidewalks. We brainstormed the benefits of adding sidewalks to more streets in our neighborhoods.

We believe that sidewalks would be a valuable addition to our community because they would help people stay healthy by giving everyone a place to walk, jog or ride bikes safely. Unless we live within the Village of Walworth, the only place we have to enjoy these types of activities is on the side of the road, which can be very dangerous as many of our streets have higher speed limits. There are no parks with sidewalks, jogging or hiking trails, or smooth surfaces to ride our bikes. Sidewalks would also keep us safe from injury due to rocks or pot holes on the side of the road, as well as keeping children off the street on Halloween.

Adding sidewalks in Walworth would bring the people of our community together and allow everyone a healthy and safe way to get out and exercise. Thank you for your time and consideration of this issue. We look forward to your response.

Respectfully,
Brownie Troop #978”

Kimberley Martin, Leader
Alicia Reuter, Co-Leader
Victoria Ingalls, Co-Leader
Emily Bargy
Brianna Gerhardt
Brenna Martin
Meghan Roberts
Amber Taylor

Melisa Dysart
Meghan Martin
Alesha Griffo
Angie Shanders
Hailey Enright
Miranda Ingalls
Leithe Miller-Kramer

Supervisor Plant stated that he will respond and invite them to attend a Town Board meeting. Councilman Yale thought it was wonderful that they were taking to “civil awareness.”

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

2.)
Dated February 4, 2009
“Robert Plant, Walworth Town Supervisor
Walworth Town Board Members

This letter is being written to address a matter that has appeared in the Walworth Town Board Special Meeting minutes of December 8, 2008 and in publications of the Times of Wayne County and the Wayne County Mail regarding the termination of my employment as Deputy Town Clerk.

The minutes of December 8, 2008 has a statement from Councilman Maciuska noting that he would like a hard look at my employment application, that he thought there may be some improprieties or misstatements. He further stated that there was concern about whether my application was factual.

According to the Classified Ad I responded to for the position of Deputy Town Clerk, my application and resume submitted clearly revealed that I met, or exceeded the

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requirements for this position. Having been interview and hired by Susie Jacobs, Town Clerk, she was aware of my qualifications on my application/resume.

On Friday, December 5, 2008, my employment in the Town Clerk's office was terminated by Susie Jacobs, Town Clerk. On Monday, December 8, 2008, I continued my employment with the Town of Walworth as clerk in other departments.

In closing, I have been a resident of the Town of Walworth for more than 22 years and stand behind my reputation, many years of work experience and integrity which led to my employment with the Town of Walworth. I want to assure Supervisor Plant and the Walworth Town Board members that this professionalism will continue in all facets of my duties.

Sincerely,
Linda Kleeman

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

Susie Jacobs indicated that that concluded the correspondence.

DEPARTMENT HEAD REPORTS:

HIGHWAY DEPARTMENT – ADVOCACY DAY ATTENDANCE REQUEST

Motion by Councilman Yale authorizing Mike Frederes, Highway Superintendent, to attend Advocacy Days in Albany, New York, March 10-11, 2009, at a cost of \$73.00 shared room plus the amount of associated costs therein, monies to be expended from line A5010.41.

Seconded by Councilwoman Hawkins-Mance.

Discussion: Councilman Yale stated that there was no way the Town could afford a cut of 31% in C.H.I.P.S. funding – that's a huge cut and he stood behind Mike Frederes, Highway Superintendent, and supported his efforts.

Adopted: Vote Ayes 4 Nays 0

SEWER – INSTALLATION OF EXCELSIOR BLOWER SYSTEMS, INC.

Rob Burns, Sewer Superintendent, informed everyone that Excelsior Blower Systems, Inc. had installed the new blower and it was up and running. He went on to say that this was quite a different piece of equipment than was here previously, and he hoped this would take care of the problems

RECREATION – GO OUT TO BID FOR THE PURCHASE OF NEW COMPACT TRACTOR WITH QUICK ATTACH LOADER

Motion by Councilwoman Marini authorizing the Parks Department to go out to bid for the purchase of (1) New Compact Tractor with Quick Attach Loader.

Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

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RECREATION - GINEGAW PARK PAVILION UPDATE

Jacqueline Van Lare, Recreation Director, updated on the Ginegaw Park Pavilion construction – all four walls are up today. She also stated that reservations for the new pavilion for June, 2009, would begin on Monday, February 9.

TOWN CLERK – DEPUTY CLERK BUDGET FUNDING PROPOSAL

Susie Jacobs, Town Clerk, stated that the Town Board had asked her to present a proposal for Budget funding of Deputy Clerk I. She presented the following:

**Walworth Town Clerk
Deputy Clerk Funding Proposal**

Background:

On December 8, 2008, the Walworth Town Board removed funding from the Town Clerk's budget for Deputy I. The Town Clerk's office has had a Deputy Clerk I since 1940. The second deputy was added in 1978. This has left the Clerk's Office short of the manpower needed to meet the needs of our community.

Survey:

The Town Clerk has conducted a survey of like towns in Wayne County to measure staffing levels, including Town Clerk:

Ontario	Macedon	Walworth
4 Clerks	3 Clerks	2 Clerks
115 hours/week	112.4 hours/week	61.5 hours/week

As you can see, the Walworth Town Clerk's office has almost 50% less staffing than the two like towns, Ontario and Macedon. We are short 50 hours weekly.

Proposal:

Add funding for full-time Deputy I position for 37.5 hours weekly, with additional funding for 4 hours per week for the Deputy II to work additional hours as required by busy periods.

The proposal included Deputy Clerk II duties and responsibilities for the Office of Town Clerk supplied by The Association of Towns of the State of New York.

Mrs. Jacobs stated that the amount of work demanded by the residents greatly exceeded the current funding for the office. She asked the Board to please respond to her proposal, and explained that she needed the funding to establish a person back in this position as soon as possible. Supervisor Plant thanked her and asked if the Board would like time to read this over.

Councilman Yale responded, "Yes, let's talk about it at the next meeting."
Tabled and placed on the Agenda for February 19, 2009.

COMMITTEE REPORTS:

SEWER COMMITTEE

Councilwoman Marini reported that the Sewer Committee would be meeting next week with the Town Engineer.

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TOWN AND PARKS MASTER PLAN COMMITTEES

Councilwoman Marini reported that the committees would be re-established later in tonight's meeting; once that had been done they would be meeting the second Wednesday of the month.

HEALTH CARE COMMITTEE

Councilwoman Marini gave a history with regard to where the Health Care Committee was right now. She said the Town began to look at Health Care in the fall of 2007. This was part of the budget process; it was also partly due to concerns by employees and the rising cost of Health Care. After some initial contact with different brokers, they discovered that in order to leave the Wayne County Health Care plan, one (1) year's notice had to be provided - that notice was sent last January. It was acted on by the County to give us permission to leave the program after the one-year time period, which expires March 31, 2009. In the summer, after a board approval authorizing us to go through Paychex for Health Care, we began meetings with them. However, since we couldn't leave the Plan until March, the numbers that they gave us weren't reflective of what we actually could offer to employees. We now have new figures for the current year, as we know the definite date that we can offer employees plans through the Town, and in the interim the County has changed their plan to offer a \$20.00 co-pay instead of the \$5.00/\$10.00 co-pay offered; which allowed employees to reduce their share of the Health Care cost and also the Town's share. Next week the Health Care Committee will be meeting with the representative from Paychex to review the plans that are available; the Committee will make a recommendation as to which plan we choose for the employees. Then presentations will be held either at the end of February or beginning of March to explain plans to employees and to get the enrollment process done with a target date of April for the beginning of the new Health Care Plan.

Councilman Yale stated that it was important for the public to understand how long this whole process took. The Board recognized a couple of years ago that a change needed to be made, but because of the way Health Care was administered and the required mandates and sign-on periods, it took almost two (2) years to change the Plan. He further stated that the process was finally coming to fruition and he thought it was wonderful for the Town.

TOWN COMPLEX STUDY GROUP PHASE II

Councilwoman Hawkins-Mance reported that Proposals were received from ten (10) architectural firms. A small group got together and short-listed this down to four (4). Councilwoman Hawkins-Mance will contact Committee members to solidify a date when they could do a presentation to narrow the four (4) down to one (1) and have something to come before the Town Board. "We are making progress."

LINCOLN FIRE DEPARTMENT LOSAP:

Motion by Councilwoman Marini authorizing the Lincoln Fire Department LOSAP List as presented.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

DESIGN CRITERIA:

Supervisor Plant inquired where did Council members stand on the Design Criteria? Councilwoman Hawkins-Mance stated that she stood where she stood two meetings ago with the Design Criteria. Councilwoman Hawkins-Mance stated we could meet with them as long as they were not going to charge us for it. Supervisor Plant stated that was an issue that we were dealing with right now because they did send in another bill that exceeded their contract price. Councilwoman Hawkins-Mance stated that we needed to have some discussion. Councilwoman Marini stated that they needed to make the corrections that were requested at the last meeting.

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Councilwoman Hawkins-Mance stated, “from the original document we received and not re-inventing the wheel.” Councilwoman Hawkins-Mance asked Supervisor Plant to make a phone call to Engineer for the Town. Supervisor Plant acknowledged that he would do so. Discussion was tabled.

RE-ESTABLISH PARK & RECREATION MASTER PLAN COMMITTEE:

Supervisor Plant stated that he was re-establishing the Park & Recreation Master Plan Committee with the following members:

Patti Marini, Chair	Joe Leone
Suzi Hawkin-Mance	Katrina Chellis
Jackie Van Lare	Aimee Phillips
John Baxter	Mike Dermady
Bill Boyd	Terri Silvestri
Karl Ambroz	Amy Dier

RE-ESTABLISH TOWN COMPREHENSIVE PLAN COMMITTEE:

Supervisor Plant stated that he was re-establishing the Town Comprehensive Plan Committee with the following members:

Tom Yale, Chair	Norm Druschel
Deborah Amsler	Tony DiGravio
Karen Ambroz	

ESTABLISH TOWN ECONOMIC DEVELOPMENT COMMITTEE:

Supervisor Plant stated that he was establishing the Town Economic Development Committee with the following members:

Tom Yale, Chair	Phil Williamson
Mike Bagne	Dan Hall
Tom Keenan	Ray Welker

Councilman Yale invited public that may be interested in serving on either the Town Comprehensive Plan Committee or the Town Economic Development Committee to contact Supervisor Plant or him.

AUTHORIZATION TO PREPAY FOR NORM DRUSCHEL TO ATTEND FLBOA CONFERENCE AND MEMBERSHIP:

Motion by Councilman Yale authorizing Norm Druschel to attend F.L.B.O.A. Annual Educational Conference to be held in Rochester, NY, on March 16-19, 2009, for an amount not to exceed 390.00, and Membership Dues for 2009 in the amount of \$55.00, both to be paid as a prepay from budgeted line A3620.41.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

RESOLUTION 14-09 – ARTICLE 11 BRUSH, GRASS AND WEEDS:

Councilwoman Hawkins-Mance offered the following resolution **14-09**, and moved its adoption. Seconded by Councilman Yale to wit:

BE IT RESOLVED per Article 11 Brush, Grass and Weeds §128-3, regulation by Town Board: The Town Board may, by resolution, require a notice to be served upon owners ordering them to cut, trim or remove from the land owned by them brush, grass, rubbish or weeds, or to spray poisonous shrubs or weeds on such land pursuant to §64, Subdivision 5-a and §130, Subdivision 5, of Town Law.

BE IT FURTHER RESOLVED the Code Enforcement Official be authorized to serve notice, when required, on property owners in violation of Article 11 Brush, Grass and

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Weeds per §128 – 3. However, prior authorization of mowing (which must be paid by the Town until collected with tax payment by the property owner or purchaser in the case of sale) by the Code Enforcement Official approval by the Town Supervisor would be required.

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

Resolution carried.

HARRIS BEACH PLLC PRE-PAY AUTHORIZATION:

Motion by Councilwoman Hawkins-Mance authorizing prepayment of Harris Beach PLLC bill in the amount of \$6,766.97 from line item A1420.42.

Seconded by Councilwoman Marini.

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

Motion carried.

RESOLUTION 15-09 NEW YORK STATE POLICE WALWORTH SATELLITE OFFICE AGREEMENT:

Councilman Yale offered the following Resolution **15-09** and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS an Agreement between The Town of Walworth and the New York State Police was signed February, 2006, terminating on the 31st day of January, 2007, and;

WHEREAS, the New York State Police are desirous of continuing to lease the office and garage space at the Walworth Town Hall, 3600 Lorraine Drive, and;

WHEREAS, for the term of five (5) years, beginning February 5, 2009, and shall terminate on February 4, 2014.

THEREFORE, BE IT RESOLVED that the Town Council of the Town of Walworth authorize the Town Supervisor enter into Agreement with the New York State Police be continued.

BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopts Resolution **15-09**.

Adopted this 5th day of February, 2009, at the meeting of the Town Council.

Discussion: Councilman Yale stated that it's to our advantage having the NYS Police on the Town's premises, they are excellent tenants; and the Town is only making it hard through a bureaucracy - let's make it easier.

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

Resolution carried.

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AUTHORIZATION REQUEST FOR QUOTES FOR PREVENTATIVE MAINTENANCE CONTRACT ON HVAC AND AUTHORIZATION TO SEND LEO J. ROTH CORPORATION LETTER THAT CONTRACT WILL NOT AUTOMATICALLY RENEW (30 DAY NOTICE):

Motion by Councilman Yale authorizing Supervisor Plant to go out for Request for Quotes on preventative maintenance contracts on HVAC and authorize that a letter be sent to Leo J. Roth Corporation that the contract will not automatically renew.
Seconded by Councilwoman Marini.

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

Motion carried.

AUTHORIZE PRE-PAYMENT OF NYSEG FOR ELECTRIC TO GINEGAW PAVILION:

Motion by Councilwoman Hawkins-Mance authorizing pre-payment to NYSEG for Electric Service for Ginegaw Park Pavilion, for an amount not to exceed \$7,107.81, from budgeted line HP8310.41.

Seconded by Councilwoman Marini.

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

Motion carried.

RESOLUTION 16-09 AUTHORIZE TOWN SUPERVISOR TO SIGN EASEMENT FOR NEW ELECTRIC SERVICE – GINEGAW PARK PAVILION:

Councilman Yale offered the following Resolution **16-09** and moved its adoption.
Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, the Town Council of the Town of Walworth would like to Contract with NYSEG for; and

WHEREAS, an easement for the extension of the overhead electric line and the installation of a pad-mount transformer for the new pavilion at Ginegaw Park Pavilion; and

WHEREAS the Town Council of the Town of Walworth authorizes the Town Supervisor to sign the easement, as indicated in the letter dated January 27, 2009, from NYSEG,

THEREFORE, BE IT RESOLVED that the Town Council of the Town of Walworth directs the Town Supervisor to sign the easement and the Town Clerk shall provide a Certified copy of the Resolution as indicated and return to NYSEG.

BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopts Resolution **16-09**.

Adopted this 5th day of February, 2009, at the meeting of the Town Council.

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

Resolution carried.

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AUTHORIZE REQUEST FOR PROPOSAL FOR TOWN AUDIT:

Motion by Councilwoman Hawkins-Mance authorizing to go out for the Request for Proposal for Town Audit.

Seconded by Councilwoman Marini.

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

Motion carried.

AUTHORIZE TOWN SUPERVISOR TO ENTER INTO AGREEMENT FOR THE AGREED-UPON MATERIALS WITHIN THE BUDGET FOR GINEGAW PARK PAVILION:

Motion by Councilman Yale authorizing the Town Supervisor to enter into agreement for the agreed-upon materials within the budget for the Ginegaw Park Pavilion. Anything that is a variance needs to come to the Board if it's more than was approved.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

AUTHORIZATION TO PURCHASE "AIR NAILER GUNS" - GINEGAW PARK PAVILION:

Motion by Councilwoman Hawkins-Mance authorizing the purchase of "air nailer guns" for the building of Ginegaw Park Pavilion, not to exceed \$400.00.

Seconded by Councilwoman Marini.

Discussion: Councilman Yale recommended that someone put together a plan/list of other items that could be used by the Town in other ways. Discussion ensued.

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

Motion carried.

DISCUSSION OLD TRUCK S-10 REPAIR OR DECLARE SURPLUS:

Motion by Councilwoman Hawkins-Mance to declare Chevy S10 Truck surplus and sent to Auction.

Seconded by Councilwoman Marini.

Discussion: Councilwoman Hawkins-Mance inquired where was this truck going to be stored if it was leaking gas. Discussion ensued with no decision made at this time.

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

Motion carried.

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OTHER BUSINESS - DOG CENSUS PROJECT PROPOSAL:

Supervisor Plant stated that Susie Jacobs, Town Clerk, had given him information regarding the fact that the Ontario County Municipal Clerks Association had formed an Enumeration Task Force to evaluate the possibility of contracting with the Ontario County Humane Society to perform dog census. Susie Jacobs brought this project to Supervisor Plant with the idea to modernize and save taxpayers money. She went on to say that a proposal in Ontario County had been drawn up for consideration by the Ontario County Municipal Clerks, with much work still to be done to get this project underway. Supervisor Plant suggested that Susie Jacobs discuss this with other Wayne County Town Clerks to see if they might be interested in a project similar to this in Wayne County. Council members agreed that having trained / experienced personnel performing the dog census would be a good thing. Susie agreed to discuss this with other Town Clerks, gather information and bring same back to the Town Board.

SIT WITH THE SUPERVISOR:

Saturday, February 7, 2009, at 9:00 AM, West Walworth Fire Hall.

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.
Seconded by Councilwoman Marini and unanimously carried.
Time: 9:28 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk