

**WALWORTH TOWN BOARD – REGULAR MEETING
2 APRIL 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
	Frank Maciuska	Councilman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	Robert Burns	Sewer Superintendent
	Jacqueline VanLare	Recreation Director
	Karen Ambroz	Assessor
	Ed Parrone	Engineer for the Town

UNITED WAY PRESENTATION:

Mr. Bill Boyd, Town resident representing the United Way of Wayne County, gave a presentation to those present and was pleased to report that last year the United Way of Wayne County served 31,535 people in need in Wayne County, which is approximately one (1) out of every three (3) residents. The 2009 fundraising goal is \$882,554.00. During his presentation Mr. Boyd explained that all monies raised in Wayne County stay and are utilized in Wayne County; Councilman Yale concurred. He also noted that 15% of the funds raised are applied to positions. This year the Town of Walworth is partnering with the United Way's fundraising campaign again, with Town Clerk Susie Jacobs acting as coordinator. The Town will hold a bake sale and will also sponsor a 2-week dress-down fund-raiser. Each day during the 2-week period, employees may wear jeans to work, but only if they pay \$1.00 for the privilege to "dress down" for the day. So, should residents walk in and find our Supervisor or Town Clerk dressed in jeans, don't think that they are dressed inappropriately; instead, please know that they are going casual for a good cause! Pledge and Designation Forms were available to the public. Discussion ensued with questions.

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of March 5, 2009, meeting as presented, with a typographical correction on page 59.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

CORRESPONDENCE:

Susie Jacobs, Town Clerk, read the following item from the Town of Penfield:

Dated: March 26, 2009

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RE: Proposed Local Law No. 2 of the Year 2009

Dear Ms. Jacobs:

Thank you for sending notice regarding the March 19th, 2009, public hearing and the adoption of Proposed Local Law No. 2 for the year 2009. We have reviewed it and we find that it will not have any significant impact to the Town of Penfield.

If you have any questions regarding this matter, please contact me.

Sincerely,
Evan Sheppard
Planning Technician
Penfield Planning Department

Motion by Councilman Maciuska to accept and file.
Seconded by Councilwoman Marini.
Adopted: Vote Ayes 5 Nays 0

PUBLIC PARTICIPATION:

A resident from Whitney Road stated that she had a concern that taxes have gone up, raises have been given to the board, and that there didn't seem to be any cutting back in spending in the Town, despite the tough economic times Americans were facing. She specifically questioned the board regarding the new pavilion which was being built, which was to be funded by a grant. The resident was concerned that she had heard the grant was now frozen, and the Town of Walworth would be left with the bill for the building. Councilman Maciuska explained the grant process to the resident - that the State only reimburses after monies have been spent, as a safeguard to insure funds are being allocated as agreed upon, and that this is standard practice. The resident noted that all grant money comes from taxpayers. The resident also questioned why colored cement was being used in the pavilion, as it costs an extra eighty dollars per cubic yard, which seems an excessive and unnecessary additional expense. She also questioned whether in deciding to build the pavilion it was voted on by the public, to which the board answered "no." She wondered had a vote been conducted, whether or not the residents would actually have wanted the pavilion built, as most of the residents she knew said they would not utilize the pavilion. She stated that her assessment was too high, especially in "these times." Lastly, the resident questioned the board regarding the Wayne Health Care System, POMCO, and the additional cost taxpayers might incur regarding a passed referendum. Supervisor Plant explained to her that though the referendum was passed, the additional money was ultimately not used. The resident noted that she got her information mixed up and apologized. Supervisor Plant also offered to meet with the resident and go over her concerns in more detail.

The second resident, from Jacobs Road, questioned the board regarding the notice in the Times of Wayne County advertising for a Part-time Clerk in the Walworth Town Clerk's Office. She questioned if the Town Clerk's position had always been full-time; it was determined that in recent history it has been full-time. She stated that she had a lot of questions regarding the Part-time Deputy Clerk position. What amount of hours, pay rate, what benefits the PT employee would receive, would this person be bonded, whether or not it was a budgeted line item, and would the employee have a background check and drug test performed? Susie Jacobs, Town Clerk, responded by saying that an appointment was made by her after interviewing candidates, the position was for 24 hours weekly at a pay rate of \$11.00 per hour, the benefits available were what was available to permanent part-time employees. All new employees of the Town are given a drug test. Susie Jacobs noted that she did have a full time Deputy Clerk prior to this and was looking to replace this person. The resident asked if this was a budgeted item; Council members responded "yes."

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DEPARTMENT HEAD REPORTS:

HIGHWAY DEPARTMENT – DEPARTMENT UPDATES

Mike Frederes reported that street sweeping was well under way. Councilman Maciuska asked how the Town ended up on salt. Mr. Frederes responded, “Good, and we came in well under budget.” All the utilities have been run to the pavilion.

The resident from Jacobs Road commented that the Highway Department had done a wonderful, wonderful job on Jacobs Road. Thank you!

SEWER – DECLARE ITEMS SURPLUS – SELL MUNICIPAL AUCTION

Rob Burns, Sewer Superintendent presented the following:

Below is a list of surplus items at the Waste Water Treatment Facility.

- 1 - Auto Clave
- 1 - Portable Pressure Washer
- 1 - 48” Ventilation Fan
- 1 - Portable Lincoln Welder
- 2 -Homelite Gas Powered Pumps
- 1 - 2 Stroke Gas Powered Pump
- 1 - Barach Gas Meter & Calibration Equipment

I would like to request Town Board approval, so that we may take these items to the Municipal Auction in Palmyra, New York in May 2009.

Motion by Councilman Maciuska authorizing Rob Burns, Sewer Superintendent, to declare the following items surplus equipment to sell at Municipal Auction in Palmyra, NY.

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.

SEWER - SLUDGE CONTRACT SIGNED

Rob Burns, Sewer Superintendent, reported the 2009 Sludge Contract was signed.

RECREATION – AUTHORIZATION TO PURCHASE CLAY FOR BASEBALL AND SOFTBALL FIELDS

Motion by Councilwoman Marini authorizing Jacqueline Van Lare to purchase Mar-Co Clay Diamond Clay for the baseball and softball fields from Lakeside Sod Supply Co., Inc., for an amount not to exceed \$2,954.00, to be expended from budgeted line A7310.46.

Seconded by Councilman Maciuska.

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

Motion carried.

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RECREATION – PAVILION (LODGE) USE AUTHORIZATION – BOY SCOUT ASSOCIATION

Motion by Councilwoman Marini authorizing Boy Scout Association Troop 113 use of the Pavilion (Lodge) for a Troop camp on Saturday, April 25, 2009, through Sunday, April 26, 2009, at 9:00 AM. Size of group is 20.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

RECREATION – HIGHWAY, SEWER DEPARTMENT AND THE COMMUNITY THANKED

Jacqueline Van Lare thanked the Highway & Sewer Departments for the wonderful job they did running utilities to the new pavilion. She also thanked the community for stopping in and volunteering their time.

ASSESSOR

Nothing reported at this time.

ENGINEER – UPDATES

Ed Parrone, Engineer for the Town, and Council members agreed to schedule a work session for April 22, 2009, at 8:00 AM, to review Design Criteria. Mr. Parrone and Council members discussed the Federal Economic Stimulus Package regarding funding for clean water and possibilities to apply for a grant. Councilman Maciuska, Mr. Parrone and the Committee agreed to look into this.

TOWN CLERK – PASSPORT CLINIC

Susie Jacobs, Town Clerk, reported on the Passport Clinic held on March 25, 2009, in the Town Clerk's Office. Mike Jankowski, Wayne County Clerk, was present, as well as 2 additional clerks from his office. We had 38 attend and processed 29 applicants and 2 additional photos only. Susie thanked all who helped to make the clinic a very successful event.

TOWN CLERK – REQUEST AUTHORIZATION TO ATTEND CMCI

Susie Jacobs, Town Clerk, requested authorization to attend Cornell Municipal Clerks Institute in Ithaca, New York, as part of her continuing education towards certification of Certified Municipal Clerk, Second Year (CMC) from July 19 - July 23, 2009. The registration fee is \$725.00, which includes materials, meals, and lodging for four (4) nights. Discussion ensued; will discuss at the next Town Board meeting.

COMMITTEE REPORTS:

TOWN CLERK – AUTHORIZATION ELECTRONIC DOCUMENT SCANNING SERVICES

Motion authorizing the Town Supervisor to sign the Authorization & Agreement with General Code for Electronic Document Scanning Services.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

SEWER COMMITTEE

Councilman Maciuska gave his apologies to the Town of Macedon for canceling the scheduled Sewer Committee meeting due to conflicts and mix-ups with the attendees. In the future we will make a meeting date very clear.

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CABLE COMMITTEE

Councilman Maciuska stated that the Town had received the following letter:

Dated: March 30, 2009

Dear Supervisor Plant:

Time Warner Cable's agreements with programmers to carry their services routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, and carriage of programming services is discontinued only in rare circumstances.

The following agreements with programmers are due to expire soon, and we may be required to cease carriage of one or more of these services in the near future:

WROC	Cartoon Network	Showtime/TMC
Style	HD Nets	WSTM
Outdoor Channel	NBA TV	Weather Channel
BBC VOD	TBS	TNT
truTV	CNN	TCM
Adult Swim	GAC	E!
Food Network VOD	HGTV VOD	Shop NBC
WSYR	WETM	WBGT

While we do not expect that these networks will actually be removed, we are required to make this notification.

In addition, from time to time we make certain changes in the services that we offer in order to better serve our customers. The following changes are planned:

On May 1, 2009 – Movieplex Channel 55 will no longer be available.

On May 1, 2009 - Retroplex will be added to Channel 353 and Indieplex will be added to channel 354.

The new services listed above cannot be accessed on CableCard-equipped Unidirectional Digital Cable Products purchased at retail without additional two-way capable equipment.

Very truly yours,
Chris Mueller
Manager, Government Affairs

LIBRARY COMMITTEE

Councilman Maciuska reported that the Library Drop Box sign has been posted and is proving to be successful as library patrons now use the chute properly. He also noted that usage is up 15% from last year. Councilman Maciuska reported that he attended the groundbreaking ceremony for the Gananda Senior Apartments April 2, 2009.

RECREATION COMMITTEE

Councilwoman Marini stated that she emailed Council members draft No. 2 for the revisions to Chapter 117 of Town Code. She received comments from Supervisor Plant and the changes are reflected in the revision. She would like to move the following:

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AMEND CHAPTER 117

Councilwoman Marini offered the following Resolution 39-09 and moved its adoption. Seconded by Councilman Maciuska to wit.

WHEREAS a local law, that being proposed Local Law No.3, a copy of which is attached hereto, was introduced at this meeting by a member of the Town Board of the Town of Walworth; and

WHEREAS the Town Board of the Town of Walworth desires to hold a public hearing with respect to the adoption of said proposed Local Law;

NOW, THEREFORE BE IT RESOLVED that a public hearing be held by the Town Board of the Town of Walworth with respect to the adoption of the aforesaid proposed Local Law at **7:45 o'clock PM on Thursday, April 16, 2009**, at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, New York 14568; and it is further

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Adopted this 2nd day of April, 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.

ECONOMIC DEVELOPMENT COMMITTEE

Councilman Yale reported that the first Economic Development Committee was held and was successful. The next meeting will be held on Tuesday, April 21, 2009.

RESOLUTION 33-09- BLUE HERON HILLS LIQUOR LICENSE RENEWAL:

**BLUE HERON HILLS COUNTRY CLUB LIQUOR LICENSE #3116998, 3016868
AND 3013869 RENEWALS**

Councilman Maciuska offered the following Resolution 39-09 and moved its adoption considering that the Town has not received any complaints or any comments. Seconded by Councilwoman Marini to wit.

WHEREAS, pursuant to the requirement of the New York State Alcoholic Beverage Control (ABC) Law, an applicant for a license to sell alcoholic beverages at retail, for on-premises consumption, as well as any applicant for renewal of such a license, must notify the Town Clerk of the municipality wherein the premise are located, and;

WHEREAS, the notice is given in order that the municipality, if it so desires, may express an opinion for or against the granting of said license or renewal to the ABC Board;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Walworth, that with respect to the renewal application submitted by Blue Heron Hills Country Club Liquor License numbers 3116998, 3013868 and 3016869, Walworth, New York for a license to sell alcoholic beverages at retail for on-premises consumption, the Walworth Town Board does express a favorable opinion;

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopts Resolution 33-09.

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

Resolution carried.

INTEGRATED SYSTEMS FOR SONIC WALL AUTHORIZATION:

Motion by Councilwoman Hawkins-Mance authorizing payment to Integrated Systems for Sonic Wall. Seconded by Councilman Maciuska.

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

Motion carried.

RESOLUTION 40-09 TO AMEND RESOLUTION 26-09 TO READ “NUMBERED 257 THROUGH 422 ,WITH THE EXCEPTION OF 411 WHICH WAS PULLED”:

Councilman Yale offered the following Resolution 40-09 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, the Town Council of the Town of Walworth adopted Resolution 26-09 Audit of Claims, Abstract #3, at the meeting of Town Council on March 19, 2009; and

WHEREAS, Council members would like to include the following phrase, “with the exception of Claim #411 which was pulled”.

WHEREAS, the Town Council of the Town of Walworth would like to amend Resolution 26-09 with Resolution 40-09 as follows,

RESOLUTION 26-09 – AUDIT OF CLAIMS:

Councilwoman Marini offered the following Resolution 26-09 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

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

BE IT RESOLVED that the claims be paid on **Abstract #3**, numbered 257 through 422, **with the exception of Claim #411 which was pulled**, in the following amounts:

GENERAL FUND	\$ 117,876.84
HIGHWAY FUND	\$ 107,394.32
WALWORTH SEWER DISTRICT #1	\$ 46,790.48
BROOKSIDE LIGHT DISTRICT	\$ 10.63
GANANDA LIGHT DISTRICT	\$ 943.17
HARVEST HILL LIGHT DISTRICT	\$ 649.78
ORCHARD VIEW LIGHT DISTRICT	\$ 99.11
WALWORTH LIGHT DISTRICT	\$ 555.16
LIN/SWA/CO/JAC/LEW/SMI/ARB/DAA #19	\$ 25,085.50

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ARBOR/TUMMONDS #20	\$	6,665.50
WALWORTH CONSOLIDATED DRAINAGE	\$	855.06
PARK SPECIAL REVENUE FUND	\$	232.43
PARK PAVILION CAPITAL FUND	\$	14,940.35

BE IT FURTHER RESOLVED that the claims be paid on **Abstract #3**, numbered 36 through 57, in the following amount:

TRUST & AGENCY \$ 26,993.12

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Walworth adopts resolution **40-09**.

Adopted this 2nd day of April, 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 34-09 – DOMESTIC PARTNERSHIP POLICY:

Councilman Yale offered the following Resolution 34-09 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, the Town of Walworth recognizes the value of diversity in the workplace and as such offers domestic partnership dental and health care insurance plans to all benefit eligible employees. Qualified domestic partners and their dependents will be treated for Guardian Dental Insurance and Preferred Care, An MVP Health Care Company eligibility purposes in the same manner as spouses of married employees with eligibility for health, dental and optional life coverage.

A domestic partnership will be considered to exist under our above mentioned programs if partners meet the following criteria:

1. are (18) years of age or older;
2. reside together, sharing the same permanent residence for at least (12) months;
3. are each other's sole domestic partner; are not married to anyone or have had another domestic partner within the prior 12 months;
4. are not related by blood closer than would otherwise prohibit legal marriage
5. are financially interdependent evidenced by a lease four of the following:
joint bank accounts, joint credit cards, joint ownership of a residence, household expenses, granting power of attorney, designating each other as sole beneficiary/executor, executing Health Care Proxy, execution of wills naming each other as beneficiary.
6. are jointly responsible for basic living expenses.

Coverage for domestic partners will terminate upon any change in circumstances that would no longer meet the definition of a domestic partnership as outlined above. Employees will be required to provide written notice within 30 days of any such change. After such termination, an employee may not apply to add a domestic partner to their plan for at least 12 months from the written notice terminating a previous domestic partnership.

If you have any questions regarding this policy, please contact Human Resources.

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NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Walworth adopts Resolution 34-09.

Adopted this 2nd day of April, 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.

Supervisor Plant reported that he received an American flag from Sergeant 1st Class Jonathan Simmonds. The Certificate states that the flag was flown December 15, 2008, over the Camp Mike Spann Compound in Afghanistan, in honor of the Town of Walworth. Everyone present applauded the beautiful gift.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into executive session to discuss employment history of a particular person or corporation, or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 8:39 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 9:10 PM.

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.

Seconded by Councilwoman Marini and unanimously carried.

Time: 9:11 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk