

**WALWORTH TOWN BOARD – REGULAR MEETING  
4 JUNE 2009**

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

Present:	Thomas Yale	Councilman
	Frank Maciuska	Councilman
	Patricia Marini	Councilwoman
	Suzi Hawkins-Mance	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
	Denise Munson	Attorney for the Town

**MINUTES:**

Motion by Councilman Maciuska to table the Minutes of May 7, 2009.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Motion by Councilman Maciuska to table the Minutes of May 21, 2009.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**CORRESPONDENCE:**

1. Susie Jacobs indicated that she had received the following item from the Town of Macedon:

Dated: May 27, 2009

Town of Walworth

Susie Jacobs, Town Clerk

RE: Canandaigua Road/Gananda Parkway – ESL Federal Credit Union

Attached is a Notice of Public Hearing for the above project which may be within 500 ft. of your municipality.

Should you have any questions or require further information, please contact this department.

Susan Bush

Building & Zoning Clerk

**LEGAL NOTICE  
TOWN OF MACEDON PLANNING BOARD**

Notice is hereby given that pursuant to Section 276 of the Town Law, a Public Hearing will be held by the Planning Board of the Town of Macedon, Wayne County, NY, on Monday, June 8, 2009, 7:30 PM, at the Town Complex, 32 Main Street, Macedon, NY, for the following applications:

**APPLICATIONS:**

**PB-06-09 – ESL FEDERAL CREDIT UNION – Gananda Parkway & Canandaigua Road** – One-lot realty subdivision & commercial site plan Drive-thru ATM

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
4 JUNE 2009**

**PB-09-09 – ESL FEDERAL CREDIT UNION – Macedon Commons Plaza –  
Commercial site plan – Drive-thru ATM**

All interested parties and citizens will be given an opportunity to be heard in reference to the above applications. Anyone may appear in person or by agent.

By order of the Town of Macedon  
Planning Board  
P. Douglas Allen  
Chairman

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

2. Wayne Central School District  
Dated May 20, 2009

Mrs. Susie C. Jacobs  
Walworth Town Clerk  
Dear Mrs. Jacobs,

Pursuant to §2121.5 of the NYS education Law, I am writing to officially advise your office of the following results of the annual school elections for school trustee of the Wayne Central School District conducted on May 19, 2009.

The following persons were elected to terms on the Wayne Central Board of Education, as indicated, each having received said vote tally in the at-large election for three (3) school trustee seats.

John D. Triou	641 votes	Three Year Term
Scott D. Griswold	636 votes	Three Year Term
Susan H. Newman	620 votes	Three Year Term

Each of these persons begins their new term on July 1, 2009.

Each person may decline their election by written notice to the school district clerk within five (5) days of the notice of their election.

Please file this letter to fulfill my responsibility to notify the Town Clerk of the town in which our district offices are located. By means of a copy of this letter, I am also providing notification to the Town Clerks of the five (5) other component townships with homes and parcels within the Wayne Central School District.

Sincerely yours,

James E. Switzer  
School District Clerk

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

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
4 JUNE 2009**

3. Gananda Rotary Club - Supervisor and Town Board & Walworth Highway  
Department  
Dated May 22, 2009

As in the past, the Gananda Rotary Club will host the Annual Gananda Garage Sale, which will occur this year on June 13 and 14 (Saturday and Sunday). The area covered by this two (2) day event is the main Gananda development between Route 350 on the east and the Gananda Parkway on the west.

Due to a very heavy congestion of traffic during this sale, we wish to inform the law enforcement agencies in the area, as well as town officials and highway and fire departments.

The Rotary Club posts “No-Parking This Side” signs on one side of Waterford Road, Wildflower Drive, Evergreen Circle and Pinewood Drive. We have informed highway, police and fire departments of these restrictions. We hope this will keep traffic flow moving and allow for any emergency vehicles which may need to travel in or through the development during that time.

Porta potties, garbage toters and food service will be set up throughout the event. I hope this information will keep your officers informed in case of any traffic tie-ups. We anticipate a fine day and fun time.

If you need to reach me prior to the event, or during the event, I can be contacted at my home or office numbers listed above.

Our Rotary Club booths will be set up at Waterford Road (near the intersection of Pinewood Drive), and on Wildflower Drive (near the soccer field).

Thank you for your time and consideration.

Sincerely,  
Patti Holdraker  
Secretary  
Gananda Rotary Club

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

Motion by Councilman Maciuska asking the Gananda Rotary Club to post “No Parking” signs on one (1) side of Leeward Circle for 200 ft. from the corner.  
Seconded by Councilwoman Marini.  
Adopted: Vote Ayes 5 Nays 0

Susie Jacobs indicated that that concluded the correspondence.

**PUBLIC PARTICIPATION:**

No one present offered any comments.

**DEPARTMENT HEAD REPORTS:**

HIGHWAY DEPARTMENT

Nothing reported at this time.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
4 JUNE 2009**

**SEWER – ORCHARD STREET WATER LEAK**

Rob Burns, Sewer Superintendent, thanked Highway Department and the Wayne County Water & Sewer Authority (WCWSA) for their assistance in finding and repairing two (2) leaks. He noted that by stopping these leaks, 50,000 gal./day were saved coming into the Waste Water Plant. This was a very good “find.”

**RECREATION – THANK YOU**

Jacqueline Van Lare thanked Highway, Sewer and everyone that helped with the Lodge and Ginegaw Park – “It’s a beautiful building.”

**ASSESSMENT**

Nothing reported at this time.

**ENGINEER FOR THE TOWN – GREEN INNOVATION GRANT APPLICATION SUBMITTED**

Carl Hewings, Engineer for the Town, reported that the Green Innovation Grant Application on behalf of the Town was submitted on May 29, 2009.

**ATTORNEY FOR THE TOWN**

Nothing reported at this time.

**TOWN CLERK – Free Fishing Days**

Susie Jacobs, Town Clerk, stated that New York State would be offering free fishing days on June 27 and June 28 - no license would be needed during this weekend. The Town Clerk’s office has information regarding increased rates for hunting and fishing licenses.

**TOWN CLERK – RESCIND DEPUTY CLERK APPOINTMENT**

Susie Jacobs, Town Clerk, rescinded the appointment of Denice Cavallo as Deputy Town Clerk III, serving without compensation.

**PUBLIC HEARING PROPOSED LOCAL LAW NO. 4 OF THE YEAR 2009:**

**7:45 PM:**

Susie Jacobs, Town Clerk, stated that the notice of Public Hearing for Proposed Local Law No. 4 of the Year 2009 was duly published two (2) times in the Town’s official newspaper on May 24 and May 31, 2009, with the same dates being posted at the Town Hall. Copies were available for the public.

Supervisor Plant declared the Public Hearing opened.

Time: 7:46 PM.

No comments were heard from the public.

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilwoman Marini.

Discussion: Councilman Maciuska noted that in reviewing the Proposed Law there was a minor change in the final reference; he will supply the correct information to the Town Clerk:

Section 180.35.2 B (4) – should be 180-58C, not 180.58C

Councilman Maciuska stated that the Town was not going to act on this tonight because the County Planning Board had not had an opportunity to review the documentation, due to their meetings being once a month. He stated that the Town was going to await their response before adopting the proposed Local Law.

Adopted: Vote Ayes 5 Nays 0

Time: 7: 47 PM.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
4 JUNE 2009**

**COMMITTEE REPORTS:**

**DRAINAGE COMMITTEE**

Councilwoman Hawkins-Mance reported that a resident from Baker Road called to thank the Town of Walworth and the Highway Department for fixing a drainage ditch on property that had an erosion problem.

**DOG CONTROL OFFICERS – DOG ENUMERATION PUBLIC NOTICE**

Councilwoman Hawkins-Mance requested that Susie Jacobs publish a Public Notice for two weeks notifying residents that Dog Control Officers will begin Dog Enumeration on June 22, 2009, through October 30, 2009.

**TOWN COMPLEX**

Councilwoman Hawkins-Mance reported that the next meeting will be on June 17.

**RESOLUTION 58-09 ADOPTION OF DESIGN CRITERIA & SPECIFICATIONS:**

Councilwoman Hawkins-Mance offered the following Resolution 58-09 and moved its adoption. Seconded by Councilwoman Marini to wit:

**WHEREAS** the Town Board of the Town of Walworth has reviewed the Design Criteria & Specifications dated June 2009 “Final”; and

**WHEREAS** the Town Board of the Town of Walworth requests receipt of a Final Bound Copy, and

**WHEREAS** the Town Board of the Town of Walworth desires to adopt the Design Criteria & Specifications dated June 2009 “Final”, and

**NOW, THEREFORE BE IT RESOLVED** that the Design Criteria & Specifications dated June 2009 “final” be adopted and filed in the office of the Town Clerk

Adopted this 4<sup>th</sup> day of June 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.

**BURN PERMIT – 2369 WALWORTH MARION ROAD:**

Motion by Councilman Yale to approve the issuance of a burn permit for 2369 Walworth Marion Road, based on the location of the burn pile on the parcel and its low density. Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**BURN PERMIT – 4836 WALWORTH ONTARIO ROAD:**

Motion by Councilman Yale to approve the issuance of a burn permit for 4836 Walworth Ontario Road, on the basis that this is a large parcel with less populated structure.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**NYMIR SUBSCRIBER CAPITAL DISBURSEMENT:**

Supervisor Plant informed Council members that a refund check in the amount of \$3,608.23 was received from NYMIR for long term member subscriber membership.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
4 JUNE 2009**

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

The correspondence reads as follows:

Cleary Insurance Agency, Inc.  
June 2, 2009  
Town of Walworth  
RE: Capital Investment Return

Dear Bob,

I am pleased to deliver the enclosed refund check in the amount of \$3,608.23. This is part of the program initiated by NYMIR to begin to return to its long term Subscriber/Members a substantial portion of their initial capital contribution that had been required by the reciprocal statute under which NYMIR was organized.

This Distribution is shared with every Subscriber who has completed a 5-year capital contribution commitment and will be paid out in equal installments over each of the next three years to every Subscriber who continues to renew during that calendar period. The amount of the distribution will be based on the amount of capital each member contributed when they first joined the program.

I thank you for your continued loyalty to my agency and to the NYMIR program.

Regards,  
Carla J. Cleary

**RECESS:**

Time: 7:52 PM.

**RECONVENED:**

Time: 8:00 PM.

**PUBLIC HEARING PROPOSED LOCAL LAW NO. 5 OF THE YEAR 2009:**

**8:00 PM:**

Susie Jacobs, Town Clerk, stated that the notice of Public Hearing for Proposed Local Law No. 5 of the Year 2009 was duly published two (2) times in the Town's official newspaper on May 24 and May 31, 2009, with the same dates being posted at the Town Hall. Copies were available for the public.

Supervisor Plant declared the Public Hearing opened.

Time: 8:01PM.

No comments were heard from the public.

Motion by Councilman Maciuska to close the Public Hearing.  
Seconded by Councilwoman Hawkins-Mance.

Time: 8:02 PM.

Discussion: Councilman Maciuska stated that the Proposed Local Law had some typos and run-on words that needed to be corrected; he had those captured and would provide the update to the Town Clerk. He noted for those who had not attended previous hearings that the attempt of this law was really to make it reasonable for anyone who wanted to go with wind energy in Town to have a law that was very workable - especially for farmers and homeowners. The intent of the

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
4 JUNE 2009**

Law was to make sure that we did it safely and respectfully of our neighbors. And once again, this Law was waiting on the Wayne County Planning Board's letter of receipt.

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

Motion carried.

**ADJOURNMENT:**

Motion by Councilwoman Hawkins-Mance to adjourn.  
Seconded by Councilman Maciuska and unanimously carried.  
Time: 8:05 PM.

Respectfully Submitted,

Susie C. Jacobs  
Town Clerk