

**WALWORTH TOWN BOARD – REGULAR MEETING
2 JULY 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
	Frank Maciuska	Councilman
	Patricia Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk
	Robert Burns	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor
	Edward Parrone	Engineer for the Town
	Denise Munson	Attorney for the Town
Absent:	Patricia Marini	Councilwoman

MINUTES:

Motion by Councilwoman Hawkins-Mance to accept the Minutes of May 21, 2009, meeting, as presented.

Seconded by Councilman Maciuska

Motion by Councilman Maciuska to amend the Motion to include the fact that the letter received regarding the Lincoln Road properties from Barbara J. Orenstein, Esq., Attorney-Consultant to Lifespan's Guardianship Program (page 139) referencing the incorrect address and note that the Minutes are correct.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

MINUTES:

Motion by Councilwoman Hawkins-Mance to accept the Minutes of June 4, 2009, meeting, as presented with the following correction: Resolution 58-09 (page 140) adopted this 5th day of June, 2009, corrected to read, the 4th day of June, 2009.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

MINUTES:

Motion by Councilwoman Hawkins-Mance to accept the Minutes of June 18, 2009, meeting, as presented.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

Councilwoman Hawkins-Mance stated that although the Minutes of May 7, 2009 were approved. However, she has had time to review them afterward and she would like to know if they could be amended also because Resolution 46-09 and 47-09 had noted that Councilman Maciuska offered the following Resolution, however, there was no Resolution following. Can we amend them and attach the Resolutions? Supervisor Plant concurred. Susie Jacobs, Town Clerk, replied that she would research and get back to the Board at the following meeting.

CORRESPONDENCE:

Susie Jacobs, Town Clerk, had nothing to enter into record.

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PUBLIC PARTICIPATION:

BOYNTON ROAD CAMPGROUND -

A resident from Walworth Marion Road addressed the Town Board to explore some options for the Planning Board to begin the process in considering a concept idea that involves a special use permit. The intention is to propose to the planning board, a concept idea for building a campground, family recreation park on 80 acres located on Boynton Road, zoned as a residential rural area. In the information presented to Council members research has been done showing that currently, however, campground, or camp is not listed a permitted use for a special permit. They stated that the research has shown that privately owned campgrounds in New York State primarily run their seasonal businesses under a special use permit within their town or municipal jurisdictions. They would like to do the same. One option is to add language to permitted uses under the special permit code, PC/Codebook, Town of Walworth. The term Camp, as defined in article II Definitions, is added to section C-uses permitted upon issuance of a special use permit (180-10.1.RR-1A district).

This particular piece of property provides visitors with 80 acres for hiking, camping, and recreation without disturbing the natural beauty of the landscape. Hiking trails would surround the property throughout the wooded areas. Camping sites will be large and secluded from each other preserving the openness of the property. Recycling and green awareness will be foremost in all infrastructure and operation decisions. The wooded frontage along Boynton Road will remain, with little to no infrastructure and camping sites visible from the road.

Facilities upon completion of an engineered study, design and proposal, in accordance with the Town of Walworth and the NYS Department of Health, it will include up to approximately 300 sites. Facilities will include a camp store, recreation hall, pavilions, certified kitchen, swimming pool, pond for fishing, playground, log cabins, and rest room/shower facilities. Camp sites will be wooded and open sites with electric, water, and sewer hook ups, picnic tables, and fire rings with grills. Hiking trails will surround the 80 acres property. All facilities will also be in accordance with ADA, providing a barrier free environment for those with special needs.

The resident indicated that the information in this packet will give a brief overview of their version and ideas for the proposed park. They can provide additional information upon request of the Board.

The resident thanked Council members for their consideration and look forward to working with the town and creating a place where the community and its residents can enjoy this beautiful piece of property.

Supervisor Plant thanked them and indicated that this would fall under Councilman Yale's Committee. Councilman Yale stated "yes" it does fall under his committee. Councilman Yale commented "that the resident had done a very nice presentation and this would have to be forwarded to the Master Plan Committee, which will convene within a month to start this process which will not be a quick process. He stated that he does not want to give them any conception or false hope that you will hear an answer from that committee in a short period of time. To address any one particular project in itself could constitute a "spot zoning" issue that we have to avoid. The Master Plan Committee will be looking at the overall usage of the Town Lands and the harmony there in. He indicated that he is waiting on another committee to finish its actions that is going to be feeding into the Master Plan Committee first."

The resident indicated that the presented information to the Board is pretty general and if more specific information is needed, please let them know and they will take care of it. Councilman Yale commented for the purpose of the Town Master Plan Committee this is probably going to be sufficient. If there was an opportunity that the Master Committee said "Yes, let's open the zoning for such" then more detail

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would end up with the Planning Board. It would be something that would be under the prevue of the Planning Board most likely Special Use Permits go to the Planning Board not the Town Board.

ORCHARD VIEW DEVELOPMENT –

A resident from Johnny Lane addressed the Board regarding Orchard View Development. The resident stated the following: “Orchard View Development has 10.08 acres of trees and woods that was dedicated in May 22, 2002. According to the Planning Board Minutes of June 10, 2002 in those specific minutes it specifically says that in #3 “The developer shall not damage, cut down or remove any trees located at the rear of lots contiguous to the Harvest Hill Subdivision, which are located between any homes to be built within Orchard view Subdivision and the rear property line of the lot or the north line of Harvest Hill Subdivision.” It also says in #4 “The developer shall not damage, cut down or remove any trees located within the boundaries of the land designated on the preliminary plat plan as OPEN SPACE (to be conveyed to the Town of Walworth) consisted of 10.08+ acres.” She stated that she had no intention of coming here; given this information, she believes that Tony Evans is in violation of his contract with the Town. She also believes that this should be looked into by the Attorney for the Town, who can probably address this. She contacted Supervisor Plant who sent Phil Williamson, Code Enforcement Officer, out to the site. She also commented she believes Supervisor Plant made the decision at the last Town Board meeting giving Mr. Evans the go ahead without having this information from the Planning Board minutes and also without having anybody actually inspecting the site. Mr. Williamson told her in a conversation yesterday that he never actually walked into the woods to see what was going on. She questions where the responsibility lies as far as once something like this is in place, who’s in charge and who’s the watchdog. I thought it was Code Enforcement. Mr. Williamson clearly let me know that it wasn’t. In fact, when I requested this information, he told me that I needed to FOIL it. She went on to explain the lengthy process she went through with the Building Department to finally obtain the copy of the Planning Board minutes, which were given to her by the Town Clerk. Once she obtained the information, she approached Mr. Evans again. She said “I truly believe that he convinced you that what he was doing was clearing trails and having the Eagle Scouts help him clear the trails.” She commented he is logging, he has tagged all of the tall, 30 to 40 year old trees. I believe if you went and looked, you would clearly see that that is Mr. Evans’ plan. I know that no one can do anything about the trees that have been taken down. In fact, Mr. Evans said to me “What do you want me to do?”. The resident asked the Board “Did the Board know about this when he came to you? Did you have any idea?” Councilman Maciuska replied that the Board did know about it. He further stated “This is the original approval that was made. The land has not been dedicated to the Town. It is not the Town’s land yet. Through the history of this development, there have been a number of hearings where conversations were made about well, I’ll do this and I’ll do this and we asked him “Was there a plan and was it approved?” He said “yes”. Now, shame on us because we didn’t go check to see if there was anything, in fact, on file; it turns out that subsequent to the meeting two weeks ago, there is nothing on file. It is all hearsay as to verbal agreements that were made and what we’re going to do.” Councilman Maciuska stated “I went out. I did not walk the property because I don’t go on anyone’s property unless I am invited, because as a Town Official, that is trespassing. I don’t go on anyone’s property unless I am invited but I did drive the perimeter and I did see that there are large gaps and from what I can see from the street, there are stacks of rather large trees. I also know that with good lot management, and your father was in the business, so you know that what you do is harvest a big tree and small hardwoods are there, you take the big one down so that you have continuity of the wood lot. When Mr. Evans was here last week that was the impression, at least personally, that I walked out of here with, that that is what he was doing. He was clearing the trails and he was managing the wood lot. That’s what we the town were told. We were not told that it was a logging operation but afterwards, we started to take a look at it and there never has been an approved plan as to what should be done. Two weeks ago, when we passed the motion to continue what we are doing, that motion was in error because

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we were all under the assumption that a plan had been approved by the Planning Board. The real jurisdiction for this right now is the Planning Board, not the Town Board. What we'll do tonight is to take a Town cease and desist logging and refer it to the Planning Board because any tree that is taken down that is 12 inches or larger has to be approved by the Planning Board. I'll be the first to admit that I am not perfect. I am the one that made the motion last week because I have a history development so I have seen it. I have seen three different proposals come through for the parcel when I was on the Planning Board. The whole thing about him getting the cluster development rights was that we were going to maintain the hardwood forest. Along with that, if he was going to manage it, then I was okay personally with that. If he has to manage it, then he has to manage it because it only makes it better for the Town. But you are right, from what I can see, there are large gaps that do not look like trails." The resident stated "again, I am certainly not pointing fingers here. I really believe that you made the decision without the knowledge and I also know how Mr. Evans approached you with it. I know how persuasive he can be." Councilman Maciuska responded "I don't think it was that so much. You know what they say about assume. We (I) made an assumption last week so I am paying for it tonight. Based on the e-mails and pictures that were sent to me, I followed up and went out and took a look at it." The resident stated that "it was her personal goal and that of her husband, not to attack Mr. Evens, but to stop any further trees from coming down." She thanked the everyone.

A resident from Johnny Lane also spoke. "I want to make a long story short and I appreciate your position of not being able to go into the woods. That's fine, it's my backyard. I went for a walk in April, it was a nice time of year. I saw all the trees and they were over 12 inches, every single one. I didn't find any that weren't marked. I went back after the chainsaws started and in the areas that were affected, they were all gone. There were no marks left. Everything that is in the way of dragging them out is gone. There is very little left. Nothing over a six or eight inch trunk size in that part, so yes, we are interested in seeing it stopped. That's what we're really after.

A third resident from Johnny Lane spoke. "When we moved to Walworth and made a decision to move out here, one of the nice things that we were sold on was the open space that was going to be dedicated to the Town of Walworth and never to be touched. We fell for it. To see what is happening there with the Planning Board really looking ahead and really saying wait a minute. We don't want anything touched—nothing moved and nothing damaged. I give the Town of Walworth a lot of credit for that but I would really like to see them just stop it. Do what you have to do to backup the building - Town Planning Board and just enforce it, if you can. There are other residents in the neighborhood who really wanted to be here but obviously, it is the 4th of July weekend.

Motion by Councilman Maciuska to issue a cease and desist order until such time as a plan for the wood lot is presented to the Planning Board.
Seconded by Councilman Yale.

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

Motion carried.

Councilman Maciuska stated "Essentially what is going to happen now is that Mr. Evans is going to come up with a plan because we asked him about that last week; if he had a plan for the trails and everything and he told us "Yes", he has to bring that back to the Planning Board. The Planning Board now will have jurisdiction as to whether or not he can cut it down." Councilman Yale added "He'll have to come up

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with any plan or anything he wants to do with that site, whether it be trails, thinning, whatever, because it is clear in the Minutes that he shouldn't be in there touching." Councilman Maciuska responded "Two points of clarification that I want to

emphasize are (1) the land is not dedicated to the Town yet so it is not our land. It is his land and (2) it is not designated forever wild. Discussion ensued. A resident questioned "How do we follow it; how does the process go?" Councilman Maciuska commented that there will be public notices. He'll have to get on the agenda for the Planning Board. A cease and desist order will be issued tomorrow. Supervisor Plant responded that the Town is closed tomorrow so he will call him first thing in the morning and tell him that it is coming. Councilman Yale stated 'that it will cease and desist and then if he so chooses to want to do anything, he'll have to apply to the Planning Board. He could so choose to say and nothing will happen. He'll just stop. The ball will be back in his court to take any action. The Planning Board will not take any action until he comes forward and says "Hey, I want to do trails or I want to thin it." I want to do whatever so that they can address their previous stipulation. It is a stipulation within the motion for the approval of the cluster.' Discussion ensued.

RESOLUTION 67-09 – DECLARE ITSELF LEAD AGENT UNDER SEQRA - LOCAL LAW 4 OF THE YEAR 2009:

Councilman Maciuska offered the following Resolution **67-09** and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

BE IT RESOLVED for the Town Board to declare itself lead agency in the matter of SEQRA review for Local Law No. 4 of the Year 2009.

Adopted this 2nd day of July, 2009, at the meeting of the Town Council.

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

Resolution carried.

RESOLUTION 68-09 – NEGATIVE DECLARATION UNDER SEQRA - LOCAL LAW NO. 4 OF THE YEAR 2009:

Supervisor Plant and Council members reviewed the presented SEQRA Full Environmental Assessment Form in detail.

Councilman Maciuska offered the following Resolution **68-09** and moved its adoption. Seconded by Councilman Yale to wit:

BE IT RESOLVED that the Town Board file Negative Declaration under SEQRA and authorize the Town Supervisor, Bob Plant, to sign the Environmental Assessment Forms (EAF), and

BE IT FURTHER RESOLVED that notification of interested municipalities is not required. However, they are interested because they do border our township. Notification be sent, and

BE IT FURTHER RESOLVED that Notice of the Negative Declaration be sent to the State, County and EAF.

Adopted this 2nd day of July, 2009, at the meeting of the Town Council.

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

Resolution carried.

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RESOLUTION 69-09 – DECLARE ITSELF LEAD AGENT UNDER SEQRA - LOCAL LAW 5 OF THE YEAR 2009:

Councilman Maciuska offered the following Resolution **69-09** and moved its adoption. Seconded by Councilman Yale to wit:

BE IT RESOLVED for the Town Board to declare itself lead agency in the matter of SEQRA review for Local Law No. 5 of the Year 2009.

Adopted this 2nd day of July, 2009, at the meeting of the Town Council.

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

Resolution carried.

RESOLUTION 70-09 – NEGATIVE DECLARATION UNDER SEQRA - LOCAL LAW NO. 5 OF THE YEAR 2009:

Supervisor Plant and Council members reviewed the presented SEQRA Full Environmental Assessment Form in detail. Attorney for the Town noted some of the changes, #17 on page 18 of 21; Discussion ensued. Supervisor Plant noted page 19 of 21 the Impact on Public Health; Discussion ensued.

Councilman Maciuska offered the following Resolution **70-09** and moved its adoption. Seconded by Councilman Yale to wit:

BE IT RESOLVED that the Town Board file Negative Declaration under SEQRA and authorize the Town Supervisor, Bob Plant, to sign the Environmental Assessment Forms (EAF), and

BE IT FURTHER RESOLVED that notification of interested municipalities is not required. However, they are interested because they do border our township. Notification be sent, and

BE IT FURTHER RESOLVED that Notice of the Negative Declaration be sent to the State, County and EAF.

Adopted this 2nd day of July, 2009, at the meeting of the Town Council.

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

Resolution carried.

DEPARTMENT HEAD REPORTS:

HIGHWAY DEPARTMENT –

Supervisor Plant reported that even though the Highway Superintendent was on vacation, he was around Town working. He went out and did some inspections, he looked at some drainage issues, and he stopped and worked at the park for a little while.

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SEWER – MAIN SLUDGE PUMP AUTHORIZATION

Rob Burns, Sewer Superintendent, presented the following:

Last week the Main Sludge Pump No. 1 at the Walworth Waste Water Treatment Plant broke due to the main drive gears being worn out. The treatment plant remained operational by using Pump No. 2, which was purchased and installed during the winter of 2009. Repairs to Pump No. 1 (purchased in 2003) were done in-house by using parts from a discarded pump which was original equipment from 1985.

Only one price quote is being presented to you for the following reasons:

1. Replacing with the same pump make allows for the utilization of existing motor and variable speed drive.
2. There would be considerable changes needed for suction and discharges if a different pump make were purchased.

After discussing this with the sales representative from Siewert Equipment, there is no significant savings to having this pump rebuilt versus the purchase of a new pump.

I am requesting Town Board approval for the purchase of a new pump to be expended from line SS8130.408 at a price not to exceed \$7,229.00. Please see attached quote.

Motion by Councilman Maciuska authorizing the Sewer Superintendent to expend for the purchase of a new main sludge pump from Siewert Equipment from line SS8130.408 for an amount not to exceed \$7,229.00
Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

Discussion: Supervisor Plant stated "You do not need to get additional forms because it is a sole source, a specific brand to replace and there is nothing comparable." Councilman Maciuska responded that "It is more than just the specific brand. It is the way that it would fit to the existing fittings. If we were to go with another pump, we would have to take on a significant expense to re-engineer the couplings where the pump would go in. The new pump would slide right in without any other work. That is the sole source." Supervisor Plant stated that he would like that added to this and then to the voucher when it comes in.

Motion by Supervisor Plant amending the Motion to adhere to the above discussion.
Seconded by Councilwoman Hawkins-Mance.
Adopted: Vote Ayes 4 Nays 0

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

Motion carried.

SEWER – MAIN SEWER COMPUTER SYSTEM UPGRADE

Robert Burns stated that for the next meeting he will have some figures for the main sewer computer system upgrade - (Windows 98 software). Councilman Maciuska stated to make sure reference are verified. Discussion ensued.

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RECREATION – LODGE UPDATE

Jackie VanLare noted that the Lodge is currently at 45 reservations. Councilman Maciuska inquired if there have been any issues with cleanup or anything like that, have people been taking care of the lodge? Jackie responded “yes” people are taking care of it. The trash is being taken care of an enclosure is being built to store the stuff, no dumpster. Councilman Yale said that is was fantastic; I think, it’s not only meeting our expectations, our hopes, it’s exceeding them. Councilman Maciuska noted something that the recreation committee should develop is a proposal/policy statement, then bring it to the Board for the rentals for the following year to be fair to people with the scheduling dates. Discussion ensued.

ASSESSOR – ASSESSOR’S ASSOCIATION CONFERENCE FOR ASSESSMENT ADMINISTRATION AUTHORIZATION

Motion by Councilman Yale authorizing Karen Ambroz to attend the Annual Assessors Association Conference of Assessment Administration that is part of Education Requirement in Saratoga Springs, NY, on September 27th to 30th, 2009, from budgeted line A1355.41, for an amount not to exceed \$886.00 for registration cost, materials, lodging, and meals. This is a pre-paid and will be State reimbursed. Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

ENGINEER- UPDATE

Ed Parrone, Engineer for the Town, to keep the Board apprised on a few items:

- Still working on the Gananda Senior Housing Project – It was a tough Sewer construction. About another week or so and it will be completed.
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- MS4 Annual Report has been submitted, and on file now.
- Green Innovation Grant Program – we have been notified that the State of New York has received over 300 applications. Pending to received word on this.

TOWN CLERK – UPDATE

Susie Jacobs, Town Clerk, stated that Burial Permits are being scanned by General Code to Laser Fiche. Resolutions are being prepared from 2006 to present and will be scanned to Laser Fiche next.

COMMITTEE REPORTS:

SEWER COMMITTEE

Councilman Maciuska noted the majority of the work on the sewer on Canandaigua Road is completed. The developer has not put in any laterals.

CABLE COMMITTEE

Councilman Maciuska reported that Cable will be introducing some new high definition channels, so watch your TV’s (Headline News, Turner Classic Movies, and G4).

LIBRARY COMMITTEE

Councilman Maciuska noted that circulation is up compared to the weather we have been having, its good curl up and read a book weather.

PERSONNEL COMMITTEE

Supervisor Plant stated that Ron Forman has successfully completed his 6 (six) month probation.

Motion by Councilman Yale to appoint Ron Forman to Permanent Full Time.
Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

RESOLUTION 64-09 TO WITHDRAW FUNDS FROM THE SEWER DISTRICT CAPITAL RESERVE FUND SS231C IN THE AMOUNT OF \$205,328.00 FOR THE PURPOSE OF ENGINEERING FEES AND GRANT WRITING COST FOR THE TOWN OF MACEDON, THE VILLAGE OF MACEDON AND THE TOWN OF WALWORTH FOR THE GREEN INNOVATION GRANTS PROGRAM SUBJECT TO PERMISSIVE REFERENDUM:

Councilman Maciuska offered the following Resolution **64-09** and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, the Town Council of the Town of Walworth authorized RESOLUTION 54-09 TO AUTHORIZE SUBMITTAL OF GREENINNOVATION GRANT PROGRAM (GIGP) APPLICATION FOR THE TOWN OF WALWORTH WASTEWATER TREATMENT PLANT IMPROVEMENTS ; and

WHEREAS, Town Council of the Town of Walworth authorized RESOLUTION 55-09 TO PROVIDE THE LOCAL SHARE OF THE COST OF THE TOWN OF WALWORTH WASTEWATER TREATMENT PLAN IMPROVEMENTS;

WHEREAS, the Town Council of the Town of Walworth proposes Resolution **64-09** subject to a permissive referendum; and

WHEREAS, the purpose and effect of which is to withdraw funds from the Sewer District Capital Reserve Fund SS231C for the purpose of Engineering Fees and Grant Writing Cost and Project Cost for a joint effort between the Town of Macedon, the Village of Macedon and the Town of Walworth for the Green Innovation Grants Program ; and

WHEREAS, the final amount will be 10% of the project divided between 2/3 from the Sewer Funds, (1/3 Walworth District #1, 1/3 Gananda District) and 1/3 from Village of Macedon, and

WHEREAS, for an amount not to exceed two hundred five thousand three hundred twenty eight dollars and no cents (\$205,328.00);

THEREFORE, BE IT RESOLVED that the Town Council of the Town of Walworth directs the Clerk of the Board to advertise such in the legal newspaper for the Town of Walworth; and

BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopt Resolution **64-09**.

Adopted this 2nd day of July, 2009 at the meeting of the Town Council.

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

Resolution carried.

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BURN PERMIT – 533 PLANK ROAD:

Motion by Councilman Yale to APPROVE the Burn Permit for 533 Plank Road, based on a low density area without any obvious potential for smoke fallout to any neighbors.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

CHASE BANK SECURITY DISCUSSION:

Supervisor Plant stated that the Town will be switching Banks for many of the accounts, but not all of the accounts. Plant stated “they have sent us what they collateralize with and they do include some of the Fanny Mae and Freddie Mac and the Town Board needs to decide if now feels that those are secure enough we would like to include those as part of the collateralization because we had eliminated those last year. The US Government owns 79.9% interest in Fanny Mae and Freddie Mac guarantees is implied in these securities. At this point they are using them for all the others, or we can eliminate them if we want. They are also using US Treasury notes, Bills Bonds and Tips as well as Fanny Mae and Freddie Mac and Federal Home Loan Agency”. Councilman Yale stated he “has some experience in another role he plays. In which the examination determined that the safety and reliability and it was deemed that they are significantly okay. There has been some clarification of the government’s role in maintaining them and that makes them a very secure investment not guaranteed”. Supervisor Plant inquired if there is anything to do with the list of collateralization, Council members replied “NO”.

MVP HEALTH CARE:

Supervisor Plant stated that MVP Health Care has notified the Town that they have decided not to proceed with the mid-year premium rate adjustment announced in May 2009.

FARMLAND GRANT DISCUSSION:

Supervisor Plant noted that he would like to discuss the Farmland Grant submitted because the town would very possibly be submitting a couple more grants next year. One that did not get approved was G&S Orchards and the other one that was sent in last year that did receive approval was Deminck Farm. He stated that he had a discussion with the Genesee Land Trust, State Representative, and The Town of Penfield, to discuss why the G&S Grant did not get approved. Supervisor Plant commented that he was given numerous reasons and would like to discuss them with the Town Board because G&S would like to apply again. Supervisor Plant stated that the Town needs to have some input as to why and how we are going let this one go in next time. One of the big concerns is if it had not been joint with the Town of Penfield it very well may have gone through; they are not saying it was, but it may have. They are saying Penfield drove this down because one of the parcels in Penfield was a significantly large parcel where the Town of Penfield wanted to buy approximately two thirds of it and keep in their open space, not in farm land preservation. Discussion ensued. Supervisor Plant stated that another thing mentioned was one of the boundaries almost looks like it was land locked; on part of the Walworth one; so that boundary needs to be redrawn and highlighted differently. Supervisor Plant stated that “he personally thinks that we the Town was going to do this we need to do it without The Town of Penfield”, Councilwoman Hawkins-Mance agreed. Supervisor Plant stated that he will have to convey that to G&S Orchards “that the Town of Walworth won’t go in with Penfield again on this one”. Councilman Yale commented that it sounds like we have totally different philosophies of what our goal is here. Our goal is to maintain agriculture, theirs maybe in a different directions. Supervisor Plant will have that discussion with G&S Orchard. Supervisor Plant stated that this is the third time that G & S has been turned down, and every time it cost the town a couple of hundred dollars to apply. This time the State was willing to go over to review why they did not qualify.

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Councilman Maciuska and Councilman Yale stated that a couple of hundred dollars in this expense is minimal. Supervisor Plant mentioned the County having six (6) Towns applying for grant funding, Councilman Yale commented all the more reason why the Town of Walworth needs to keep up the efforts. It was agreed that the Town needs to see that our applicants are as strong as possible because it is becoming more competitive.

RESOLUTION 71-09 FINANCIAL TRANSACTION:

Councilwoman Hawkins-Mance offered the following resolution and moved its adoption: Seconded by Councilman Maciuska to wit:

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

As follows:

\$366.65 from A1410.42 Town Clerk's Office Expense to A1410.41

Conferences

& Training. To cover Municipal Clerks Training

\$3,735.86 from Sewer Fund Balance to SS8130.404 Engineering. To cover cost

Green Innovation Grant Program. To be reimbursed by Reserve Fund.

Discussion: Councilman Yale commented that the transfer for the Town Clerk to attend conference - he thought they were told when they approved that there was money available. Councilman Maciuska commented there was in other accounts there was only \$400 some dollars in there, we took a look at it, this amount can be taken from office expense and not impact the rest of the year so there is money.

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

Resolution carried.

EXECUTIVE SESSION:

Motion by Councilman Maciuska to enter into executive session to discuss pending or possible litigation & real estate acquisition or disposition.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

Time: 9:07 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 9:28 PM.

REQUESTED RESOLUTION BE PREPARED:

Motion by Councilwoman Hawkins requested a resolution be prepared authorizing the Town of Walworth to apply for 2009 Justice Court Assistant Grant Program for an amount not to exceed \$30,000.00.

Motion by Councilman Yale.

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

Motion carried.

**WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED
2 JULY 2009**

ADJOURNMENT:

Motion by Councilman Maciuska to adjourn.
Seconded by Councilman Yale and unanimously carried.
Time: 9:30 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk