

**WALWORTH TOWN BOARD – REGULAR MEETING  
18 FEBRUARY 2010**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, to order at 7:35 PM.

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

Absent:	Thomas Yale	Councilman
	Susie Jacobs	Town Clerk

**MINUTES:**

Motion by Councilwoman Marini to approve the minutes of January 1, 2010, Organizational Meeting, as presented.  
Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

**CORRESPONDENCE:**

Laurie Wiecek, Deputy Town Clerk, read a letter from Town of Ontario notifying the Town of a Public Hearing for a Special Use Permit to allow a Wind Turbine. Public Hearing will be held at the Town of Ontario, March 3<sup>rd</sup>, at 7:30 PM. Copies were supplied to Town Board, Code Enforcement Officer, Building Inspector, and Planning Board Clerk

Motion by Councilman Maciuska to accept and file.  
Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

**SEQR ACCEPT AND FILE INFORMATION FORMS:**

Motion by Councilman Maciuska to accept and file SEQR for Lead Agency Request for Wayne Central School District and SEQR for Final Findings for DEC Dolomite.  
Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

**SHERIFF VIRTS – THANK YOU LETTER:**

Thank you letter was received thanking the Town Board for allowing him to address the Board. Sheriff Virts would like the dates and times of the Towns Community Festival and staffing needs so that budgeting can be done well in advance. This information will be forwarded to him.

**SUPERVISORS REPORT:**

Motion by Councilwoman Marini to accept as presented the Supervisor's Report for January 2010.  
Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

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**PUBLIC PARTICIPATION:**

No one present offered any comments.

**RESOLUTION 15-10 - AUDIT OF CLAIMS**

Councilwoman Hawkins-Mance offered the following Resolution **15-10** and moved its adoption.

Seconded by Councilwoman Marini to wit:

**WHEREAS**, the following claims submitted at the scheduled Town Board Meeting of February 18, 2010 have been audited and approved by the appropriate Board Members.

**BE IT RESOLVED** that the claims be paid on **Abstract #2**, numbered 123 through 281 in the following amounts:

GENERAL FUND	\$ 103,605.52
HIGHWAY FUND	\$ 68,351.40
WALWORTH SEWER DISTRICT #1	\$ 33,546.17
WALWORTH LIGHT DISTRICT	\$ 602.22
HARVEST HILL LIGHT DISTRICT	\$ 691.69
BROOKSIDE LIGHT DISTRICT	\$ 12.13
ORCHARD VIEW LIGHT DISTRICT	\$ 116.26
GANANDA LIGHT DISTRICT	\$ 945.25
PARK SPECIAL REVENUE	\$ 272.69
WALWORTH CONSOLIDATED DRAINAGE	\$ 2,034.10
WEST WALWORTH FIRE PROTECTION	\$ 150,000.00
LINCOLN FIRE PROTECION	\$ 140,575.00

**BE IT FURTHER RESOLVED** that the claims be paid on **Abstract #2** numbered 5 through 31 in the following amounts:

TRUST & AGENCY	\$ 461,258.94
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**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Walworth adopts Resolution 15-10.

Adopted this 18th day of February 2010 at the meeting of the Town Board.

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

Resolution carried.

**COMMITTEE REPORTS:**

**CEMETARY – COMMITTEE MEETING**

Meeting on Monday to discuss fees, policies and procedures until everything is completed.

**RECREATION – ZUPPERBOUNCE CONTRACT**

Motion by Councilwoman Marini authorizing the Town Supervisor to sign the contract with ZuperBounce, LLC, for the movie at the Festival in the Park on July 23, 2010.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

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**RECREATION – GIRL SCOUTS WESTERN WAYNE SERVICE UNIT  
MANAGER – THANK YOU**

A thank you note from the Girl Scouts for a Service Unit Project done at the Lodge was acknowledged.

**WEST WALWORTH FIRE DEPARTMENT – USE OF SHERBURNE PARK BALL  
FIELD**

Motion by Councilwoman Hawkins-Mance authorizing West Walworth Fire Department the Use of Sherburne Park on Wednesday, April 21, 2010 through August 11, 2010, weather permitting at 6 PM.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

**PARKS & RECREATION MASTER PLAN COMMITTEE**

Meeting is next Wednesday at 7 PM in the Lodge.

**TOWN CLERK - UPDATE**

Councilwoman Marini met with Gail Fisher, from NYS Archives, regarding the Towns Records Management Program. She received grant information for the Records Management Officer and the Town along with procedure manuals for the Town to review and adopt.

**CABLE – EXTENSION POSSIBILITIES**

Extending jurisdiction of the Public Service Commission the Time Warner Engineer is studying the extension possibility at this time. The Town has no jurisdiction over this.

**LIBRARY – PETITION TO CONTINUE FUNDING**

The proposed budget is going to reduce the aide to libraries by about 18%. If you are in support of them continuing funding and would like that to be known to state government, stop by the library and sign the petition.

**LIBRARY- NEW PAGE**

Michael Hamel Simmons has been hired as a page in the Library.

Increase of 4.69% in 2009 over the previous year.

**LIBRARY – TRUSTEES APPOINTMENT**

The following were recommended after the Walworth Seely Public Library – Board of Trustees had completed the interview process and appointed the following, pending the Town Board approval.

Pamela Opett	Term expiring 12/31/2013
David Lynch	Term expiring 12/31/2012
Tina Burmeister	Re-appointment Term expiring 12/31/2014

Motion by Councilman Maciuska to approve the above appointments to the Walworth Seely Public Library Board of Trustees.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

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**PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. 1 ON SUBDIVISION OF LAND; SITE PLAN REVIEW AT 7:45 PM:**

Laurie Wiecek, Deputy Town Clerk, stated that the notice of Public Hearing for Proposed Local Law No. 1 of the Year 2010 was duly published two (2) times in the Town's official newspaper on February 7 and February 14, 2010, with the same dates being posted at the Town Hall. Copies were available for the public.

Motion by Councilwoman Hawkins-Mance to waive the reading of the Legal Notice.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Supervisor Plant declared the Public Hearing opened.

Time: 7:46 PM.

Mr. Conrad Russell was not in favor of the Proposed Local Law. He stated his reasons. Discussion ensued.

Motion by Councilwoman Marini to close the Public Hearing.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

Time: 7:58 PM.

**Councilman Yale entered the meeting at 7:55 PM:**

**SEQR - DECLARE NEGATIVE IMPACT FOR PROPOSED LOCAL LAW NO. 1 SUBDIVISION OF LAND; SITE PLAN REVIEW:**

Motion by Councilman Maciuska to declare SEQR - negative impact for Proposed Local Law No. 1 Subdivision of Land; Site Plan Review.

Seconded by Councilman Yale.

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

Motion carried.

**WALWORTH-SEELY COUNTS DOWN TO ITS 50<sup>TH</sup> BIRTHDAY PROCLAMATION:**

Councilman Maciuska offered the following Proclamation. Seconded by Council Woman Marini to wit:

**WHEREAS**, The Walworth-Seely Public Library has played a vital role in supporting the quality of life in the Walworth community;

**WHEREAS**, the Walworth-Seely Public Library is helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy on a daily basis;

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**WHEREAS**, the Walworth-Seely Public Library is crucial technology hub for the residents of the Town of Walworth who are in need of free Web access, computer training, and assistance finding job resources;

**WHEREAS**, the Walworth-Seely Public Library is part of the American Dream - places for opportunity, education, self-help and lifelong learning;

**WHEREAS**, THE Walworth-Seely Public Library business has increased, following the nationwide trend among all types of library users, continuing a decade-long trend;

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Walworth, do proclaim that the next two years will be a countdown to the 50<sup>th</sup> Birthday of the Walworth-Seely Public Library, acknowledging the roll that the library has played in the past vitality of this community and for future contributions.

On behalf of the Walworth Town Board, this Proclamation was approved on February 18, 2010.

Adopted: Vote Ayes 5 Nays 0

**LIBRARY – LIBRARY**

**BOARD OF TRUSTEE - PRESIDENT**

Mr. Ronald Wrightstone was voted in as President for the Walworth-Seely Public Library Board of Trustees.

**TOWN MASTER PLAN COMMITTEE – UPDATE**

Held a meeting last week; was quite productive - moving along.

**RESOLUTION 16-10 TO WITHDRAW FUNDS FROM THE RECORDS MANAGEMENT RESERVE A232RM IN THE AMOUNT OF \$6,600.00 FOR THE PURPOSE OF CODE BOOK SUBJECT TO PERMISSIVE REFERENDUM:**

Councilwoman Marini offered the following Resolution **16-10** and moved its adoption. Seconded by Councilman Yale to wit:

**WHEREAS**, the Town Board of the Town of Walworth proposes Resolution **16-10** subject to a permissive referendum; and

**WHEREAS**, the purpose and effect of which is to withdraw funds from the Records Management Fund for the purpose of updating, printing and purchasing of Codification Books for the Town as per contract with General Code; and

**WHEREAS**, the final amount will not exceed six thousand six hundred dollars and no cents (\$6,600.00), and

**THEREFORE, BE IT RESOLVED** that the Town Board 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 Board of the Town of Walworth adopt Resolution **16-10**.

Adopted this 18<sup>th</sup> day of February 2010 at the meeting of the Town Board.

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Discussion: Supervisor Plant stated that the Town Clerk called today and requested to be put on record for objecting for the money being taken out of what she felt was her fund without being discussed with her. Supervisor Plant pointed out to her that it had been discussed, because we got the price for all this and asked her to verify the price was still good for all with General Code, which she did. I informed her that this was a fund set up by the Town Board not just for Town Clerk Records but for any records of the Town, storage of the records or anything we feel need to happen under this program. But she did not agree. She feels the Town Board should discuss with her anytime the Board would like to take money out of this fund.

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

Resolution carried.

**RESOLUTION 17-10 TO WITHDRAW FUNDS FROM THE RECORDS MANAGEMENT RESERVE A232RM IN THE AMOUNT OF \$3,000.00 FOR THE PURPOSE OF CEMETARY SOFTWARE SUBJECT TO PERMISSIVE REFERENDUM:**

Councilwoman Hawkins-Mance offered the following Resolution **17-10** and moved its adoption. Seconded by Councilman Yale to wit:

**WHEREAS**, the Town Board of the Town of Walworth proposes Resolution **17-10** subject to a permissive referendum; and

**WHEREAS**, the purpose and effect of which is to withdraw funds from the Records Management Fund for the purpose of cemetery software; and

**WHEREAS**, the final amount will not exceed three thousand dollars and no cents (\$3,000.00), and

**THEREFORE, BE IT RESOLVED** that the Town Board 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 Board of the Town of Walworth adopt Resolution **17-10**.

Adopted this 18<sup>th</sup> day of February 2010 at the meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 18-10 ORGANIZATION RESOLUTION AUTHORIZING AMENDMENT TO THE TOWN OF WALWORTH SPONSORED RETIREMENT PLAN:**

At a meeting of the Town Board of the Town of Walworth, a Municipality, taken on February 18, 2010, the following Resolution 18-10 was duly adopted.

**WHEREAS**, the Town Board of this municipality has considered the salient features of the 401(k) Profit Sharing Plan.

The following resolution was offered by Councilwoman Hawkins-Mance. Seconded by Councilwoman Marini and unanimously adopted.

**BE IT RESOLVED** that the Town Board amends the 401(k) Profit Sharing Plan (the "Plan") to be effective for Plan Years beginning on or after 1/1/2009. The Plan is amended to address the Pension Protection Act of 2006 and the EACA/QACA provisions, amongst other items.

**BE IT FURTHER RESOLVED** that the officers of the municipality are authorized and directed to execute any and all documents and do any and all acts that may be necessary in connection with amendment of the Plan.

**BE IT FURTHER RESOLVED** that the officers of the Municipality are authorized and directed to retain any service providers they believe necessary or desirable in connection with the amendment of the Plan.

#### CERTIFICATION

I, the undersigned Town Clerk of the Town, do certify that the foregoing is a true exact and correct copy of a resolution adopted at a lawfully held Town Board meeting of the Town of Walworth on the 18<sup>th</sup> day of February 2010.

\_\_\_\_\_  
Signature

Susie C. Jacobs  
Town Clerk

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

Resolution carried.

#### **RESOLUTION 19-10 CAREY LAKE, LLC FIREWORKS:**

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

Seconded by Councilman Yale to wit:

**WHEREAS**, that the Town of Walworth recognizes the need to encourage and foster existing businesses within the Town. As such, the Town recognizes that Carey Lake, LLC, operates a party and banquet facility located within the Town; and

**WHEREAS**, the property on which the business is located has very unique characteristics not found on other properties within the Town; and

**WHEREAS**, the property is 210 acres of mostly undeveloped land with a large body of water; and

**WHEREAS**, the property is located in a relatively low developed portion of the Town on Route 441 and is readily accessible and open to the public at large; and

**WHEREAS**, Carey Lake, LLC has contracted with Young Explosives Corporation for fireworks displays for the past 8 years. The displays are

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requested/contracted for activities such as wedding parties being held at the banquet house but have been available for general public enjoyment by anyone in the public wishing to view; and

**WHEREAS**, the unique nature of the property affords public safety not readily available at other properties within the Town during the displays;

**NOW, THEREFORE, BE IT RESOLVED**, that both parties have made it known to the Town Board that they wish to continue the contractual relationship;

**BE IT RESOLVED**, that given the unique property characteristics, its location available for general public enjoyment, the willingness of Carey Lake, LLC to publicly post notice in its restaurant and Town Hall regarding dates and times of displays, and provide copies of appropriate insurances to the Town Clerk, it is resolved that the Town of Walworth acknowledges the existence of and generally approves of such contractual relationship between these two parties in the year 2010.

Adopted this 18<sup>th</sup> day of February 2010 at the meeting of the Town Board.

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

Resolution carried.

**GALVIN'S MOBILE HOME PARK RENEWAL AUTHORIZATION:**

Motion by Councilman Maciuska authorizing the Town Clerk to sign the renewal permit for 2010 for Galvin's Mobile home Park.

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.

**EXECUTIVE SESSION:**

Motion by Councilwoman Hawkins-Mance to enter into executive session to discuss litigation and the proposed acquisition/sale/lease of real property when publicity might affect value.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Time: 8:17 PM.

**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 8:28 PM.

**RESULTS OF JUSTICE TOWN BOOKS:**

Motion by Councilwoman Marini to file the Findings and Order Upon Audit for the records of Town Justice Young reviewed by the Town of Walworth Town Board

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on February 18, 2010. The records appear satisfactory. It was previously noted that the monthly bank statements and checkbooks could not be reviewed. They were presented tonight. The Town Board directs that the following action be taken: No further action upon compliance with the above recommendation. Dated 2/18/10.

Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

**ADJOURNMENT:**

Motion by Councilwoman Hawkins-Mance to adjourn.

Seconded by Councilwoman Marini and unanimously carried.

Time: 8:31 PM.

Respectfully Submitted,

Laurie A. Wiecek  
Deputy Town Clerk