

**WALWORTH TOWN BOARD – REGULAR MEETING
4 MARCH 2010**

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:	Frank Maciuska	Councilman
	Patricia Marini	Councilwoman
	Thomas Yale	Councilman
	Laurie Wiecek	Deputy Town Clerk
	Mike Frederes	Highway Superintendent
Absent:	Susie Jacobs	Town Clerk
	Suzi Hawkins-Mance	Councilwoman

MINUTES:

Motion by Councilwoman Marini to table the Minutes of January 7, and January 21, 2010, meeting as presented, waiting for corrections.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

MINUTES:

Motion by Councilwoman Marini that the 2009 Minutes continue to be tabled as presented - we're waiting for the page numbers to be placed on them.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

CORRESPONDENCE:

Nothing was entered into record.

PUBLIC PARTICIPATION:

A resident of Plank Road addressed the Town Board on behalf of himself and other neighbors concerning safety, contamination and property values for the property located at 452 Plank Road. He asked for the Board's help. Discussion ensued.

PUBLIC HEARING 7:40 PM – SEQR FOR ZONING:

Laurie Wiecek, Deputy Town Clerk, stated that the notice of Public Hearing for SEQR for Proposed Local Law No. 3 of the year 2010 "Zoning", Chapter 180 was duly published two (2) times in the Town's official newspaper on February 21 and February 28, 2010, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilman Maciuska to waive the reading of the Legal Notice.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

Supervisor Plant declared the Public Hearing opened.

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Motion by Councilman Yale to close the Public Hearing.
Seconded by Councilman Maciuska.
Adopted: Vote Ayes 4 Nays 0

SEQR – DECLARE NEGATIVE IMPACT – PROPOSED LOCAL LAW NO 3 OF THE YEAR 2010 “ZONING” CHAPTER 180:

Motion by Councilman Maciuska to declare SEQR – Negative Impact for Proposed Local Law No. 3 of the Year 2010 “Zoning” Chapter 180.
Seconded by Councilman Yale.

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

Resolution carried.

COMMITTEE REPORTS:

MS4 COMMITTEE – MS4 CONFERENCE

Motion by Councilman Maciuska authorizing Norm Druschel and Linda Kleeman to attend MS4 Conference, March 24 and March 25th, 2010, a prepaid and budgeted item for an amount not to exceed \$75.00 each.
Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

PARKS AND RECREATION MASTER PLAN COMMITTEE - UPDATE

The committee met last week and is scheduled to meet again on the 10th and the 24th. The Parks and the Recreation Committee received a mini grant for the purchase of snowshoes or winter walkers in the amount of \$945.50 from the Cooperative Extension of Wayne County – Eat Well Play Hard Community Project.

TOWN CLERK – NYS TOWN CLERK’S CONFERENCE

Motion by Councilwoman Marini to authorize Town Clerk to attend the NYS Town Clerk’s Conference in Saratoga Springs on April 25 through April 28, 2010 for room, registration, and food not to exceed \$825.00, a budgeted item from line A1410.41. Prepayment is being requested.
Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

PUBLIC HEARING 7:45 PM – ZONING

Laurie Wiecorek, Deputy Town Clerk, stated that the notice of Public Hearing for Proposed Local Law No. 3 of the year 2010 “Zoning” Chapter 180 was duly published two (2) times in the Town’s official newspaper on February 21 and February 28, 2010, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilman Maciuska to waive the reading of the Legal Notice.
Seconded by Councilman Yale.

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Adopted: Vote Ayes 4 Nays 0

Supervisor Plant declared the Public Hearing opened.

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Motion by Councilman Maciuska to adopt the following Proposed Local Law No. 3 of the year 2010 “Zoning” Chapter 180.

Seconded by Councilman Yale:

Local Law #_____ of the year 2010

A Local Law amending Chapter 180 of the Walworth Town Code entitled
ZONING

The Town Board of the Town of Walworth hereby amends the Walworth Town Code Chapter 180 entitled “ZONING” as follows:

- §180-4. Terms Defined shall be amended by deleting the word **CELLAR and its definition.**
- §180-5 shall be amended by deleting **B1 General Business District, B2 Office Research/High Density Residential,** and adding **B District General Business/Professional Office/Office Research/Research Park/ High-Density Residential**
- §180-5 Establishment, shall be amended by deleting **I District Industrial** and substituting therefore **I District General Industrial**
- §180-6D(3) shall be amended by changing **RRIA Districts: Single Family Residential** and substituting therefore **RR-1A Districts: Single-Family Residential**
- §180-6 Zoning Map shall be amended by adding paragraph E. to read as follows: **Said districts known as B-1 and B-2 Business - 2 as shown on a map entitled "Town of Walworth Zoning Map" dated 17 day of August, 2000 and amended January 17, 2002, March 20, 2003, September 4, 2003, January 5, 2005 and June 7, 2007, shall be combined and known as "B Districts," and said combined map shall be attached hereto, adopted herewith and certified by the Town Clerk, with all the explanatory matter thereon, and is hereby made a part of this Code.**
- §180-8A(1) and (2) shall be amended by deleting **RR-2.**
- §180-10 (F) (a) shall be amended to read as follows: For lots from **one** acre to five acres, the relationship between depth and width shall not exceed 2.5 to 1, with a minimum width at the front setback line of 100 feet; however, in cases of minimum deviation from the requirements set forth herein, the depth-to-width ratio allowable and the minimum width at the front set back line shall be determined by the Planning Board, at the Planning Boards discretion, after considering drainage, topography, vegetation patterns, geological formations, lot shape and dimension and taking into consideration the harmonious development and the community in the interest of good planning and the public health, safety and general welfare of the neighborhood and the community.
- §180-11 shall be repealed.

- §180-12G shall be amended by replacing the words "(except where §180-30 shall be applicable)" with "**(except where §180-29 shall be applicable)**"
- §180-12G(4)(a) shall be amended by deleting the words "**(as required by §180-11E)**"
- §180-13D shall be amended by adding **(14) Other uses not specifically listed above but deemed by the Planning Board to be similar in nature and compatible with the purpose and intention of a Hamlet District. Such determination shall then be forwarded with the Planning Board recommendation to the Town Board for consideration and final decision.**
- 180-13C shall be amended by deleting **RR-2**.
- §180-13D (3) ~~Convenience food stores~~ shall be amended to read: Supermarkets and convenience food stores.
- §180-13F shall be amended by changing the hours of 6:00 a.m. to 12 midnight to **4:00 a.m. to 12:00 midnight**
- §180-13H shall be amended to read as follows: **Building height limit. The height of a building may not exceed the parameters established by the Building Code of New York State and/or Residential Code of New York State.**
- §180-14. B-1 Districts: General Business **is hereby repealed. Remove all other references to B-1 Districts in Chapter 180, with the exception of §180-6.**
- §180-14. shall be added to read as follows: **§180-14. B Districts: General Business/Professional Office/ Office Research/ Research Park/High-Density Residential.**

A. Purpose. The purpose of this district is to provide suitable areas for general and commercial goods and services necessary to serve a number of neighborhoods and to do so in an orderly fashion that maintains viability of residential areas and neighborhood commercial centers and further, to allow office park and research and development and high density residential uses of property to better service the community. The areas proposed zoned B shall be served by sanitary sewers except in developments with small sewage flows (domestic-type sewage with total daily volume of 2,000 gpd or less,) which said developments shall be exempt from these regulations and may utilize conventional on-site sewage disposal systems designed and installed in accordance with 10 NYCRR Appendix 75A and the Town Code. The areas zoned B shall also be served by adequate drainage control and/or storm sewers and public water.

B. Permitted uses. The following uses and their accessory uses are permitted in a B District:

(1) all uses permitted in any Hamlet District, including accessory uses, subject to the provisions for such Hamlet District, including special use permits where required.

(2) Retail outlets, department stores, strip shopping malls, banks, drive in bank facilities, mortuaries or funeral homes, theaters, bowling alleys, miniature golf courses, driving ranges, batting cages or other associated uses deemed appropriate by the Planning

Board. Such determination shall be forwarded by the Planning Board to the Town Board for consideration and final decision.

(3) High-density residential uses, including facilities for senior citizens.

(4) Offices including medical, dental, physical therapy, counseling and other related practices providing professional care.

(5) Uses accessory to the above, which are an integral part of and used solely for the permitted use and deemed appropriate by the Planning Board.

C. Special use permits.

(1) At any time when the specific use originally permitted within this district is to be changed so that it involves a separate, different and distinct use, process or product, application must be made to the Planning Board for a special use permit, at which time the Planning Board may require that any and all phases of the operation which have become or are liable to become detrimental to the neighborhood be corrected prior to the Planning Board issuing the special use permit. It is the intent of this provision that in the event a special use originally permitted within the district is to be changed to a use that does not require a special use permit as provided in this chapter, then in that event, no application shall be required to be made to the Planning Board; however, before such use can be changed, notice must be given to the Planning Board setting forth the date when the use will be changed.

(2) Conditional uses (requiring special use permit procedures as contained in §§ 180-53 and 180-54) are:

(a) Bars, taverns, restaurants or other eating establishments.

(b) Auto sales, new and used, and recreational vehicle sales.

(c) Auto repair shops, auto accessories and parts.

(d) Gasoline service stations, vehicle washes, rental of trucks, trailers or other associated uses deemed appropriate by the Planning Board.

(e) Motels, hotels, bus stations, rental car agencies or other associated uses deemed appropriate by the Planning Board.

(f) Mini-storage facilities, machine shops, light manufacturing, assembling, fabrication or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather or precious or semiprecious metals or stones excluding maintenance, repair or outdoor storage facilities.

(g) Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.

(h) Manufacture of electric, electronic or optical instruments or devices.

(i) Administrative, educational, regional or district offices of various types of companies and other office related activities in conjunction with a permitted use.

(j) Public buildings and grounds, public utility substations and uses, excluding power plants, maintenance, repair or outdoor storage facilities.

(k) Banks and drive in banking facilities.

(l) Mortuaries or funeral homes.

(m) Uses accessory to the above which are an integral part of and used solely by the permitted use and deemed appropriate by the Planning Board. Such determination shall be forwarded by the Planning Board to the Town Board for consideration and final decision.

(n) Other uses not specifically listed above and/or an accessory to, similar in nature and compatible with the Master Plan, deemed appropriate by the Planning Board and the purpose of a B District permitted upon issuance of a special use permit as provided in §§180-53 and 180-54.

D. In B Districts, the following uses are specifically prohibited.

(1) The production from raw materials of chemicals, explosives, fertilizer, paint products, rubber, soaps, starch, by-products of coal, coke and petroleum and natural gas.

(2) The milling or processing of flour, feed or grain, the reduction, refining, smelting and alloying of metal or metal ores, the distillation of wood or bones or the reduction and processing of wood pulp and fiber.

(3) Junkyards.

(4) The operation of stockyards, slaughterhouses and rendering plants and food processing.

(5) Mining and quarrying operations.

(6) Depots for bulk storage of fuel.

(7) Storage of hazardous substances.

(8) Sawmill operations, cutting, splitting and sale of firewood.

E. Minimum dimensional requirements.

(1) Lot area. The minimum lot area shall be one acre.

(2) Building height limit. The height of a building may not exceed the parameters established by the Building Code of New York State and/or Residential Code of New York State.

(3) Lot coverage. All residential and/or commercial buildings, including accessory buildings, shall not cover more than 30% of the area of the lot. All residential and/or commercial buildings including accessory buildings, parking areas and paved areas shall not cover more than 75% of the area of the lot. In the event that storm sewers shall service the property, the Planning Board shall have a right to waive the maximum percentage of lot coverage of all residential and/or commercial buildings, including accessory buildings, parking areas and paved areas, as set forth above if the Planning Board finds that the storm sewers provide adequate drainage and said percentage of lot coverage pertaining to all residential and/or commercial buildings, including accessory

buildings, parking areas and paved areas, is compatible with the surrounding neighborhood.

(4) Setback requirements. All setbacks shall comply with the buffering requirements of this chapter. No structure within the B District shall be located closer than 100 feet to the highway right-of-way, 25 feet to a side property line or 50 feet to the rear property line (except where §180-29 is applicable and more restrictive).

(5) Landscaping.

(a) All required yards and all areas of the lot not covered by buildings or surfaced as parking or service areas shall be suitably landscaped. Where lot lines coincide with residential districts or use boundaries appropriate buffering shall be installed and/or planted as determined by the Planning Board to provide a visual screening buffer between the adjoining properties.

(b) All landscaping shall be properly maintained throughout the life of any use on any lot.

(c) Existing walls, trees or landscaping within 100 feet of any street or residential district or use boundary shall not be removed except with the approval of the Planning Board.

(6) Parking. Refer to §180-39 of this chapter.

(7) Signs. Refer to §180-40 of this chapter.

- §180-15. B-2 Districts: General Business/Professional Office/Office Research/Park/High-Density Residential **is hereby repealed. Remove all other references to B-2 Districts in Chapter 180, with the exception of §180-6.**
- §180-16B(1) shall be amended to read as follows: **All industrial uses, including sawmill operations, cutting, splitting and sale of firewood, not otherwise prohibited by law and which are not listed as prohibited uses within this district and do not constitute a nuisance as determined by Subsection E of this section.**
- §180-17H(4)(f) shall be amended to read as follows: **There shall be off-street parking facilities, which shall be adequate for the particular development and as determined by the Planning Board. In regard to parking, storage or use of recreational equipment and parking and storage of unregistered vehicles, §§180-25, 180-26 and 168-3 shall be applicable.**
- §180-17J. (3) shall be amended by replacing the word **arc** with the word **are**.
- §180-18B Definitions. TOWN DESIGN STANDARDS shall be amended by replacing **Article VII** with **Article VI**.
- §180-21A, B, and C shall be amended by deleting **RR-2**.
- §180-21A shall be amended to read in part as follows: **"No accessory building or structure shall be erected in any front yard; however in RR-1, R and Hamlet Zoning Districts, ..."**
- §180-21 shall be amended by adding paragraph **F** to read as follows: **Permitted accessory uses may be located on a contiguous parcel provided the owner of record is also the owner of the parcel having the principal use.**
- §180-28 A. shall be amended to read as follows: **No person, partnership, limited liability company, corporation or entity of any kind shall add to or place fill dirt and/or waste materials or any material on any premises in the**

Town of Walworth without obtaining a fill permit (fee shall be set forth from time to time by Town Board resolution and on file in the office of the Town Clerk) from the Town Board of the Town of Walworth, except the fill operation of clean topsoil, gravel and/or sand not exceeding 50 cubic yards in any one calendar year, then in that event, said operation shall be exempt from obtaining a fill permit.

- §180-32 Open Burning. shall be amended by deleting **however nothing contained herein shall:** and adding the following:
 - A. Nothing contained herein shall:
 - §180-32 Open Burning. shall be amended by changing the following:
 - A. to **1.**, B to **2.**, and C. to **3.**
 - §180-32. Open Burning shall be amended by adding:
 - B. Smoke of such intensity or duration as to endanger or infringe upon the public comfort, peace or detrimental to the life or health of any individual is declared to be a nuisance and is prohibited.**
 - C. The operation of any wood bonfire shall be prohibited between the hours of 11pm and 9am or at anytime the bonfire is unattended at which time the bonfire must be completely extinguished to eliminate any danger to the public health and welfare from the spread of fire and smoke to adjacent public or private properties.
- §180-35 D. shall be amended to read: **No basement or part of a basement shall be used or designed for sleeping purposes unless it complies with the Residential Code of New York State definition of "habitable space" and all related sections governing such occupancy.**
- §180-35G. Garage. shall be amended to read as follows:
 - (1) **At the same time each single-family home is built, an attached or detached garage containing a minimum of 350 square feet shall be constructed.**
 - (2) **At the same time each two-family home is built, an attached or detached garage containing a minimum of 350 square feet for each living unit shall be constructed.**
 - (3) **At the same time each multifamily living unit is built, an attached or detached garage or carport containing a minimum of 350 square feet for each living unit shall be constructed.**
- §180-38 C. shall be amended to read as follows: **Application procedure and requirements. Before any excavation activities are commenced, the owner, agent or lessee of the premises shall file with the Building Inspector an application for a permit and pay a filing fee in an amount as set forth from time to time by Town Board resolution and on file in the office of the Town Clerk. In all cases, the application for each excavation permit shall be accompanied by materials the Town Board may deem necessary, such as but not limited to the following:**
- §180-38 F. shall be amended to read: **Fee. The owner or lessee of land under excavation shall pay an excavation and topsoil removal permit fee in an amount as set forth from time to time by Town Board resolution and on file**

in the office of the Town Clerk. The fee shall be paid annually from the date the permit is approved by the Town Board.

- §180-38G(1) shall be amended as follows by replacing of a fee as required by resolution from time to time by the Town Board, **with a fee in an amount as set forth from time to time by Town Board resolution and on file in the office of the Town Clerk,**
- §180-39A(9) shall be amended by replacing the word **two** with **one**
- §180-40E(1) and (2)-(a) shall be amended by deleting **RR-2**
- §180-40E(1)(a) shall be amended to read as follows: **One home occupation sign not exceeding thirty inches by thirty inches (6.25 square feet) in area per dwelling. Said sign may indicate only the name, address and telephone number of the occupant and the permitted accessory use. Such sign may be attached to a principal building or may be on a separate support, but in either case shall not project more than six feet in height above grade and shall not be illuminated except indirectly.**
- §180-41 A(3) shall be amended to read as follows: **Upon application for a conditional variance, the applicant is to pay to the Town a temporary use permit fee in an amount as set forth from time to time by Town Board resolution and on file in the office of the Town Clerk.**
- In §180-43.1 HOME OCCUPATIONS definition of:

HOME OCCUPATION MINOR, paragraph (2)-(s) shall be amended to read as follows:

Any occupation, business or profession that offers skilled services, excluding and excepting services in connection with motorized equipment and vehicles, upon the submittal of a written application and provided that the Planning Board determines the use qualifies as a Home Occupation Minor, and complies with the requirements set forth in §180-43.1 D(1)(a), (b), (c), (d), (e), (f) and (g) and any other reasonable conditions as may be established by the Planning Board.

- In §180-43.1A, HOME OCCUPATIONS, in the definition of:

HOME OCCUPATION, MAJOR - CATEGORY A, paragraph (2) shall be amended by adding the following:

(g) Any occupation, business or profession that offers skilled services, excluding and excepting services in connection with motorized equipment and vehicles, upon the submittal of a written application and provided that the Planning Board determines the use qualifies as a Home Occupation Major-Category A, and complies with the requirements set forth in §180-43.1D(1)(a), (b), (c), (d), (e), (f) and (g) and any other reasonable conditions as may be established by the Planning Board.

- In §180-43.1A, HOME OCCUPATIONS, in the definition of:

HOME OCCUPATION MAJOR - CATEGORY B, paragraph (2) shall be amended by adding the following:

(g) Any occupation, business or profession that offers skilled services, excluding and excepting services in connection with motorized equipment and vehicles, upon the submittal of a written application and provided that the Planning Board determines the use qualifies as a Home Occupation, Major-Category B, and complies with the requirements set forth in §183-43.1D(1)(a), (b), (c), (d), (e), (f) and (g) and any other reasonable conditions as may be established by the Planning Board.

- §180-43.1C(1), (2) and (3) shall be amended by deleting **RR-2**.

- §180-43.1-D(1)(d) shall be amended to read as follows: **The application indicates that the home occupation is not advertised by a sign over six (6) square feet in area and not more than six feet above grade or ground level, which otherwise complies with §180-40E(1).**
- §180-43.1 D(2)(e) shall be amended to read as follows: **is not advertised by a sign over six (6) square feet in area and not more than six feet above grade or ground level, which otherwise complies with §180-40E(1).**
- §180-43.4-D(2)(b)[6] shall be amended to read as follows: **RR-1 Districts: Single-Family Residential.**
- §180-43.4-D(2)(b)[7] shall be deleted.
- §180-44B. Definition for OPEN WATER POND shall be amended in part to read by replacing the word **greater** with **no less than** and adding the words **no less than** after the word **of** and before **36 inches**.
- §180-44D(3) shall be amended by deleting **subject to all provisions of §180-36 of this Code regulating swimming pools**
- §180-44E shall be amended to read as follows: **Pond Permit process. A residential, commercial or industrial property owner who wishes to construct any kind or type of pond on his, her or its property shall make application to the Planning Board for a special pond use permit on an application obtained from the Building Department of the Town of Walworth. The Planning Board shall not grant a special pond use permit unless there is full compliance with the requirements of those agencies listed in §180-44 D (4) (c). Documentation shall appear on official letterhead from each agency and signed by the individual(s) authorized to issue such conformance documentation for each agency so noted in §180-44 (4) (c).**
- §180-53 D (1) shall be amended as follows: **In case of a special use permit application in a residential zoning district a fee as set forth from time to time by Town Board resolution and on file in the office of the Town Clerk.**
- §180-53 D (2) shall be amended as follows: **In the case of a special use permit application in a commercial or industrial zoning district a fee as set forth from time to time by Town Board resolution and on file in the office of the Town Clerk.**
- §180-58 E. shall be amended as follows: **The building permit shall be issued only after payment of the applicable fee or fees set forth from time to time by Town Board Resolution and on file in the office of the Town Clerk, except when waived by the Town Board.**

This Local Law shall become effective immediately upon passage by the Walworth Town Board and filing with the New York Secretary of State.

Adopted this 4th day of March 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

Motion carried.

GANANDA SEWER DEDICATION:

Motion by Councilman Yale to accept the Gananda Sewer Dedication pending the receipt of the bond.

Seconded by Councilwoman Marini.

**WALWORTH TOWN BOARD – REGULAR MEETING
4 MARCH 2010**

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

Motion carried.

PUBLIC HEARING 8:00 PM – DOGS:

Laurie Wiecek, Deputy Town Clerk, stated that the notice of Public Hearing for Proposed Local Law No. 2 of the year 2010 “Dogs” Chapter 56 was duly published two (2) times in the Town’s official newspaper on February 21 and February 28, 2010, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilwoman Marini to waive the reading of the Legal Notice.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

Supervisor Plant declared the Public Hearing opened.

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

Motion by Councilman Maciuska to adopt the following Proposed Local Law No. 2 of the year 2010 “Dogs” Chapter 56.

Seconded by Councilwoman Marini:

Local Law #_____ of the year 2010

A Local Law amending Chapter 56 of the Walworth Town Code
DOGS

The Town Board of the Town of Walworth hereby amends the Walworth Town Code Chapter 56 entitled DOGS as follows:

- §56-8 E. The first sentence, shall be amended to read as follows: If any dog so seized is not redeemed in the time hereinbefore set forth, the owner shall forfeit all title to the dog and the dog shall be made available for adoption or euthanized pursuant to Article 7 of the New York State Agriculture and Markets Law... (balance of paragraph to remain unchanged).
- §56-8 B. shall be amended to read as follows: The owner of a dog seized who has been previously served with a notice of the seizure of the dog, may redeem the dog within 7 days of personal service: however, if notice to the owner of the seizure is given by mail, the owner of the dog seized may redeem the dog within 9 days from the date of mailing. Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the date seized, during which time the owner of the dog may redeem the dog in accordance with § 118 of the New York State Agriculture and Markets Law. If notice is sent by mail.... (balance of paragraph to remain unchanged).
- §56-8 A. shall be amended as follows: regular mail and certified mail, return receipt requested, or by personal delivery to the owner, (omit: or another person at

last known address) stating that the dog has ...(balance of paragraph to remain unchanged).

This Local Law shall become effective immediately upon passage by the Town Board of the Town of Walworth and filing with the New York Secretary of State.

It is so authorized.

Adopted this 4th day of March 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

Motion carried.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into executive session to discuss pending or possible litigation. Also, the employment history of a particular person/corporation, or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion or suspension.
Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0
Time: 8:09 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.
Time: 8:37 PM.

ADJOURNMENT:

Motion by Councilman Maciuska to adjourn.
Seconded by Councilwoman Marini and unanimously carried.
Time: 8:40 PM.

Respectfully Submitted,

Laurie A. Wiecek
Deputy Town Clerk