

**WALWORTH TOWN BOARD – REGULAR MEETING  
1 APRIL 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
	Suzi Hawkins-Mance	Councilwoman
	Thomas Yale	Councilman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent

**MINUTES:**

Motion by Councilwoman Hawkins-Mance to approve the Minutes of March 24, 2010 as presented.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

Motion by Councilwoman Hawkins-Mance to approve the Minutes of February 18, 2010 as presented.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

Motion by Councilwoman Marini to approve the Minutes of March 4, 2010 as presented.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

Motion by Councilwoman Marini to approve the Minutes of March 18, 2010 as presented with the following amendment, Page 49, the date in the header be changed to 18 March, 2010.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

**MINUTES – NOTE TO FILE:**

Susie Jacobs, Town Clerk, noted that the 2009 Minutes have been presented to the Board and have not yet been approved. Discussion ensued.

**CORRESPONDENCE:**

Susie Jacobs, Town Clerk, read the following note from Mike Jankowski, Wayne County Clerk:

Mike Jacobs and Susie,

Thank you for all your help on the Walworth Passport Clinic. It was a huge success.

Thanks.

Mike

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

Adopted: Vote Ayes 5 Nays 0

**PUBLIC PARTICIPATION:**

No one from the public offered any comments.

**COMMITTEE REPORTS:**

**SEWER – SEASONAL LABOR POSITION AUTHORIZATION**

Motion by Councilman Maciuska to advertise for the Seasonal Laborer position, 40 hours per week, starting June 1, 2010 and go through August 31, 2010. The salary range will be consistent with the Town of Walworth Wage and Salary Schedule. This is a budgeted item.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**SEWER – SURPLUS ITEMS**

Motion by Councilman Maciuska to declare the following items surplus and take them to Municipal Auction in Palmyra, New York on May 8, 2010.

Seconded by Councilwoman Marini.

8 used tires 10/R225  
24 used light fixtures

Adopted: Vote Ayes 5 Nays 0

**SEWER – ALARM SYSTEM – SIEWERT EQUIPMENT COMPANY**

The following quotes were received:

Newark Electric, Newark, NY for the expansion of the present system to include Penfield II Pump Station and replacement of control panel at a cost of \$25,995.00, estimate number E26498.

Siewert Equipment, Rochester, NY for one duplex stainless control panel, which will contain all of the necessary components as well as the alarm, file number 022310JEB.

Motion by Councilman Maciuska to accept the quoted proposal from Siewert Equipment for \$9,785.00 for one duplex control panel replacement. It is a budgeted expense from line SS8130.26.

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.

**MASTER PLAN COMMITTEE – 2010 FINDINGS**

Councilman Yale, Chairman, thanked the following committee members:

Norm Druschel, Deb Amsler, Karen Ambroz, Sue Yara, Gerry Cala, Dan Hall, Barb Heald, Dr. Shawn VanScoy and Phil Williamson.

Councilman Yale read the following 2010 findings;

**Town of Walworth**  
**Master Plan Committee Findings**  
**2010**

The Town Master Plan Committee met on multiple occasions from 1/14/10 to present. The committee reviewed current zoning within the Town, findings from the Economic Development Committee and issues that had been brought to the attention of the Town by concerned public. The following are recommendations made by the Master Plan Committee to the Town Board to review and act on:

1. There should be no change in the RR-1A zoning at this time
2. The B-1 district in the Hamlet of Walworth should be expanded to include the parcel currently owned by J. Englert lying north of the parcel currently housing the Post Office and east the parcel currently owned by Vanhaneghem
3. The PUD should be expanded east along the south side of Rt441 from the current western boarder on Rt441 to the west side of Baker Rd.
4. A provision for the construction of Townhouses should be created within Hamlet Districts
5. A provision for RV parks should be created in areas zoned RR-1 in parcels of minimum acreage of 40 acres and significant property line setbacks. Recommended Town Law is attached to this summary for consideration by the Town.
6. Definition of "multifamily" should be made consistent (11/acre)
7. Town should revisit "Buffers" in 180-8 with the input of the Planning Board to make them consistent, realistic and more practical for implementation.
8. The Hamlet Zone in West Walworth should remain unchanged at this time unless sewers are made available
9. In the Hamlet of Lincoln, create a B-1 district from the north east corner of Plank and Lincoln Roads running east along the north side of Plank to the eastern property line of the parcel currently owned by Zientara

Motion by Councilman Maciuska to accept and file.  
 Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

**NOTICE OF UNSAFE BUILDING - 7:45 PM HEARING - 428 PLANK ROAD:**

Motion by Councilman Maciuska to close the hearing.  
 Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Motion by Councilman Maciuska in accordance with Town of Walworth Code §67-8, Refusal to Comply; action by Town that we proceed with plans to demolish the property at 428 Plank Road that is under discussion.  
 Seconded by Councilman Yale.

Discussion: Supervisor Plant stated that he spoke with the DEC. They are in favor of the Town proceeding with the action and be providing the Town with a letter relieving the Town of eliminating mediating the contamination in the ground.

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Councilwoman Marini asked if the cost of this would be placed on the property. Discussion ensued. Supervisor Plant stated that it can be but this would be against the owners to collect from them. Discussion ensued regarding preliminary price quoted for the job.

Motion by Councilman Maciuska to amend the Motion that the Town start demolition proceedings using the bid received by the Town Supervisor.

Discussion: Councilman Maciuska stated this is not something that the Town of Walworth likes to do but there are times when property owners fail to respond to official notification. In cases where it is an attractive nuisance to the neighborhood and to kids, the Town needs to step in and take this action, which is extreme. It is a safety issue.

Seconded by Councilman Yale to amend his Motion.

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 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 5 Nays 0

Time: 7:58 PM

**Supervisor Plant exited the meeting at 8:15 PM.**

**RECONVENE:**

Deputy Supervisor Yale reconvened the regularly scheduled meeting.

Time: 8:15 PM.

**CEMETERY –**

**RESOLUTION 26-10 – TOWN CEMETERY REGULATIONS:**

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

Seconded by Councilwoman Marini to wit:

Whereas the Town Board of the Town of Walworth desires to establish rules for the use of Town Cemeteries and recognizes the need to establish fee schedules for the purchase of lots for burial, and to regulate the type and size of monuments permitted at gravesites, as well as other matters; and

Whereas Article 17 of the Town Law of New York State specifically permits Towns to sell burial lots; and

Whereas the Town of Walworth currently has no Local Laws or Ordinances regulating the use of Town Cemeteries; and

Whereas there exists a deceased individual, or one or more such individuals, who are awaiting burial in the Town Cemeteries; and

Whereas it is understood that the sale of a cemetery lot does not involve a transfer of title, but merely an easement or right to burial in the purchased lot; and

Whereas the Town Board of the Town of Walworth desires to permit such burial by Resolution pending creation and formalization of Town Resolutions or Local Laws or Ordinances establishing Cemetery Use Regulations;

Now therefore,

Be it Resolved, that the Town Board of the Town of Walworth establishes the following interim Cemetery Regulations for all cemeteries within the Town’s jurisdiction:

1. The Town Board shall sell cemetery lots in all cemeteries where vacant lots exist. The lots shall be sold upon majority vote of the Town Board, and under the hands and seals of the Town Supervisor and the Town Clerk. Such fee shall be payable to the Town Clerk. Fee to be determined by Resolution of the Town Board.
2. At the time of interment in a cemetery lot, either the next of kin or duly appointed representative of the deceased, or, in the event that a funeral home has been involved in handling the remains of the deceased, the funeral home, shall notify the Town Clerk at least three days in advance of the interment and shall provide the Town Clerk with a copy of any approvals required by the County in connection with the proposed burial, along with a copy of the death certificate for the deceased.
3. At the time of interment in a cemetery lot, either the next of kin or duly appointed representative of the deceased, or, in the event that a funeral home has been involved in handling the remains of the deceased, the funeral home, shall pay a fee in the amount of \$400.00 for the opening and closing of the grave
4. All other costs associated with the burial, including appropriate seating and marking of the grave, shall be an expense and responsibility of the next of kin or duly appointed representative of the deceased, or the funeral home handling the remains of the deceased.
5. No grave monuments of any size and of a permanent nature, such as those made of stone, shall be placed upon any grave without the express permission of the Town Board of the Town of Walworth. The Town assumes no responsibility for damage to monuments or markers of any kind.
6. The monies collected for fees shall be held in the Special Cemetery Revenue Fund previously established by the Town Board.

Date: 4/1/10

The Town Board of the Town of Walworth

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Deputy Supervisor/CouncilmanYale	Aye
	Supervisor Plant	Absent

Resolution carried.

**WALWORTH TOWN BOARD – REGULAR MEETING  
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**PERSONNEL – COUNSELING MEMO & DISCIPLINARY ACTION**

Motion by Councilwoman Marini that Counseling Memo & Disciplinary Action dated March 30, 2010 issued for Employee “A” by the Highway Superintendent, Michael J. Frederes, be ratified by the Town Board and be made a part of the Employee “A’s” Personnel File pursuant to the Town of Walworth Employee Hand Book.

Seconded by Councilman Maciuska.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Deputy Supervisor/CouncilmanYale	Aye
	Supervisor Plant	Absent

Motion carried.

**PERSONNEL – COUNSELING MEMO & DISCIPLINARY ACTION**

Motion by Councilwoman Marini that Counseling Memo & Disciplinary Action dated April 1, 2010 issued for Employee “B” by the Highway Superintendent, Michael J. Frederes, be ratified by the Town Board and be made a part of the Employee “B’s” Personnel File pursuant to the Town of Walworth Employee Hand Book.

Seconded by Councilwoman Hawkins-Mance.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Deputy Supervisor/CouncilmanYale	Aye
	Supervisor Plant	Absent

Motion carried.

**NOTICE OF UNSAFE BUILDING – 3655 HIGH STREET:**

Councilman Maciuska read the following:

**NOTICE OF  
UNSAFE BUILDING  
March 30, 2010**

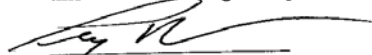
1. **Description of the premises:** Property located on the West side of High Street in the Town of Walworth, having the address of 3655 High Street, Walworth, NY 14568 (owners mailing address 351 Stottle Road, Scottsville, NY 14546-9629). Specific building situated on the property is a vacant multi story masonry and brick building formerly used as a school and most recently known as Academy Apartments.
2. **Owner(s):** Alex Tamoutselis
3. **Statement of particulars in which the building is unsafe or dangerous:** Having visited and observed the unsafe building the following is a brief description of its condition. The town was made aware of the buildings failure during the weekend of March 27<sup>th</sup> & 28<sup>th</sup>, 2010. Pictures (attached for purposed of Town Board review only) were taken by Robert Plant Town Supervisor documenting the collapse of an upper portion of the west wall of the structure with the masonry rubble falling to and through the roof and under structure of the lower portion of the building located directly below the failed area of the 3<sup>rd</sup> floor. The condition of the structure is unfit for use and has been posted with a notification of the condition by the Town of Walworth Building Inspector. A temporary barricade has been erected by the Town Highway Department to keep the general public from gaining access to the immediate area of the premises having experienced the failure. The condition of the structure is unfit to use including the purposes for which it may have lawfully been constructed and used and presents a danger to the general public; making it an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers; and has become a place conducive to rodent and pest infestation; and is a danger to the health, safety and welfare of the general public. A letter (copy attached for purposed of Town Board review only) was sent by regular and certified (return receipt) mail to the owner(s) advising of the buildings condition on March 29, 2010.
4. **Manner in which the building is to be made safe by securing or demolishing as follows:** the structure must be secured or demolished and if demolished the rubble must be immediately removed from the property and the site brought to a safe condition so as not to be a danger to the safety, health and welfare of the general public.
5. **Recommended action:** Immediate securing the premises or in the case of demolition of the building it shall commence within 30 days of the service of this notice and be completed within 60 days thereafter, unless good cause can be shown as to why the work cannot be completed within the specified time frame, such time, may be extended by the Town Board.
6. You are requested to appear before the Town Board of The Town of Walworth at the Town Hall at 8:00 pm on April 15, 2010. The purpose of this hearing is in relation to such unsafe and dangerous building as documented above.

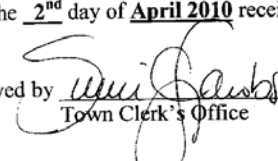
**NOTICE OF  
UNSAFE BUILDING  
March 30, 2010**

In the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board is authorized to provide for its securing or demolition and removal, and to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of securing or demolition, including legal expenses.

This notice has been served upon Alex Tamoutselis by regular and certified return receipt mail on the 2<sup>nd</sup> day of April, 2010.

The Town Clerk of the Town of Walworth has on the 2<sup>nd</sup> day of April 2010 received a copy of this notice for filing as required by law.

  
Philip D. Williamson  
Code Enforcement Officer

Received by  Date: 4/2/10  
Town Clerk's Office

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

Discussion: Councilman Maciuska noted that the owner has responded and is going to bring a structural engineer out to do an inspection of the building. At which time he'll either come in and do a presentation or make a report to the Town Board. The Town has served the notice and that is what is supposed to happen - there is some sort of reciprocity that is supposed to happen. They present a plan and that may mean that demolition is not necessary as long as they make the building safe. This is being done in compliance with the Town Law. Deputy Supervisor Yale commented that the Town is undertaking this because we are recognizing these structures as significant attractive nuisances and a danger to the public in general. Not just to a piece of property that is falling down on an individual's land. The Town does not want to get into the business of policing every building that has issues.

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Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Deputy Supervisor/CouncilmanYale	Aye
	Supervisor Plant	Absent

Motion carried

**GENERAL CODE – AUTHORIZE THE PRINTING OF THE CODE BOOKS:**

Motion by Councilman Maciuska to authorize the Supervisor to sign the agreement with General Code and expend for the code books from the Reserve. Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

**CEMETERIES – AUTHORIZE THE PURCHASE OF CEMETERY SOFTWARE:**

Motion by Councilwoman Hawkins-Mance to authorize the Supervisor to sign an agreement for Cemetery Software and expend from the Reserve. Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

**RESOLUTION 27-10 - PROPOSED LOCAL LAW NO. 4 OF THE YEAR 2010:**

Councilman Maciuska offered the following Resolution 27-10 and moved its adoption.

Seconded by Councilwoman Marini to wit:

**BE IT RESOLVED**, that proposed Local Law No. 4 of the year 2010, entitled ARTICLE II, BRUSH, GRASS AND WEEDS AND ARTICLE III, ABANDONED EQUIPMENT AND RUBBISH a Local Law amending CHAPTER 128 OF THE TOWN OF WALWORTH MUNICIPAL CODE RELATING TO PROPERTY MAINTENANCE; said proposed Local Law No 4 for the year 2010 is hereby introduced before the Town Board of the Town of Walworth in the County of Wayne in the State of New York, and of the Town of Walworth, and

**BE IT FURTHER RESOLVED** that copies of the aforesaid proposed Local Law have been laid upon the desk of each member of the Town Board, and

**BE IT FURTHER RESOLVED** that the Town Board hold a Public Hearing on said Proposed Local Law at the Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at **7:45 o'clock PM** on **May 6, 2010**, and

**BE IT FURTHER RESOLVED** that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of said public hearing at least five (5) days prior thereto.

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Deputy Supervisor/CouncilmanYale	Aye
	Supervisor Plant	Absent

Resolution carried.

**WALWORTH TOWN BOARD – REGULAR MEETING  
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**SERVICE AWARD PROGRAM – WEST WALWORTH FIRE DEPARTMENT:**

Motion by Councilwoman Marini to accept the 2009 West Walworth Volunteer Fire Department Firefighter Service Award Program Certified Points list as presented and forward it to the fire department for posting for at least 30 days as required.

Seconded by Councilwoman Hawkins-Mance

Adopted: Vote Ayes 4 Nays 0

**TOWN COMPLEX – WINDOW CLEANING CONTRACT:**

Motion by Councilman Maciuska authorizing the Supervisor to enter into a contract with A Plus Window Cleaning, Inc. for an amount not to exceed \$450.00.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

**TOWN COMPLEX – HVAC CONTRACT:**

Motion by Councilman Maciuska authorizing the Supervisor to roll over the contract with Leo J. Roth.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

**PROPOSED BUDGET MODIFICATIONS:**

Motion by Councilman Maciuska instructing the Senior Account Clerk to prepare the Proposed Budget Modification Resolution identified with budget lines and amounts.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

**TOWN CLERK'S OFFICE – RECORDS MANAGEMENT:**

Motion by Councilwoman Marini authorizing the Supervisor to sign the contract with Williamson Law Book Company for Records Management Annual Software Support for an amount not to exceed \$220.00, a budgeted item.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

**REQUEST FOR PROPOSAL – LOSAP:**

Motion by Councilwoman Marini to send out the RFPs.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

Discussion: Noted that RFP's should be submitted to the Town Clerk's Office no later than 5 PM, April 30, 2010. Fees charged would be charged back to the LOSAP.

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**ADJOURNMENT:**

Motion by Councilwoman Marini to adjourn.

Seconded by Councilwoman Hawkins-Mance and unanimously carried.

Time: 8:37 PM.

Respectfully Submitted,

Susie C. Jacobs  
Town Clerk