

**WALWORTH TOWN BOARD – REGULAR MEETING  
15 APRIL 2010**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, County of Wayne and the State of New York was held at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY to order at 7:30 PM with the Pledge to the Flag.

**PRESENT:**

Robert Plant	Supervisor
Thomas Yale	Councilman
Frank Maciuska	Councilman
Patricia Marini	Councilwoman
Suzi Hawkins-Mance	Councilwoman
Susie Jacobs	Town Clerk
Mike Frederes	Highway Superintendent

**OTHERS PRESENT:** Rob Burns, Sewer Superintendent; Jacqueline Van Lare, Recreation Director; Karen Ambroz, Sole Assessor; Ed Parrone, Engineer for the Town; Denise Munson, Attorney for the Town; Town Newspaper Reporter, Residents and Students.

**MINUTES:**

Motion by Councilwoman Hawkins-Mance to table the Minutes of April 1, 2010 as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**MS4 – PRESENTATION:**

Mr. Patrick Emerick, Senior District Manager Ontario County Soil & Water Conservation District and Mr. Michael Simon BME Associate, in a presentation to the Town Board reported that the Coalition will be heading in a different direction focusing primarily on the six (6) minimum measures. Discussion ensued regarding annual rates. A website will be up by April 26<sup>th</sup> that will contain meeting minutes, updates and the annual report that is required. Discussion further ensued.

Motion by Councilwoman Hawkins-Mance authorizing payment of the \$5,000.00 Coalition fee.

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.

**EXECUTIVE SESSION:**

Motion by Councilwoman Marini to enter into executive session to discuss: proposed, pending or current litigation; medical, financial, credit or employment history of a particular person/corporation, or matters leading to said dismissal, removal, promotion, appointment, employment discipline, demotion, or suspension;

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 7:45 PM.

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**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled meeting.  
Time: 8:03 PM.

**CORRESPONDENCE:**

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

**NOTICE OF UNSAFE BUILDING – 3655 HIGH STREET – 8:00 PM HEARING:**

Supervisor Plant asked if anyone was present for the hearing regarding the property at 3655 High Street, Academy Building. Mr. Alex Tamoutselis, Mr. Peter L. Morse, Architect and Mr. David M. Rowley, Construction Consultant presented and discussed with the Town Board the following: Discussion ensued.



**Peter L. Morse & Associates – Architects A.I.A.**

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April 15, 2010

Town of Walworth  
Building Department  
3600 Lorraine Dr.  
Walworth, NY 14568

RE: Repair work to 3655 High Street, Walworth, NY 14568

To the Members of the Board:

On Friday, April 9, 2010; a structural inspection of the premises was performed by Peter L. Morse –NYS Registered Architect, David M. Rowley – Construction Consultant; Dan Seeler - Seeler Construction Co., Inc, Alex Tamoutselis, Van Tamoutselis and Peter Tamoutselis. Our walk through was to investigate why the upper level parapet wall had fallen away. Once inside, and upon further review of the structure, we discovered that the roof on that portion of the building had collapsed. It appears that the flat roof had a clogged roof drain, and the water weight brought down the roof in that portion of the building.

Our goal was to further determine the current condition of the structure, the extent of the structural failure and subsequently formulate a short term plan to safely protect the property from trespassers and limit further deterioration.

**Short Term Mitigation Efforts**

1. Cover all window and door openings within 6 feet of ground level with plywood screwed to firm substrate.
2. Erect a 6' high chain link fencing around the building perimeter in the area of the collapse as shown on the attached site plan.
3. Pump all standing water off of the existing roofs and clear roof drains.

4. Erect no entry signs around the perimeter of the property as shown on the attached site plan.
5. Blockade the main parking entrance with removable barricades.
6. Perform regular inspections of the site and building every 30 thirty days by Peter L. Morse Architects and report findings and any suggested action to the Village of Walworth

**Time Frame**

All work listed above will be completed by April 30, 2010.

**Future Development**

For the past several months, Mr. Tamoutselis, the owner, has been actively seeking methods to renovate the building. A construction team was assembled and hired to determine the costs necessary to renovate the building wherein the original 26 apartment layout constructed in the early 1980's would be restored. Financing was in the process of being procured based on the investment projected.

Given the recent roof collapse, an extensive review must now be performed to determine the feasibility of re-constructing the damaged areas as opposed to partial or complete demolition of the structure to foster new development. We respectfully request 60 days to perform said review and report back to the Village of Walworth with our "go forward" plan with the property. During this time, the mitigation efforts and inspections as stated above will be performed.

Please call if you have any questions.

Best regards,



Peter L. Morse AIA

Motion by Councilman Maciuska to accept the plan.  
Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**NOTICE OF USAFE BUILDING - 3655 HIGH STREET – HEARING CLOSED:**

Time: 8:20 PM.

**SUPERVISORS REPORT:**

Motion by Councilwoman Marini to accept as presented the Supervisor's Report for April 2010.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

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**PUBLIC PARTICIPATION:**

Three residents addressed the board with their comments / concerns.

- The first resident from Plank Road had concerns regarding zoning of a property he is interested in. Discussion ensued. He was advised to contact the Planning Board regarding his concern.
- The second resident from Whitney Road commented regarding any expansion the Board may be planning which would include the Walworth Seely-Public Library. She went on to say that she agrees that after visiting the library the space is too small; she would like to see the board consider a pre-existing building in town in an effort to save money. Also commented that she is against the issuing of grants. Discussion ensued.
- The third resident to address the board was from Jacobs Road who also commented on the Academy Building and the future plans the owner has for the property. She also commented on the space issue at the Town Hall. Discussion ensued.

**COMMITTEE REPORTS:**

**RECREATION – USE GINEGAW LODGE FEE WAIVED – BROWNIE TROOP**

Motion by Councilwoman Marini to authorize Brownie Troop 279 to Use Ginegaw Lodge on June 9, 2010, lodge fee waived.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

**PARKS – FULL TIME PARK LABORER – TREVOR STEARNS**

Motion by Councilwoman Marini to authorize that Trevor Stearns is hired as a seasonal, full time Park Laborer from May 1, 2010 through September 3<sup>rd</sup>, 2010, at Step 1 of the Walworth Wage and Salary Schedule.

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.

**HIGHWAY – DECLARE FORD PICK SURPLUS**

Motion by Councilman Yale to declare the Highway Department's 2001 Ford F-250 Pick-up Truck #H0220-T with 8' Western Plow Ho221-P & Lindsey Sand Blaster surplus and consigned to the Municipal Auction in Palmyra on May 8, 2010.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**HIGHWAY – AUTHORIZE PURCHASE OF REPLACEMENT TRUCK**

Motion by Councilman Yale to authorize Mike Frederes, Highway Superintendent, to purchase replacement of truck for budgeted amount.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

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**HIGHWAY – AUTHORIZATION TO ATTEND HIGHWAY SUPERINTENDENT SCHOOL**

Motion by Councilman Yale to authorize Mike Frederes, Highway Superintendent, to attend Cornell Annual School for Highway Superintendents on June 7 – 9<sup>th</sup>, 2010. Prepay registration fee is \$90.00, accommodations for two nights/shared room is \$110.00 with reimbursement to be submitted at future date, from budgeted line A5010.41.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**RESOLUTION 28-10 - AUDIT OF CLAIMS**

Councilwoman Marini offered the following Resolution **28-10** and moved its adoption.

Seconded by Councilman Yale to wit:

**WHEREAS**, the following claims submitted at the scheduled Town Board Meeting of April 15, 2010 have been audited and approved by the appropriate Board Members.

**BE IT RESOLVED** that the claims be paid on **Abstract #4**, numbered 443 through 600 in the following amounts:

GENERAL FUND	\$	69,368.57
HIGHWAY FUND	\$	23,279.90
WALWORTH SEWER DISTRICT #1	\$	26,145.40
WALWORTH LIGHT DISTRICT	\$	531.01
HARVEST HILL LIGHT DISTRICT	\$	629.79
BROOKSIDE LIGHT DISTRICT	\$	9.79
ORCHARD VIEW LIGHT DISTRICT	\$	90.23
GANANDA LIGHT DISTRICT	\$	933.40
PARK SPECIAL REVENUE	\$	870.85
WALWORTH CONSOLIDATED DRAINAGE	\$	4,292.29
CRYSTAL CREEK DRAINAGE	\$	80.00
GANANDA SIDEWALK DISTRICT	\$	2,207.28

**BE IT FURTHER RESOLVED** that the claims be paid on **Abstract #4** numbered 50 through 64 in the following amounts:

TRUST & AGENCY	\$	32,385.09
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**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Walworth adopts Resolution 28-10.

Adopted this 15th day of April 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.

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**RESOLUTION 30-10 – PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2010 -  
SUBDIVISION OF LAND; SITE PLAN REVIEW:**

Councilman Maciuska offered the following Resolution 30-10 and moved its adoption. Seconded by Councilwoman Marini to wit:

**BE IT RESOLVED**, that proposed Local Law No. 1 of the year 2010, entitled SUBDIVISION OF LAND; SITE PLAN REVIEW;

- §151-6 A (1) shall be amended to read as follows: The proposed subdivision will result in two lots, parcels, plots or sites, including the original lot to be subdivided, **and the original lot has not been previously subdivided within a period of 5 years preceding the current subdivision request.**
- §151-44 B (3) shall be amended to read as follows: **Upon receipt and approval by the Town Board of itemized vouchers from the Town Engineer, consultant, expert and/or Town Attorney rendering services on behalf of the Town pertaining to the development, the Town Supervisor shall cause such vouchers, upon review and audit by the Town Board, to be paid out of the moneys so deposited. A copy of the approved vouchers shall be provided, in a timely manner, to the applicant throughout the approval process as prescribed by current Town policy.**

said proposed Local Law No 1 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 **7:50 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
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

**RESOLUTION 31-10 – PUBLIC HEARING – MASTER PLAN FINDINGS  
HEARING:**

Councilman Yale offered the following Resolution 31-10 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

**BE IT RESOLVED**, that the Town Master Plan Committee presented the following "Town of Walworth Master Plan Committee Findings 2010", and

**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 border 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

And are hereby introduced before the Town Board of the Town of Walworth in the County of Wayne in the State of New York, and the Town of Walworth, and

**BE IT FURTHER RESOLVED** that the Town Board hold a Public Hearing on said Master Plan Findings at the Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at **7:45 o'clock PM** on **May 20, 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
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

**RESOLUTION 32-10 PUBLIC HEARING – RECREATIONAL VEHICLE & CAMPGROUNDS:**

Councilman Yale offered the following Resolution 32-10 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

**BE IT RESOLVED** that the Town Board has been presented with an Article known as "Recreational Park and Campgrounds", and

**BE IT FURTHER RESOLVED** that the Town Board hold a Public Hearing on said Article known as "Recreational Park and Campgrounds" at the Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at **8:00 o'clock PM** on **May 20, 2010**, and

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**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
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

**AMENDMENT TO RESOLUTION 31-10 AND 32-10:**

Motion by Councilman Yale to amend Resolution 31-10 and Resolution 32-10 changing the Public Hearing to July 3, 2010 at 7:45 PM and July 3, 2010 at 8:00 PM respectively to allow for proper notification of neighboring towns of Public Hearing and preparing of SEQR documents.

Seconded by Councilwoman Hawkins-Mance.

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

Resolution carried.

**Comment [s1]:** Motion by Councilwoman Hawkins-Mance, Seconded by Councilman Maciuska. May 20, 2010

**Comment [s2]:** Motion by Councilwoman Hawkins-Mance, Seconded by Councilman maciuska. May 20, 2010

**EXECUTIVE SESSION:**

Motion by Councilwoman Hawkins-Mance to enter into executive session to discuss: proposed, pending or current litigation; medical, financial, credit or 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: 9:10 PM.

**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 9:40 PM.

**RESOLUTION 33-10 – BUDGET MODIFICATION:**

Councilman Yale offered the following Resolution 33-10 and moved its adoption.

Seconded by Councilman Maciuska.

April 15, 2010

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

**General Fund** - Transfer funds from the following line items:

A1010.41	Town Board Conferences/Training	\$400.00
A1110.13	Personal Services – Court Clerk	\$2,250.00

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A1220.41	Supervisor Conferences/Training	\$400.00
A1330.42	Receiver of Taxes Conferences/AOT	\$600.00
A1410.12	Town Clerk – Deputy Clerk 1 P/T	\$1,066.12
A1410.14	Town Clerk – Deputy Clerk P/T	\$1,066.12
A1410.46	Town Clerk – Mileage	\$920.00
A1620.46	Town Office – Audit	\$8,000.00
A3310.22	Traffic Control - Highway Signs	\$150.00
A3510.43	Animal Control – Training	\$200.00
A5010.43	Superintendent of Highway – Software	\$300.00
A5132.21	Highway Garage – Equipment	\$1,000.00
A5132.44	Highway Garage – Maintenance	\$2,500.00
A6989.41	Economic Assistance – Farm Land Grant	\$2,000.00
A7310.21	Youth Recreation – Equipment Program	\$2,000.00
Total		\$22,852.24

Funds Transferred to Line Item A9060.81 Employee Benefits – Health Insurance

**Highway Fund** – Transfer funds from the following line items:

DA5110.12	Personal Services – Overtime/Extra Help	\$3,750.00
DA5110.13	Personal Services – Mowing	\$310.26
DA5140.42	Miscellaneous Brush & Weeds Removal	\$1,500.00
Total		\$5,560.26

Funds Transferred to Line Item DA9060.81 Employee Benefits – Health Insurance

**Sewer Fund**

Transfer of \$3,327.52 from Sewer Fund Balance to SS9060.81 Employee Benefits – Health Insurance

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

Resolution carried.

**RESOLUTION 29 -10 – FINANCIAL TRANSACTIONS:**

Councilwoman Marini offered the following Resolution 29-10 and moved its adoption.

Seconded by Councilwoman Hawkins-Mance.

**BE IT RESOLVED** that the Senior Account Clerk be authorized to modify budget as follows:

\$480.00 from A1990.41 Contingent Account to:  
 \$250.00 A1989.41 Grant Assistance Services – Annual Membership  
 \$230.00 A3650.41 Unsafe Buildings/Property Cleanup – 428 Plank Road

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

Resolution carried.

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**ADJOURNMENT:**

Motion by Councilman Maciuska to adjourn.  
Seconded by Councilman Yale and unanimously carried.  
Time: 9:40 PM.

Respectfully Submitted,

Susie C. Jacobs  
Town Clerk