

**WALWORTH TOWN BOARD – SPECIAL MEETING
10 MAY 2010**

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

Present:	Thomas Yale	Councilman
	Frank Maciuska	Councilman
	Patricia Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk

EXECUTIVE SESSION:

Motion by Councilwoman Hawkins-Mance to enter into executive session for proposed, pending or current litigation; and medical, financial, credit or employment history of a particular person/corp, or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Time: 7:31PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 8:45 PM.

RESOLUTION 42-10 – CONCERNING PENDING LITIGATION:

Councilman Yale offered the following resolution and moved its adoption, Seconded by Councilman Maciuska to wit:

TOWN OF WALWORTH
RESOLUTION CONCERNING PENDING LITIGATION

WHEREAS, representatives of the Town of Walworth (“Walworth”) including Walworth’s legal counsel have conferred with the Federal District Court Magistrate Judge and the parties to the litigation including representatives of the Town of Macedon (“Macedon”) in the Macedon Land Development vs. Town of Macedon, et al. matter pending in Federal District Court for the Western District of New York (hereinafter, the “Macedon Land Development matter”) Civil Action No. 04-CV-6551, in an attempt to resolve this litigation so as to avoid further protracted litigation and to avoid potential risks of such litigation, and to avoid additional expenditures associated with such litigation;

WHEREAS, as the result of settlement discussions with representatives of Walworth and of Macedon, legal counsel for Macedon and Walworth have communicated to the United States Federal District Court Magistrate Judge that pending receipt of certain insurance proceeds and the enactment of appropriate resolutions by the Town Boards for the Towns of Walworth and Macedon, and pending completion of a settlement agreement which is acceptable to the parties, Walworth and Macedon will settle each of the outstanding claims it has against each other and other claims in the Macedon Land Development matter;

WHEREAS, based upon the referenced settlement in principal subject to the receipt of insurance proceeds, the enactment of appropriate resolutions and the execution of an acceptable settlement agreement, counsel for the Town of Walworth directed correspondence dated April 21, 2010 to the United States District Court Magistrate Judge Jonathan W. Feldman, informing the Judge that the Towns of Macedon and Walworth had come to an agreement in principal on settlement of the matter based on the terms stated therein (a copy of April 21, 2010 letter is attached hereto as Exhibit “A”); and

**WALWORTH TOWN BOARD – SPECIAL MEETING
10 MAY 2010**

WHEREAS, it has been reported that the Town of Macedon at a previous Town Board meeting has enacted a resolution whereby the Town of Macedon has agreed to enter into a settlement subject to receipt of certain insurance proceeds, and pending agreement by the parties on an acceptable settlement agreement which is based on the settlement in principal outlined in the letter attached as Exhibit “A” hereto;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town of Walworth resolves to settle the matter with the Town of Macedon concerning the Macedon Land Development matter whereby the Town of Walworth would pay over a period of five (5) years (including the current calendar year) a total of Two Hundred Fifty Thousand Dollars (\$250,000.00) to Macedon to resolve all outstanding claims by each of the parties as against the other, where Fifty Thousand Dollars (\$50,000.00) would be paid this year, and the balance of the Two Hundred Thousand Dollars (\$200,000.00) would be paid in the succeeding four (4) years at an interest rate agreed upon by the parties and, in exchange for such payments, the Town of Macedon would release each of its claims against the Town of Walworth in the Macedon Land Development matter, and the Town of Macedon shall defend, indemnify and hold harmless Walworth from each and every claim made in the Macedon Land Development matter, including claims made by the plaintiff and by any other parties against Walworth.

2. The Town Board of the Town of Walworth hereby authorizes the Town Supervisor to execute an acceptable settlement agreement on behalf of the Town of Walworth based upon the terms as outlined in settlement in principal outlined in Exhibit “A” attached hereto, and based upon the advice of legal counsel to the Town of Walworth, Harris Beach PLLC.

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

Resolution carried.

**RESOLUTION 43-10 – PUBLIC HEARING -PROPOSED LOCAL LAW NO. 5
– RECREATIONAL VEHICLE PARK AND CAMPGROUNDS:**

Councilman Yale offered the following Resolution 43-10 and moved its adoption. Seconded by Councilman Maciuska to wit:

BE IT RESOLVED, that proposed Local Law No. 5 of the year 2010, entitled RECREATIONAL VEHICLE PARK AND CAMPGROUNDS; and,

BE IT RESOLVED that said proposed Local Law No 5 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 **8:00 o’clock PM on June 3, 2010**, and

**WALWORTH TOWN BOARD – SPECIAL MEETING
10 MAY 2010**

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.

UNSAFE BUILDING NOTICE SERVED/FILED – 3365 LAUREL COURT:

Supervisor Plant stated that Phil Williamson, Code Enforcement Officer, had gone out and inspected the property. He then read from the following:

**TOWN OF WALWORTH
BUILDING DEPARTMENT
3600 Lorraine Drive
Walworth, N.Y. 14568
Phone: 315-986-1400
Fax: 315-986-1440**

Norman Druschel
Building Inspector

Philip D. Williamson
Code/Zoning Enforcement

May 14, 2010

Ms. Virginia Wenk
34 Landing View
Fairport, NY 14450

Dear Ms. Wenk:
Please find enclosed corrected copies of the letter and Notice of Unsafe Building previously sent. Nothing has changed except the date of the letter from May 6, 2010 to the corrected date of May 12, 2010 and the date the Town Clerk received the Notice of Unsafe Building was shown as March 19, 2010 and it should have been May 12, 2010.

I apologize for any confusion these two incorrect dates may have caused.

Sincerely

Philip D. Williamson
Zoning Enforcement Officer



**WALWORTH TOWN BOARD – SPECIAL MEETING
10 MAY 2010**

**TOWN OF WALWORTH
BUILDING DEPARTMENT
3600 Lorraine Drive
Walworth, N.Y. 14568
Phone: 315-986-1400
Fax: 315-986-1440**

Norman Druschel
Building Inspector

Philip D. Williamson
Code/Zoning Enforcement

May 12, 2010

Ms. Virginia Wenk
34 Landing View
Fairport, NY 14450

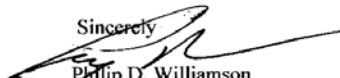
Re: Property owned by you located at 3365 Laurel Court, Town of Walworth. Subject property identified on current tax roll ID 62114-19-651062.

Dear Ms. Wenk

Per our discussion at the site Monday May 10, 2010 regarding the matter of bringing the property into compliance and my intention to notify the Town Board by a Notice of Unsafe Building at their meeting on May 10, 2010. I did notify them and am enclosing a copy of said notice which contains the date and time you are to appear before the Town Board to be heard and discuss your intentions for this property.

I appreciated you taking the time to meet with me at the site and your understanding of my duties under Town Code. If you have questions regarding this process or wish to advise me of changes in the status of the property prior to your scheduled appearance before the Town Board on May 20, 2010 at 7:45pm please give me a call at the office. Our office number is 1-315-986-1400 during our regular office hours Monday through Friday from 9am until 5pm. If you call at a time when we are not here please leave a voice message and I will return your call as soon as possible.

Sincerely



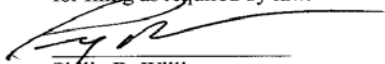
Philip D. Williamson
Zoning Enforcement Officer

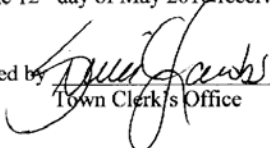
Cc: Town Board
Wenk File

**WALWORTH TOWN BOARD – SPECIAL MEETING
10 MAY 2010**

This notice has been served upon Virginia I. Wenk by regular and certified return receipt mail on the 12th day of May 2010.

The Town Clerk of the Town of Walworth has on the 12th day of May 2010 received a copy of this notice for filing as required by law.


Philip D. Williamson
Code Enforcement Officer

Received by  Date: 5/19/2010
Town Clerk's Office

Motion by Councilman Yale by Town of Walworth Code §67-4 Town Board Order that the Town Code Officer is hereby authorized to serve notice upon the property owner of an Unsafe Building and to ensure that the notice served shall be filed in the County Clerk of Wayne §67-7.

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.

**WALWORTH TOWN BOARD – SPECIAL MEETING
10 MAY 2010**

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.
Seconded by Councilman Maciuska and unanimously carried.
Time: 8:47 PM.

Respectfully Submitted,

Susie C. Jacobs, RMC
Town Clerk