

**WALWORTH TOWN BOARD – REGULAR MEETING
17 JUNE 2010**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, County of Wayne, State of New York, 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
Suzi Hawkins-Mance	Councilwoman
Frank Maciuska	Councilman
Patricia Marini	Councilwoman
Susie Jacobs	Town Clerk
Mike Frederes	Highway Superintendent

ABSENT: Thomas Yale Councilman

OTHERS PRESENT: Rob Burns, Sewer Superintendent; Jacqueline Van Lare, Recreation Director; Karen Ambroz, Sole Assessor; Town Newspaper Reporter (s), six Residents and one (1) Student.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into executive session to discuss litigation and negotiations.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

Time: 7:35 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 8:14 PM.

MINUTES:

Motion by Councilwoman Marini to table the Minutes of June 3, 2010 as presented.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

CORRESPONDENCE:

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

Supervisor Plant presented a letter from Ken Dehn, neighbors and family from Plank Road thanking the Town Board for timely and effective action regarding the property at 428 Plant Road.

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

Adopted: Vote Ayes 4 Nays 0

PUBLIC PARTICIPATION:

A resident from Haley Road addressed the Town Board to tell them that Supervisor Plant had contacted him and asked him if he would like to answer his own question asked at the June 3, 2010 Public Hearing. He indicated that he has received some information from the Town Assessor, and would like to ask the

Comment [s1]: Motion by Councilwoman Hawkins-Mance on July 1, 2010 . Seconded by Councilman Maciuska.

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Town Board if they have any input that they would like to share to contact him. He also stated his education/experience in this field of work. He will compile the analysis and present it at a later date.

SUPERVISORS REPORT:

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

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

RESOLUTION 46-10 OFFICIAL UNDERTAKING OF MUNICIPAL OFFICIALS:

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

WHEREAS, various sections of New York State Town Law and Public Officers Law require that certain officials execute and Official Undertaking; and

WHEREAS, WE, THE Town Board of the Town of Walworth hereby require the Supervisor, Town Clerk, Receiver of Taxes, Town Justice, and Highway Superintendent to execute said Official Undertaking as required by said law;

NOW, THEREFORE BE IT RESOVED that we, the Town Board of the Town of Walworth approve the document entitled "Town of Walworth Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the insurance, and

BE IT FURTHER RESOVED that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

Adopted this 17th day of June, 2010.

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

Resolution carried.

RESOLUTION 47-10 - AUDIT OF CLAIMS:

Councilwoman Marini offered the following Resolution **47-10** and moved its adoption.

Seconded by Councilman Maciuska to wit:

WHEREAS, the following claims submitted at the scheduled Town Board Meeting of June 17, 2010 have been audited and approved by the appropriate Board Members.

BE IT RESOLVED that the claims be paid on **Abstract #6**, numbered 768 through 930 in the following amounts with a correction in General Fund of two cents (.02), voucher number 815, the amount paid on General Fund is \$59,083.25.

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RESOLUTION #49-10 IMPOSING A SIX MONTH MORATORIUM ON THE DEVELOPMENT AND CONSTRUCTION OF TOWN HOUSES WITHIN THE TOWN:

Comment [s2]: Motion by Councilwoman Hawkins-Mance on July 1, 2010 . Seconded by Councilman Maciuska.

Councilman Maciuska offered the following Resolution and moved its adoption. Councilwoman Marini to wit:

RESOLUTION # 49-10 OF THE TOWN BOARD OF THE TOWN OF
WALWORTH IMPOSING A SIX MONTH MORATORIUM ON
THE DEVELOPMENT AND CONSTRUCTION OF TOWN HOUSES
WITHIN THE TOWN

Whereas the Town Board of the Town of Walworth has duties pursuant to Statute and Local Law to regulate and control land use and to protect the health, safety and welfare of its residents; and

Whereas the Town Board of the Town of Walworth has an obligation to ensure that all land use within the Town is in accordance with the Master Plan of the Town of Walworth; and

Whereas the current Town Code of the Town of Walworth does not specifically regulate the development and construction of Town Homes within the boundaries of the Town of Walworth; and

Whereas the Town Board has determined that it needs to study, in a careful manner, the issues relating to the development and construction of Town Homes within the Town, and to be in a position to adopt a comprehensive Local Law relating to such development and construction;

NOW, THEREFORE, BE IT RESOLVED, that a six month moratorium is placed upon the development and construction of Town Homes within the Town of Walworth; and

BE IT FURTHER RESOLVED that during said time period, the Planning Board of the Town of Walworth shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit which would have as a result the development or construction of Town Homes within the Town of Walworth; and

BE IT FURTHER RESOLVED that during said time period, the Zoning Board of Appeals of the town of Walworth shall not grant any variance or other permit for any use which would result in the development or construction of Town Homes within the Town of Walworth; and

BE IT FURTHER RESOLVED that during said time period, the Building or Code Enforcement Officer of the Town of Walworth shall not issue any permit which would result in the development or construction of Town Homes within the town of Walworth; and

BE IT FURTHER RESOLVED that no application for building or construction affected by this Resolution, or for approvals for site plan, subdivision, variance, special use permit or other permits relating to development or construction of Town Homes shall be considered by any board, officer or agency of the Town of Walworth while the moratorium imposed by this Resolution is in effect.

ADDITIONAL: That the Town Clerk forward notice/copies to Wayne County Planning Board and adjacent municipalities,

Roll call vote:	Councilman Maciuska	Aye
	Councilwoman Marini	Aye

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Councilwoman Hawkins-Mance	Aye
Councilman Yale	Absent
Supervisor Plant	Aye

Resolution carried.

COMMITTEE / DEPARTMENT REPORTS:

The following Reports were presented by their respective liaison to the Town Board.

ASSESSOR – CONFERENCE AUTHORIZATION

Motion by Councilwoman Marini to authorize Karen Ambroz, Sole Assessor, to attend the annual conference from Budgeted Line A1355.41. This is a prepay.

Seconded by Council Maciuska.

Adopted: Vote Ayes 4 Nays 0

Comment [s3]: Motion by Councilwoman Hawkins-Mance on July 1, 2010. Seconded by Councilman Maciuska.

Comment [s4]: Motion by Councilwoman Hawkins-Mance on July 1, 2010. Seconded by Councilman Maciuska.

JUSTICE COURT – AUTHORIZATION TO DECLARE SURPLUS EQUIPMENT:

Motion by Councilman Maciuska authorizing the Justice Court to declare the following equipment surplus:

1. Tape Recorder
2. Okidata Printer
3. Dehumidifier
4. 4 Drawer Filing Cabinet
5. 5 Drawer Wide Filing Cabinet
6. Plastic Printer Stand
7. Metal Magazine Rack
8. Portable Filing Cabinet

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

RESOLUTION 50-10 - FINANCIAL TRANSACTION:

Councilwoman Hawkins-Mance offered the following Resolution and moved its adoption. Seconded by Councilwoman Marini to wit:

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

\$4,100.00 from A1990.41 Contingent Account to A3650.41 Unsafe Buildings/Property Cleanup. To cover cost of Plank Road Cleanup.

\$377.66 from Park Special Revenue Fund Balance to CM1-7110.25 Equipment

To cover cost of smoking urns for Lodge

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

Resolution carried.

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ADOPTION OF PROCEDURES AND CHECKLIST FOR RESOLUTIONS AND LOCAL LAWS:

Motion by Councilman Maciuska to authorize the adoption of Procedures and Checklist for Resolutions and Local Laws with modification(s):

Seconded by Councilwoman Marini.

Procedures and checklist for resolutions and local laws.

Resolutions may be prepared by the Town Clerk or others at the direction of the Town Board. Resolution numbers in consecutive order will be assigned by the Town Clerk. Resolutions may be reviewed at the direction of the Town Board by the Town Attorney.

Local Laws or changes to the Town code.

The following guidelines are to be used when changing the Town Code or any Local Law:

Basic information pertaining to a specific department shall be prepared by or reviewed by the department head prior to review and/or comment by others.

After all internal reviews are complete, the information should then be reviewed by the Attorney for the Town who will then edit and/or put into proper legal format. If SEQR is required, it shall be prepared by either the Engineer for the Town or the Attorney for the Town (whichever is appropriate). All documentation should then be submitted to the Town Clerk.

The Town Clerk shall then prepare, as directed by procedure and law, the matter to come before the Town Board for action. The Town Clerk should then present the proposed modifications and SEQR paperwork (if applicable) to the Town Board. A resolution number would be assigned (in the proper consecutive order) if necessary, at the Town Board meeting. The Town Board would then take action, setting hearing dates, if necessary; directing the Clerk to send various documents to the County, if necessary; directing the Clerk to send notice to various municipalities, if necessary; declaring itself lead agency, if appropriate, or issuing a negative declaration if no formal SEQR hearing is required.

If County recommendations are required, the Town Board would set the hearing date for thirty (30) days after the County received notice of the proposed action from the Town. The SEQR hearing (if required) could be set for the same day as the hearing on the proposed Local Law.

On the hearing date, the Town would then act on the SEQR (if required), and take action on the Local Law. If the Local Law is adopted by the Town Board, the final version of the Local Law that was passed at the meeting would then be submitted by the Town Clerk to the Town Attorney for submission to the Secretary of State. The Attorney for the Town will prepare the necessary paperwork for submission of the Local Law to the Secretary of State, and will file SEQR with the Environmental Notice Bulletin, if required. The Attorney for the Town will provide the Town Clerk with a copy of the acknowledgement of filing with the Secretary of State. Upon receipt of the acknowledgement from the Attorney for the Town, the Town Clerk will notify the Town Board of such receipt and also notify all department heads of the Local Law. The Town Clerk will provide a copy to the holder of each Town code book distributed (of which a signature verifying receipt shall be held by the Town Clerk) and assure it is updated on the web site and the electronic version.

Immediately after adoption, the Town Board shall direct the Town Clerk to enter an exact copy of every ordinance or amendment adopted by the Town Board in a book known as the "Ordinance Book". The Town Clerk shall also maintain a "Local Law" book, either separate from or combined with the Ordinance Book. The Town Board will also direct the Town Clerk to notify any local municipalities required to be given notice pursuant to law.

Checklist for Local Laws:

Prepare basic changes. Department head or other. Use ~~strike through~~ method for existing law and **new color** for changes.

Review by Attorney for the Town and put in correct form.

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- SEQR required yes/no (circle one)
- Attorney present to the Town Board for review/action
- Town Board declare lead agency (if appropriate)
- Town Board set public hearing date (if necessary)
- Town Clerk sends notification to all necessary jurisdictions
- Receive response from county
- Hold public hearing
- Pass/Adopt Local Law by resolution
- Final review by department head verifying all is correct after Town Board approval
- Attorney for the Town submits Local Law to NY State
- Upon receipt of notice from the Secretary of State, the Town Clerk will file the new
- Local Law or amendment in the Town Clerk ordinance book of Local Laws.
- Town Clerk will provide all holders of the Town Code book with copies of new Local Law or amendment (of which a signature verifying receipt will be held by the Town Clerk).

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

Motion carried.

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.
Seconded by Councilwoman Marini and unanimously carried.
Time: 8:30 PM.

Respectfully Submitted,

Susie C. Jacobs, RMC
Town Clerk