

**WALWORTH TOWN BOARD – REGULAR MEETING  
19 AUGUST 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
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; Denise Munson, Attorney for the Town; Town Newspaper Reporter, 2 Residents.

**MINUTES:**

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

Seconded by Councilman Maciuska. .

Adopted: Vote Ayes 5 Nays 0

**MINUTES:**

Motion by Councilwoman Hawkins-Mance to amend the Minutes of June 14, 2010, Special Meeting, by adding the time to COUNCILMAN YALE ENTERED EXECUTIVE SESSION:

Time: 5:20 PM.

Discussion: Councilman Maciuska requested that the Minutes be approved prior to amending them.

Seconded by Councilwoman Marini. .

Adopted: Vote Ayes 5 Nays 0

Motion by Councilwoman Hawkins-Mance to amend the Motion and approve the Minutes of June 14, 2010, with the noted addition:

Seconded by Councilwoman Marini. .

Adopted: Vote Ayes 5 Nays 0

**MINUTES:**

Motion by Councilwoman Hawkins-Mance to approve the Minutes of July 1, 2010, as presented, is amended with the following:

1. Pg. 128 by striking "June 7, 2010" and change to "June 17, 2010".
2. Pg. 129 the word "finds" and change to "Findings".
3. Pg. 130 by striking "Resolution 52-10" and change to "Resolution 53-10".

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Seconded by Councilwoman Marini.

Discussion: Noted the order of procedure.

Motion by Councilwoman Hawkins-Mance to amend the Motion and approve the Minutes of July 1, 2010, with the noted three corrections:

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

**CORRESPONDENCE:**

Supervisor Plant informed on the following:

1. Letter was received from Kelli Craig regarding the “Rebuild Buford” fundraising event requesting authorization to close Academy Street in Walworth. Authorization has been given for Main Street, a County Road, to be closed. This is due to the number of motorcycles expect to participate. All the necessary recommendations / documents have to be adhered to and presented to the Town Clerk.

Discussion: A concern for the closing of additional roads was noted. Discussion ensued.

Motion by Councilman Yale to authorize the request for Closing Academy Street for the Vaughn Pembroke fundraising event on August 28, 2010.

Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

2. A letter was received from Robert Mogray, Vice President, Walworth Historical Society regarding the conditions of Lusk Cemetery on Finley Road. Supervisor Plant advised him of what the Town has, and is doing regarding the poison ivy. He was also informed the Town has other cemeteries that need work. Discussion ensued. Supervisor Plant stated that he will meet and discuss this further with Mr. Mogray.

3. An e-mail was received from Sharon Lila, Wayne County Planning Department, regarding an electronics collection event in Walworth and presented several days for the Town Board to consider. Discussion ensued.

Motion by Councilwoman Marini to accept and file.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

**Comment [s11]:** Motion by Councilwoman Hawkins-Mance, Seconded by Councilwoman Marini. 1.20.2011

**SUPERVISOR’S REPORT:**

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

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

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**PUBLIC PARTICIPATION:**

No one present offered any comments.

**POLICY MANUAL DISCUSSION:**

Supervisor Plant reviewed the proposed changes to the Town of Walworth Policies and Procedures Manual which include the Chapters on the following:

Bank Reconciliation  
Domestic Partnership Policy  
Procurement Policy  
Substance Abuse Policy  
Investment Policy  
Authorized Banks

He also commented that referenced State Laws were verified.

Motion by Councilman Yale to approve the Town of Walworth Policies and Procedures Manual.

Seconded by Councilwoman Marini.

Discussion: Inquired if the Procedure for adopting Policies and Procedures was followed. Discussion ensued.

Motion by Councilman Yale to table the Motion on the approval of the Town of Walworth Policies and Procedures Manual.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

**COMMITTEE REPORTS:**

The following Committee / Department Reports were given by their respective liaison to the Town Board.

**PARKS / RECREATION – ENTRANCE TO SHERBURNE ROAD PARK - PAVING AUTHORIZATION**

Motion by Councilwoman Marini to authorize the transfer from fund balance into CMI-7110.24, for an amount not to exceed \$10,000.00, to cover the cost of paving the entrance of Sherburne Road Park.

Seconded by Councilman Maciuska.

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

Motion carried.

**RECREATION – RECREATION ASSISTANT PERMANENT APPOINTMENT**

Motion by Councilwoman Marini to authorize the permanent appointment of Kevin Weiss to the Recreation Assistant position; wage and salary will be consistent with the Town of Walworth Wage and Salary Schedule.

Seconded by Councilman Maciuska.

**Comment [s21]:** Motion by Councilwoman Hawkins-Mance, Seconded by Councilwoman Marini. 1.20.2011

**Comment [s31]:** Motion by Councilwoman Hawkins-Mance, Seconded by Councilwoman Marini. 1.20.2011

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

Motion carried.

**TOWN CLERK – DEPUTY TOWN CLERK APPOINTMENT**

Town Clerk appointed Beth Hart as Deputy Town Clerk.

**RESOLUTION 58-10 ADOPTING THE TOWN OF WALWORTH  
CEMETERY RULES AND REGULATIONS:**

Councilwoman Hawkins-Mance offered the following Resolution 58-10 and moved its adoption. Seconded by Councilman Yale to wit:

**WHEREAS**, the Town of Walworth has a need to establish Cemetery Rules and Regulations for the mutual protection and benefit of “lot owners” within the Town controlled Cemeteries and the Town of Walworth as a whole, and  
**WHEREAS**, the Town of Walworth Cemetery Committee convened with meetings to help develop the Cemetery Rules and Regulations, and  
**WHEREAS**, the Cemetery Committee reviewed other various Cemetery Rules and Regulations and issues that had been brought to the attention of the Committee, and  
**BE IT RESOLVED**, that the Town Board of the Town of Walworth adopt the Town of Walworth Cemetery Rules and Regulations.

Adopted on this 19th day of August 2010.

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

Resolution carried.

**TOWN OF WALWORTH  
Cemetery Rules & Regulations**

For the mutual protection and benefit of “lot owners” within the Town controlled Cemeteries and the Town of Walworth as a whole, the following Rules and Regulations have been adopted by the Town Board of the Town of Walworth, New York 14568. All “lot owners”, visitors and cemetery vendors, and all lots sold shall be subject to said Rules and Regulations as may be adopted from time to time as deemed necessary by the Town Board of the Town of Walworth.

**DEFINITIONS:**

- (a) “Town controlled Cemetery” means land set aside for the express purpose the disposal or burial of deceased human beings, by cremation or in a grave or other receptacle.
- (b) The term “lot owner” means any person having a lawful title to the use of a niche, crypt, lot, plot or part thereof, in a Town Cemetery.
- (c) The sale of a lot, plot or part thereof, grave, niche or crypt shall mean the sale of the right of use thereof for burial purposes.
- (d) The term “monuments” means a memorial erected in a Town controlled Cemetery on a lot, plot or part thereof.
- (e) The term “interment” means the permanent disposition of human remains by inurnment, entombment or ground burial.

**Comment [s4]:** Motion by Councilwoman Hawkins-Mance, Seconded by Councilwoman Marini, 1.20.2011

- (f) Motor driven vehicles shall include every vehicle originally designed and intended to be operated, drawn or driven or capable of being operated, drawn or driven upon a public highway by any power other than muscular power including all terrain vehicles, off road motorcycles and snowmobiles.

**MOTOR DRIVEN VEHICLES:**

All motor driven vehicles shall remain on roads at all times. No operation is allowed on any section or over lots or lawns.

**LOTS:**

1. The Town Clerk shall be responsible for the original sale of a lot, plot or part thereof, grave, niche or crypt.
2. The granting of permission for the use of a lot, plot or part thereof, grave, niche or crypt from one family member to another family member must be given in writing and the document granting permission must be on file in the Town Clerk's office.
3. Private sale of a lot, plot or part thereof, grave, niche or crypt is prohibited.
4. Under unusual circumstances, the Town Board of the Town of Walworth may recommend the repurchase of a lot, plot or part thereof, grave, niche or crypt for the original purchase price. The Town of Walworth is under no obligation to repurchase any lot, plot or part thereof, grave, niche or crypt for any reason whatsoever.

**INTERMENTS:**

Interments shall not be permitted between the dates of December 1<sup>st</sup> and April 1<sup>st</sup>.

Concrete vaults or concrete liners are required for interments in all graves, except in the case of a child under one year of age, for which a plastic vault is allowed.

Ashes from cremation require a suitable permanent container.

Each grave site is limited to:

1. One burial vault and one cremation or
2. Two cremations

**MONUMENTS/FOUNDATIONS:**

1. All markers and monuments shall have a concrete foundation of sufficient depth of not less than 30 inches.
2. Monuments and markers must be made of granite, or standard bronze. The monument and/or marker shall not project more than 2 feet 6 inches above grade when measured from the top on the monument and/or marker.
3. All grass markers must be set level to the ground for mowing expediency.
4. Monuments shall not exceed a width of 46 inches and at no time extend beyond the maximum width of the lot.
5. Monuments or markers must be delivered to the designated site and set in place by the monument dealer. The monument dealer is responsible for all damages to lots and/or Town controlled Cemetery property, public or private property owned by others.
6. Deliveries of monuments must be scheduled between the dates of April 1<sup>st</sup> and December 1<sup>st</sup>.
7. Monuments are to be set on the head end (West side) of the lot, with the lettering facing east.

**DECORATIONS:**

1. All winter decorations must be removed no later than April 1<sup>st</sup>. All spring, summer and fall decorations must be removed no later than November 1<sup>st</sup>. All winter decorations remaining after April 1<sup>st</sup> and all spring, summer and fall decorations remaining after November 1<sup>st</sup> will be removed and disposed of as determined by the maintenance persons removing such decorations.
2. The Town shall not be responsible for any damage to or loss of any decorations, pot, urn, decorations or similar items located within the Town controlled Cemetery.
3. The Town Board or their designee shall remove funeral flowers as soon as they fade, wither, and become unsightly.

4. No glass containers of any kind are allowed in the Town controlled Cemetery. The use of, paper-made containers, wire holders for flower pots, wire, plastic trellis or wooden fences on graves are prohibited.
5. Placing of crushed stone, wood chips, shells or any other such materials on graves is strictly prohibited.
6. Utensils used for watering must be immediately removed after use and may not be left or stored near markers, graves or other areas within the Town controlled Cemetery
7. Urns and pots containing flowers and/or greens must be placed as close as possible to the monument; so as to not interfere with normal maintenance of the grounds within the Town controlled Cemetery. Any urns and pots containing flowers and/or greens not placed as close as possible to the monument will be removed and disposed of by the persons performing regularly schedule grounds maintenance.
8. No more than (1) 8 inch or larger urn or pot will be allowed on a gravesite.
9. No temporary crosses, statues, votive lights, toys or novelties are permitted.

**PLANTS AND FLOWERS:**

1. No plantings of any kind will be allowed on lots, graves or other areas within the Town controlled Cemetery, except those by or at the direction of the Town.

**DISCLAIMER:**

The Town of Walworth disclaims all responsibility for Cemetery losses or damages from causes beyond its reasonable control, and especially from damage by an act of God, the elements, earthquakes, war, common enemy, air raids, invasions, insurrections, riots, order of any military or civil authority, thieves, vandals, strikers, malicious mischief-makers, explosion, unavoidable accidents, or any cause similar or dissimilar beyond control of the management, whether the damage be direct or collateral.

For information regarding the Rules and Regulations of the Town controlled Cemeteries, it is advisable for the parties directly concerned to obtain such information from the Town Clerk's Office of the Town of Walworth.

**RESOLUTION 64-10 JUSTICE COURT AUDITED RECORDS:**

Councilman Yale offered the following Resolution 64-10 and moved its adoption. Seconded by Councilwoman Marini to wit:

**WHEREAS**, the Town Council of the Town of Walworth have duly audited the Walworth Town Justice Court books for Town Justice Young at a regular Town Board meeting on January 21, 2010; and

**WHEREAS**, the Town Council of the Town of Walworth have duly audited the Walworth Town Justice Court books for Town Justice Wolfe at a regular Town Board meeting on February 18, 2010; and

**WHEREAS**, the Walworth Town Justice Court filed with the Walworth Town Clerk the summary report on January 21, 2010; and

**BE IT RESOLVED**, that a copy of the most recent audit or examination of Town Court records and a resolution acknowledging that the audit was conducted be sent to State of New York Unified Court System.

**BE IT RESOLVED**, that the Town Council of the Town of Walworth adopt Resolution 64 -10.

Adopted this 19<sup>th</sup> day of August, 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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**RECESS - AUDIT CLAIMS:**

Supervisor Plant stated the Board will take a recess to Audit Claims.  
Time: 7.58 PM.

**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled meeting.  
Time: 8:17 PM.

**RESOLUTION 62-10 - AUDIT OF CLAIMS:**

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

Seconded by Councilman Yale to wit:

WHEREAS, the following claims submitted at the scheduled Town Board Meeting of August 19, 2010 have been audited and approved by the appropriate Board Members.

BE IT RESOLVED that the claims be paid on Abstract #8, numbered 1,152 through 1,353 in the following amounts:

GENERAL FUND	\$ 54,600.60
HIGHWAY FUND	\$ 148,300.27
WALWORTH SEWER DISTRICT #1	\$ 35,026.68
WALWORTH LIGHT DISTRICT	\$ 503.24
HARVEST HILL LIGHT DISTRICT	\$ 605.54
BROOKSIDE LIGHT DISTRICT	\$ 8.84
ORCHARD VIEW LIGHT DISTRICT	\$ 80.13
GANANDA LIGHT DISTRICT	\$ 998.49
PARK SPECIAL REVENUE	\$ 277.82
WALWORTH CONSOLIDATED DRAINAGE	\$ 577.50
LINCOLN FIRE PROTECTION	\$ 22,000.00

BE IT FURTHER RESOLVED that the claims be paid on Abstract #8 numbered 138 through 162 in the following amounts:

TRUST & AGENCY	\$ 33,964.34
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NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Walworth adopts Resolution 62-10.

Adopted on this 19th day of August 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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**POLICY MANUAL MOTION TABLED - DISCUSSION:**

Motion by Councilman Yale to remove the Motion tabled early in the meeting referenced to Policy and Procedures Manual.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**RESOLUTION 65-10 – ADOPTION OF THE TOWN OF WALWORTH POLICY  
AND PROCEDURES MANUAL:**

Councilman Yale offered the following Resolution 65-10 and moved its adoption. Seconded by Councilman Maciuska to wit:

**WHEREAS**, the Town Board has reviewed the proposed version of the Town of Walworth Policies and Procedures Manual, and

**WHEREAS**, the Town Board of the Town of Walworth desires to adopt the Town of Walworth Policies and Procedures Manual.

**BE IT RESOLVED**, that the Town Board of The Town of Walworth adopt the Town of Walworth Policies and Procedures Manual.

Adopted on this 19<sup>th</sup> day of August 2010.

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

Resolution carried.

**EXECUTIVE SESSION:**

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

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 8:20 PM.

**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 9:15 PM.

**RESOLUTION 63-10 - FINANCIAL TRANSACTION:**

Councilman Yale offered the following Resolution 63-10 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:

\$7,000.00 from A1420.42 Town Counsel Consulting & Litigation to A1420.41 Town Counsel Contractual for \$2,000.00 and A5010.44 Highway Garage Counsel for \$5,000.00.

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

Resolution carried.

**Comment [s5]:** Motion by Councilwoman Hawkins-Mance, Seconded by Councilwoman Marini. 1.20.2011

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**ADJOURNMENT:**

Motion by Councilwoman Hawkins-Mance to adjourn.  
Seconded by Councilwoman Marini and unanimously carried.  
Time: 9:15 PM.

Respectfully Submitted,

Susie C. Jacobs, RMC  
Town Clerk