

**WALWORTH TOWN BOARD – REGULAR MEETING
16 DECEMBER 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 7:31 PM with the Pledge to the Flag.

PRESENT:

Robert Plant	Supervisor
Frank Maciuska	Councilman
Suzi Hawkins-Mance	Councilwoman
Patricia Marini	Councilwoman
Susie Jacobs	Town Clerk

ABSENT:

Mike Frederes	Highway Superintendent
Thomas Yale	Councilman

OTHERS PRESENT: Rob Burns, Sewer Superintendent; Jacqueline Van Lare, Recreation Director; Karen Ambroz, Sole Assessor; Ed Parrone, Engineer for the Town; Town Newspaper Reporter, 24 attendees.

EXECUTIVE SESSION:

Motion by Councilwoman Hawkins-Mance to enter into Executive Session to discuss pending or current litigation.
Seconded by Councilwoman Marini.
Adopted: Vote Ayes 4 Nays 0
Time: 7:32 PM.

RECONVENE:

Councilman Maciuska reconvened the regularly scheduled meeting with the following present:

PRESENT:

Frank Maciuska	Councilman
Suzi Hawkins-Mance	Councilwoman
Patricia Marini	Councilwoman
Susie Jacobs	Town Clerk

Time: 7:58 PM.

**PUBLIC HEARING 8:00 PM – PROPOSED LOCAL LAW NO. 7 OF 2010
AMENDING THE CODE OF THE TOWN OF WALWORTH, CHAPTER 56
ENTITLED “AMINALS”:**

Councilman Maciuska declared the Public Hearing opened.

Time: 8:00 PM.

Susie C. Jacobs, Town Clerk, stated the notice of Public Hearing for Proposed Local Law No. 7 of 2010 was duly published two (2) times in the Town’s official newspaper on December 5, 2010 and December 12, 2010, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilwoman Hawkins-Mance to waive the reading of the Legal Notice.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 3 Nays 0

No one wished to comment.

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Motion by Councilwoman Marini to close the Public Hearing.
Seconded by Councilwoman Hawkins-Mance.
Adopted: Vote Ayes 3 Nays 0
Time: 8:01 PM.

**RESOLUTION 103-10 ADOPTION OF PROPOSED LOCAL LAW NO. 7 OF
THE YEAR 2010 – CHAPTER 56 ANIMALS:**

Councilwoman Hawkins-Mance offered the following Resolution 103-10 and moved its adoption.

Seconded by Councilwoman Marini to wit:

WHEREAS, effective January 1, 2011, the New York State Agricultural and Markets Law will require the processing of dog licenses and applications to be performed by local municipalities; and

WHEREAS, it is the intention of the Town Board of the Town of Walworth to comply with new state regulations regarding the licensing of dogs, processing of applications, and other delegated functions; and

WHEREAS, pursuant to 6 NYCRR § 617.5(c) 20 and 27, amending the Code of the Town of Walworth to comply with state regulations is a Type II Action not subject to review under SEQRA, and therefore this proposed action requires no further action pursuant to SEQRA;

WHEREAS, the Town Board of the Town of Walworth held a hearing on Proposed Local Law No. 7 of the year 2010 on December 16, 2010 at 8:00 PM at the Walworth Town Hall to hear and consider any comments on the proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Walworth adopts Proposed Local Law No. 7 of the year 2010 Animals, Chapter 56, as follows:

LOCAL LAW NO. 7 OF 2010 AMENDING THE CODE OF THE TOWN OF
WALWORTH, CHAPTER 56 ENTILED “AMINALS”

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF WALWORTH, AS
FOLLOWS:

LOCAL LAW NO. 7 OF 2010
AMENDING THE CODE OF THE TOWN OF WALWORTH CHAPTER 56
(DOGS)

Chapter 56 (Dogs), is hereby amended to read as follows:

CHAPTER 56 (ANIMALS)
ARTICLE I

DOG LICENSING AND CONTROL

[Amended 12/16/2010 by L.L. No.7-2010]

ARTICLE I Dog Licensing and Control:

§ 56-1 Title:

This Article shall be known as the “Dog Licensing and Control” of the Town of Walworth, Wayne County, New York.

§ 56-2 Purpose:

The purpose of this Article shall be to preserve the public peace and good order in the Town of Walworth and to contribute to the public welfare, safety and good order of its people by establishing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of owners of dogs and of other residents of the Town of Walworth, providing for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

§ 56-3 Authority:

This article is enacted pursuant to the provisions of Article 7 Licensing, Identification and Control of Dogs of the New York State Agriculture and Markets Law and the Municipal Home Rule Law of the State of New York.

§56-4 Definitions:

All terms not specifically defined herein shall have the meaning assigned to such terms within §108 of the New York State Agriculture and Markets Law.

As used in this Article, the following terms shall have the meanings indicated:

ADOPTION - The delivery of any dog, seized or surrendered, to any natural person eighteen years of age or older, for the limited purpose of harboring as a pet.

AGRICULTURE AND MARKETS LAW - The New York State Agriculture and Markets Law in effect as of the effective date of this Chapter and as thereafter amended.

AT LARGE – An unleashed dog off the premises of the owner.

CLERK - The clerk of the Town of Walworth.

DOG WARDEN OR DOG CONTROL OFFICER – A person or persons appointed by the Town Board of the Town of Walworth to assist in the enforcement of this Article.

DOGS – Any member of the species canine familial.

DANGEROUS DOG - Any dog which (i) without justification, attacks a person, companion animal, farm animal, or domestic animal, as such animals are defined under the New York State Agriculture and Markets Law, and causes physical injury or death, or (ii) behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals or (iii) without justification, attacks a service (therapy) dog, guide dog or hearing dog and causes physical injury or death. Does not include a police work dog which acts in the manner described in this paragraph while such police work dog is being used to assist one or more law enforcement officers in the performance of their official duties.

EUTHANIZE - To bring about death by a humane method.

HARBOR - To provide food or shelter to any dog.

IDENTIFICATION TAG – A tag issued by the Town Clerk which sets forth the identification number, together with the name of the Town and State, the telephone number of the Town Clerk, any other information deemed necessary by the Town Clerk. Identification tag shall be affixed to a dog collar at all times pursuant to § 111 of the New York State Agriculture and Markets Law. While participating in dog shows, dogs are exempt.

LEASHED OR RESTRAINED - The dog is equipped with a collar/harness to which a leash is attached, or restrained by a person having the ability to control the dog.

OWNER – Includes any person who keeps harbors or has the care and custody of a dog. Dogs owned by persons under the age of eighteen shall be deemed to be in the custody and control of parents or other head of the household where the minor resides.

PACK – Three (3) or more dogs running together or in any manner forming a group of dogs.

POLICE WORK DOG - Any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

RECOGNIZED REGISTRY ASSOCIATION – Any nationally recognized breed associations qualifying under Article 7 of New York State Agriculture and Markets Law.

WAR DOG - any dog which has been honorably discharged from the United States armed services.

§ 56-5 Dog Licensing Requirements and Procedures:

A. Licensing of Dogs:

All dogs within the Town of Walworth that are four (4) months of age or older, unless otherwise exempted, shall be licensed. The owner of each dog required to be licensed shall obtain a license from the Town Clerk. Each license application shall be accompanied by a license fee and any other applicable state fees as may be established by Resolution of the Town of Walworth and proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case vaccination shall not be required. In the case of a spayed or neutered dog, each application shall be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered. Such certificate shall not be required if the same is already on file with the Town Clerk. Each license issued shall be valid for a period of one (1) year and shall be renewable thereafter on the anniversary date of the original license. This license shall not be transferable.

(1) Enumeration: Upon determination by the Walworth Town Board by Resolution establish Enumeration Procedures & Fees. Should a dog be identified as unlicensed during enumeration, the enumeration fees collected shall be used to pay the expenses incurred by the Municipality?

(2) Exempt: The Town of Walworth exempts the following dogs (guide, hearing, service, war, search, detection, therapy, and police dogs) from licensing fees. The owner must pay the applicable state fee as per fee schedule adopted by Town Board Resolution.

B. Purebred licenses:

The owner of one or more purebred dogs registered by a recognized registry association may annually make application for a purebred license. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk a dog purebred license application together with the license application fee, any applicable license surcharges, and such additional fees as may be established by the Town of Walworth. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case vaccination shall not be required. In the case of a spayed or neutered dog, each application shall be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered. Such certificate shall not be required if the same is already on file with the Town Clerk. Each license issued shall be valid for a period of one (1) year and shall be renewable yearly thereafter on the anniversary date of the original license. Purebred license will be issued one (1) dog tag. This license shall not be transferable.

C. Animal Shelters:

Dogs of any age held at a shelter pursuant to a contract or agreement with the Town of Walworth, to any dog confined to the premises of any public or private hospital devoted solely to the treatment of sick animals, or confined for the purposes of research to the premises of any college or other educational or research institution, humane society, dog protective association, veterinary facilities are exempt from the licensing requirements set forth herein. The Town of Walworth does not allow the licensing of dogs by a shelter. Shelters shall send all dog owners to the Town Clerk of the town in which the dog will be harbored for licensing.

D. Identification of dogs:

(1) The Town Clerk shall assign a Town identification number to a dog when it is first licensed which shall be affixed to the collar of the dog at all times.

(2) An identification tag is not required to be worn while a dog is participating in a dog show.

(3) Tags shall not be affixed to the collar of any dog other than the one to which the number has been assigned.

(4) Any replacement tag shall be at the owner's expense, the charge to be determined by the Town Board.

E. Grace Period:

A dog harbored within the Town of Walworth which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions herein.

F. Change of Ownership, Lost, Stolen or Deceased Dogs:

In the event of a change in the ownership or address of any dog licensed by the Town of Walworth or in the event that any such dog has been lost, stolen or deceased within ten (10) days of such change, the owner shall notify the Town Clerk.

§ 56-6 Dog Control Regulations and Restrictions:

A. General:

All dogs in the Town of Walworth are hereby required to be restrained by a leash

while off the owner's premises, whether such dogs are or are not tagged or licensed;

provided, however, that dogs are permitted to be unleashed while off the owner's

premises when under restraint of its owner or any member of the owner's household or

when on the premises of another person with such person's consent or when hunting in

company with a hunter(s), and no person who owns, keeps, harbors or has the care,

custody or control of any dog in the Town of Walworth shall permit such dog to be at

large or unleashed in said town, except as permitted by this Article.

B. Dangerous dogs:

The owner of any dog which is vicious or dangerous to persons shall at all times

restrain and control such dog so as to prevent injury to persons. The owner shall also

restrain and control such dog so as to prevent it from running at large with a pack of

other dogs and from chasing moving vehicles, animals and children.

C. Female dogs:

Any female dog shall be confined to the premises of the owner while such female

dog is in season/heat.

D. Nuisance:

No person being the owner or agent of the owner of any dog shall permit such dog,

even though leashed or on owners property, to commit any nuisances within the

Town of Walworth. The following are declared public nuisances and are set forth

herein for explanatory purposes only and are not to be considered as excluding other

types of nuisances:

(1) Engaging in loud howling, whining or habitual barking or so conducting itself so as to disturb the public peace.

(2) Chasing and/or barking at moving vehicles or persons on foot or bicycle.

(3) Jumping upon any person or knocking any person over.

(4) Being found upon any school grounds or upon a playground during the time of year and time of day when said playground activities are conducted.

(5) Running together in a pack or in any manner forming a pack of dogs.

(6) No dog shall be permitted to run at large within the Town of Walworth. As prescribed in this Article.

(7) No dog shall be permitted upon public streets; public property or within public buildings within the Town of Walworth unless accompanied by an adult or by a minor who is able to restrain and control said dog.

(8) Damage of deface property not belonging to the owner of the dog.

(9) Deposit waste or commit nuisance on the private property of a person or party other than that of the owner of the dog, including Town parks, recreation areas, sidewalks, paved streets and/or non-paved areas such as flower beds, grassy areas within cul-de-sacs which are public property. Owners shall remove all feces immediately and shall be disposed of in a sanitary manner. This section shall not apply to any blind person accompanied by a guide dog or to a dog used to assist any other physically handicapped person.

§ 56-7 Seizure of dogs; Redemption Periods; Impoundment fees:

- A. Any Dog Warden or Dog Control Officer of the Town of Walworth shall have authority to administer and enforce the provisions of this chapter, and for that purpose shall have the authority to issue appearance tickets and to seize dogs, either on or off of the owner's premises.
- B. Any Dog Warden or Dog Control Officer of the Town of Walworth shall seize any dog:
- (1) Found at large not wearing the identification tag required under Article 7 of the New York Agriculture and Markets Law or any dog in violation of § 56-5 of this Article, or
 - (2) Found in violation of § 56-6 of this Article, or
 - (3) Which pose an immediate safety threat to the public.
- C. Each dog seized in accordance with the provisions of this Article shall be properly sheltered, fed and watered for the redemption period at the owner's expense as established by Town Board Resolution, in accordance with the applicable provisions of the New York State Agriculture and Markets Law.
- D. If any dog is in violation of § 56-5 or § 56-6 and the dog is wearing a license tag, the Dog Warden or Dog Control Officer shall make good faith efforts to ascertain the owner of the dog and give immediate written/verbal notice to the owner, or an adult member of the family, stating that the dog is in violation of this Article and will be seized unless the situation is rectified or unless the court shall rule otherwise. Alternatively, the Dog Warden or Dog Control Officer may seize any dog found in violation of § 56-5 or § 56-6 and the owner of record of such dog shall be notified personally or by regular mail, certified mail, return receipt requested, of the facts of seizure and the procedure for redemption.
- E. Each dog seized which is not identified, whether or not licensed, shall be held for a period of five (5) days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces to the Town Clerk proof the dog is licensed and identified and pays fees established by Town Board Resolution. If notification is personally given, the dog may be redeemed by the owner within seven (7) days. If such notification is made by mail, such dog shall be held for a period of nine (9) days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon payment of the impoundment fees prescribed and by producing proof that the dog has been licensed.
- F. If an owner is entitled to redeem a dog pursuant to Subsection E above, and if not redeemed, the dog shall then be made available for adoption or

euthanized by the impoundment facility. The impoundment facility that destroys the dog shall immediately dispose of the same and make a monthly written report of such destruction and disposition to the Town Clerk, who shall keep a record thereof.

G. Potentially rabid dogs:

- (1) The Dog Control Officer is hereby authorized to seize or direct the confinement of any dog which is reported to have attacked or injured a human being. Any such dog shall be confined by the owner for such length of time as may be necessary for the purposes of determining whether such dog is affected by rabies, and if so, it may be destroyed.
- (2) The owner of such dog shall, upon demand, deliver the possession of such dog to the Dog Control Officer, or any officer authorized to seize the same, and shall, upon demand, pay to the Town of Walworth the cost of such confinement and treatment or destruction of the dog.

H. Enforcement:

- (1) Any person who observes or has knowledge of a dog violating any section of this Article may file a complaint under oath with the Justice of the Town of Walworth specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog, and the name and address, if known, of the owner or other person harboring the dog.
 - (2) Upon receipt by said Justice of any complaint against the conduct of any particular dog, said Justice may summon the alleged owner or other person harboring said dog to appear in person before him or her; if the summons is disregarded, said Justices may permit the filing of the information and issue a warrant for the arrest of such person.
- I. After complaint and hearing, a Justice of the Town of Walworth may direct any dog owner who is in violation of Sections 56-5, or 56-6 herein to dispose of the offending dog or to deliver the same to the Dog Control Officer for humane destruction.
 - J. The Dog Control Officer shall make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the municipal identification number of the dog (if any), the location where seized, the reason for the seizure and the owner's name and address, if known.

§ 56-8 Jurisdiction:

Any Justice of the Town of Walworth shall have jurisdiction of all actions and proceedings hereunder and of all prosecutions for the violation of this Article.

§ 56-9 Penalties for Offenses:

The non compliance of any provision of this Article shall be deemed a Violation under this Article, and each separate offense shall constitute a separate additional Violation. Any person convicted of a violation of this Article shall be liable for a fine of the discretion of the Town of Walworth Justice. The provisions hereof are in addition to the regulations, restrictions, requirements and penalties contained in Article 7 of the New York State Agriculture and Markets Law.

§ 56-10 Dog License Fees:

Fees shall be set by Resolution of the Town Board of the Town of Walworth. Pursuant to New York Municipal Home Rule Law § 10 and New York State Agriculture and Markets Law § 110, by the adoption of this Local Law, the Town of Walworth, County of Wayne hereby authorizes the Town Board of the Town of Walworth, County of Wayne to establish, by Resolution, a schedule of dog license fees, enumeration fees, tag replacement fees, court penalties and impoundment fees. The Town Board of the Town of Walworth, County of Wayne may exercise this authority as needed hereafter by Resolution.

§ 56-11 Severability and Effective date:

The provisions of this Local Law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

This Local Law will take effect January 1, 2011 and shall be filed with the Secretary of State.

Adopted on this 16 day of December 2010.

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

Resolution carried.

EXECUTIVE SESSION:

Motion by Councilwoman Hawkins-Mance to enter into Executive Session to discuss pending or current litigation.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 3 Nays 0

Time: 8:02 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting with the following present:

PRESENT:

Robert Plant	Supervisor
Frank Maciuska	Councilman
Suzi Hawkins-Mance	Councilwoman
Patricia Marini	Councilwoman
Susie Jacobs	Town Clerk

Time: 8:30 PM.

RESOLUTION 112-10 TO SETTLE PENDING LAND LITIGATION:

Councilman Maciuska offered the following Resolution 112-10 and moved its adoption. Seconded by Councilwoman Marini to wit:

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TOWN OF WALWORTH
RESOLUTION TO SETTLE PENDING LITIGATION

RESOLUTION 112-10

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

WHEREAS, as the result of settlement discussions among representatives of each of the parties to the Pending Lawsuit counsel for each of the parties have communicated to the United States Federal District Court Magistrate Judge that pending enactment of appropriate resolutions by the Town Boards for the Towns of Walworth and Macedon, and pending execution and filing of the documents referenced below, the parties have agreed to settle the Pending Lawsuit in the manner set forth below (the “Pending Lawsuit Settlement”) upon the execution and filing of the documents referenced herein;

WHEREAS, as a condition to the Town settling the Pending Lawsuit as referenced above, a resolution has been enacted in executive session on this date whereby the Town has entered into a settlement with an insurance company (the Confidential Settlement”) and pending payment under the terms of the Confidential Settlement, the Town Supervisor and the Town counsel respectively shall execute as indicated in the documents identified herein on behalf of the Town of Walworth the following: (i) a Stipulated Consent Order and Judgment (attached hereto as Exhibit “A” and incorporated by reference and referred to as “the Consent Order and Judgment”), a release of the Town’s counterclaims against the Plaintiff Macedon Land Development Inc. (“Plaintiff”) (a copy of the form of release is attached hereto as Exhibit “B” and incorporated by reference and referred to as “the Walworth Release to Plaintiff”) and a stipulation of discontinuance, order and judgment of the remaining claims in the action including the cross claims asserted by the remaining defendants to the action (attached hereto as Exhibit “C” and incorporated by reference and referred to as the “Stipulation and Judgment of Dismissal);

WHEREAS, conditioned on payment pursuant to the Confidential Settlement and based upon the Consent Order and Judgment attached as Exhibit “A” and subject to enactment of an appropriate resolution by the Town of Macedon and the execution and filing of the Consent Order and Judgment, including execution of it by the Town of Macedon and by the Federal District Court Judge in the Pending Lawsuit and pending


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implement the Pending Lawsuit Settlement, including undertaking the receipt of the executed Plaintiff's Release to Walworth, and undertaking receipt from the other parties to the Pending Lawsuit of the executed Stipulation and Judgment of Dismissal, and undertaking the filing of the executed Consent Order and Judgment and the undertaking of the filing of the executed Stipulation and Judgment of Dismissal and undertaking any other action that may be required to implement the Pending Lawsuit Settlement in accord with the terms identified herein.

<u>Yes</u>	<u>No</u>	
<u>x</u>	_____	<u>Supervisor Robert Plant</u>
<u>x</u>	_____	<u>Frank Maciuska</u>
<u>x</u>	_____	<u>Suzi Hawkins-Mance</u>
<u>x</u>	_____	<u>Patricia Marini</u>

Dated: December 16, 2010
Walworth, New York

215209 1490844.1

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

RECESS:

Supervisor Plant recessed for one (1) minute while Council members signed documentation and returned to the Attorney.

RESOLUTION 108-10 ADOPTION OF TOWN OF WALWORTH DOG FEES:

Councilwoman Hawkins-Mance offered the following Resolution 108-10 and moved its adoption. Seconded Councilman Maciuska to wit:

Spayed/Neutered Local Fee	\$7.50 + applicable state fees (\$1.00)
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Unspayed/Unneutered Local Fee	\$15.50 + applicable state fees (3.00)
Service Dogs Spayed/Neutered	Exempt + applicable state fees (\$1.00)
Service Dogs Unspayed/Unneutered	Exempt + applicable state fees (\$3.00)
Purebred License (1 to 10)	\$30 + applicable state fees (\$1.00 S/N \$3.00 US/UN)
(11 to 25)	\$55 + applicable state fees (\$1.00 S/N \$3.00 US/UN) +
(26 & Up)	\$105 + applicable state fees (\$1.00 S/N \$3.00 US/UN) +
Replacement tags	\$3 per tag
Late Fee after 60 days	\$5 per dog
Enumeration Fee (If found unlicensed during an enumeration)	To be established by TB Resolution
Impound Fees – 1st(pick up fee)	\$25.00 + applicable license fees + \$20.00/additional day
2nd (pick up fee)	\$50 .00 + applicable license fees + \$40.00/additional day
3rd (pick up fee)	\$75.00 + applicable license fees + \$50.00/additional day

Penalties for Offenses: To be determined by the Town of Walworth Court Justice.

Adopted on this 16 day of December 2010. Shall become effective on January 1, 2011.

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

Resolution carried.

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of **May 10, 2010** - Special Meeting as presented.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of **August 5, 2010** as presented with the following amendments:

**WALWORTH TOWN BOARD – REGULAR MEETING
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THAT THE MINUTES OF AUGUST 05, 2010 PG. 148 AS SUBMITTED BY THE TOWN CLERK BE AMENDED BY ADDING TO THE PARAGRAPH TITLED **MAIN STREET BLOCK PARTY-WAYNE COUNTY HIGHWAY DEPARTMENT AUTHORIZATION:** MOTION BY COUNCILMAN MACIUSKA

TO ACCEPT AND FILE. SECONDED BY COUNCILWOMAN HAWKINS-MANCE.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

MINUTES:

Motion by Councilwoman Marini to approve the Minutes of **May 20, 2010** as presented with the following amendments:

THAT THE MINUTES OF MAY 20, 2010 PG. 103 AS SUBMITTED BY THE TOWN CLERK BE AMENDED BY STRIKING OUT MOTION BY COUNCILMAN MACIUSKA UNDER THE SUPERVISORS REPORT PARAGRAPH AND REPLACING IT WITH MOTION BY COUCILWOMAN MARINI,

AND, ON PAGE 103 UNDER THE PARAGRAPH TITLED RESOLUTION 44-10 AUDIT OF CLAIMS BY STRIKING OUT MOTION BY COUNCILWOMAN MARINI AND SECONDED BY COUNCILMAN MACIUSKA AND REPLACING IT WITH MOTION BY COUNCILMAN YALE AND SECONDED BY COUNCILWOMAN MARINI,

AND, UNDER DEPARTMENT/COMMITTEE REPORTS ON PAGE 104 UNDER THE PARAGRAPH TITLED SEWER – CHURCH STREET MANHOLE BY STRIKING OUT SECONDED BY COUNCILWOMAN MARINI AND REPLACING IT WITH SECONDED BY COUNCILWOMAN HAWKINS-MANCE,

AND, UNDER THE HEADING RECREATION – MARK’S PIZZA AUTHORIZATION TO SELL IN PARK ON PAGE 104 BY STRIKING OUT SECONDED BY COUNCILMAN MACIUSKA AND REPLACING IT WITH SECONDED BY COUCILWOMAN HAWKINS-MANCE,

AND, BY ADDING TO THE DEPARTMENT/COMMITTEE REPORTS THAT COUNCILWOMAN MARINI READ A LETTER FROM KIM HARDING THANKING THE RECREATION DEPARTMENT FOR A NICE VARIETY OF SUMMER PROGRAMMING IN WHICH NONE OF THE PROGRAMS CONFLICTED WITH ONE ANOTHER,

AND, BY ADDING TO THE DEPARTMENT-COMMITTEE REPORTS THAT COUNCILWOMAN MARINI ANNOUNCED THAT THE RECREATION DEPARTMENT HAD RECEIVED A GRANT FROM THE WAYNE COUNTY

PUBLIC HEALTH SERVICE AND CORNELL COOPERATIVE EXTENSION FOR SNOWSHOES,

AND, BY ADDING TO THE DEPARTMENT-COMMITTEE REPORTS THAT COUNCILMAN YALE REPORTED THAT THE COMPREHENSIVE PLAN AND R.V. PLAN HAD BEEN REVIEWED WITH THE PLANNING BOARD AND THAT THE PLANNING BOARD WAS OKAY WITH THE PLAN.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

MINUTES:

Motion by Councilwoman Marini to approve the Minutes of **July 15, 2010** as presented with the following amendments:

THAT THE MINUTES OF JULY 15, 2010 PG. 139 AS SUBMITTED BY THE TOWN CLERK BE AMENDED BY STRIKING OUT SECONDED BY COUNCILWOMAN MARINI UNDER THE PARAGRAPH TITLED SEWER-AUTHORIZATION-FINGER LAKES WATER WORKS CONFERENCE- AND REPLACING IT WITH SECONDED BY COUNCILWOMAN HAWKINS-MANCE.

AND, ADDING TO THE PARAGRAPH TITLED RECREATION- ENTERTAINMENT AUTHORIZATION SENIOR CITIZENS PICNIC ON PG. 139 "SECONDED BY COUNCILMAN YALE."

AND, ADDING A NOTE UNDER COMMITTEE/DEPARTMENT RPORTS THAT COUNCILWOMAN MARINI THANKED THE RECREATION DEPARTMENT AND HILL CUMORAH PAGEANT PARTICIPANTS FOR COMING TO THE TOWN COMPLEX TO WORK AND SPREAD MULCH.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

MINUTES:

Motion by Councilwoman Marini to approve the Minutes of **December 2, 2010** as presented with the following additions:

Under Committee Report the Health Insurance Plans were discussed with employees of the Town at meetings that were held on November 30th, 2010 and December 1st, 2010 regarding the open enrollment for Excellus Health Care Plans.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 4 Nays 0

CORRESPONDENCE:

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

ELEVATOR CONTRACT AUTHORIZATION:

Motion by Councilman Maciuska to authorize the Supervisor to sign the contract with Schindler Elevator Corporation for a cost of \$813.48 per billing period for the contract year beginning 01/01/2011.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

SUPERVISOR'S REPORT:

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

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

PUBLIC PARTICIPATION:

No one present offered any comments.

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RESOLUTION 104-10 - AUDIT OF CLAIMS

Councilwoman Marini offered the following Resolution **104-10** and moved its adoption.

Seconded by Councilman Maciuska to wit:

WHEREAS, the following claims submitted at the scheduled Town Board Meeting of December 16, 2010 have been audited and approved by the appropriate Board Members.

BE IT RESOLVED that the claims be paid on **Abstract #12**, numbered 1836 through 1975 in the following amounts:

GENERAL FUND	\$ 189,089.45
HIGHWAY FUND	\$ 97,773.84
WALWORTH SEWER DISTRICT #1	\$ 48,204.22
WALWORTH LIGHT DISTRICT	\$ 558.21
HARVEST HILL LIGHT DISTRICT	\$ 651.50
BROOKSIDE LIGHT DISTRICT	\$ 10.65
ORCHARD VIEW LIGHT DISTRICT	\$ 101.51
GANANDA LIGHT DISTRICT	\$ 672.27
PARK SPECIAL REVENUE	\$ 875.21
WALWORTH CONSOLIDATED DRAINAGE	\$ 2,850.30
GANANDA SIDEWALK DISTRICT	\$ 420.00
DAANSEN RD EXT 5	\$ 1,552.88
ALBRIGHT/BUSHWOOD.HENN EXT#12	\$ 7,771.38
KUTT/CANANDAIGUA EXT #15	\$ 6,731.62
MILDAHN ROAD EXT#16	\$ 4,544.00
COUNTY LINE ROAD EXT #17	\$ 6,986.00
PLANK ROAD EXT#18	\$ 5,680.00

BE IT FURTHER RESOLVED that the claims be paid on **Abstract #12** numbered 217 through 230 in the following amounts:

TRUST & AGENCY	\$ 176,472.52
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NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Walworth adopts Resolution 104-10.

Adopted this 16th day of December 2010 at the meeting of the Town Board.

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

Resolution carried.

COMMITTEE REPORTS:

Council members reported on respective committees with the following Town Board actions being recorded:

SEWER – TRAINING AUTHORIZATION

Motion by Councilman Maciuska to authorize the Sewer staff; Rob Burns, Tim McMullen and John Pagliuso to attend a Water / Wastewater Training Session

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for Security and Emergency Response to be held on March 10, 2011 in Geneva, NY, at a cost of \$30.00 per person for a total of \$90.00 to be expended from SS8110.41, this a budgeted expense, also continued education hours for their Sewer Licenses will be granted.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

SEWER – RESOLUTION 110-10 SEWER RENT COLLECTION PROCEDURE

Town of Walworth
Wastewater Treatment Plant
3451 Ontario Center Road
Walworth NY 14568

Sewer Rent Collection Procedure
Effective January 2011

RESOLUTION 110-10

PROCEDURE

The Walworth Wastewater Treatment Superintendent shall be responsible for the collection of sewer rents. Authority to collect sewer rents may be delegated to Sewer Department staff as desired.

- a. Payment Options:
 - a. Residents will be able to pay their sewer bill using one of the options as follows:
 - Drop box labeled as such at the Town Hall Lobby.
 - Mail to Walworth Sewer District No. 1, 3600 Lorraine Drive, Walworth NY, 14568
 - In person at the Sewer Department, 3451 Ontario Center Road, between the hours of 6:30AM and 8:30AM.
 - b. Payment processing:
 - All payments will be entered into a spreadsheet and labeled with the date of entry.
 - All payments received that have not been reconciled during that given day will be kept in a fireproof cabinet for security purposes until posting the next day.
 - Checks made payable to the Town of Walworth Sewer District No. 1, for collected rents, will be processed weekly by the Sewer Superintendent during heavy collection periods and bi-monthly when collection is slow.
 - Cash payments will be deposited on a daily basis during heavy collection periods or as needed when collection is slow.
 - Processed checks and cash receipts will be given to Jean Johnson, Senior Account Clerk for deposit.
 - Deposits will be entered into the checkbook register at the time deposits are made
- c. Statement Reconciliation:
 - Bank statement reconciliation will be done by a Sewer Department employee with the Sewer Superintendent's review for accuracy.

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

Resolution carried.

LIBRARY – LIBRARY BOARD OF TRUSTEE APPOINTMENT

Motion by Councilman Maciuska to approve Ronald Wrightstone for the position of Library Board of Trustee for a 5 year term.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

HIGHWAY – HOLIDAY SCHEDULE

Motion by Councilwoman Marini to approve the received proposed Highway Department Holiday Schedule for 2011 (consistent with what was done in 2010) subject to contract negotiations with Teamsters 118.

2011
Proposed Highway Dept. Holiday Schedule

1. New Year's Day	January 3 rd	Monday – 9 Hours
*2. President's Day	February 21 st	Monday – 9 Hours
3. Floater-	April 22 nd	Friday – 4 Hours
4. Memorial Day	May 30 th	Monday – 9 Hours
5. In Lieu of Martin Luther King	May 31 st	Tuesday – 9 Hours
6. Independence Day	July 4 th	Monday – 9 Hours
7. Labor Day	September 5 th	Monday – 9 Hours
8. Floater -	September 6 th	Tuesday – 9 Hours
9. Columbus Day	October 10 th	Monday – 9 Hours
10. Veteran's Day	November 11 th	Friday – 4 Hours
11. Thanksgiving	November 24 th	Thursday – 9 Hours
*12-Day after Thanksgiving	November 25 th	Friday – 4 Hours
13. Christmas	December 26 th	Monday – 9 Hours

104 Hours Allowed -

Total Used 102 Hours

Employees will choose 2 Hours as a Group to make up 2 Hours Shortfall

Shut Down: June 27th, 28, June 29, June 30, July 1=40 Hours

*If called to work before 6:00 a.m. will work that day. Supt. Will substitute another day.

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Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

**PERSONNEL – HEALTH CARE SAVINGS AND FLEXIBLE SPENDING PLAN
ENROLLMENT COMPLETED**

It was reported that the Health Care Savings and Flexible Spending Enrollment has been completed and we are right on target.

**TOWN CLERK – REGISTERED MUNICIPAL CLERK CERTIFICATION
PRESENTATION**

The following presentation was made:

REGISTERED MUNICIPAL CLERK CERTIFICATION

RMC

As District 7 Director of the New York State Town Clerks Association and the Macedon Town Clerk. I would also like to introduce Deborah Smith, Wayne County Town Clerk Association President and Marion Town Clerk.

It is my pleasure tonight to acknowledge the accomplishment of Susie Jacobs in achieving the status of Registered Municipal Clerk.

The RMC program was established to recognize educational and professional accomplishments in the Municipal Clerk career. This program serves to promote the continued education of Municipal Clerks to enable clerks to better serve their Boards and Community.

Since 1980, 16 States have developed Certification programs for Municipal Clerks in an evolving trend toward “the professional state.” Professionalism in municipal government is regarded as an important asset that sets our government apart. The goal is to elevate the skill levels of public officials. The RMC program helps the municipal clerk understand change, learn skills required in the new information age and perform as a competent professional.

This is an accomplishment to be very proud of attaining. By reaching this goal you have shown that you are dedicated to your profession as a municipal clerk and have met the high standards of the NYSTCA.

Congratulate on this high achievement. Feel proud to use the RMC designation after your name.

Thank you.
Judy Gravino, RMC
NYSTCA District Officer

Students in attendance were dismissed.
Time: 8:58 PM.

CODE OF ETHICS DISCUSSION:

Council members reviewed a draft of the changes to the Code of Ethics which was previously presented to them. Discussion ensued - deciding to pass on taking action at this time.

**RESOLUTION 100-10 CAREY LAKE LLC, RENEWAL LIQUOR LICENSE
#3116448, 3126208 and 3121757:**

Councilwoman Hawkins-Mance offered the following Resolution 100-10 and moved its adoption. Seconded by Councilman Maciuska to wit:

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WHEREAS, pursuant to the requirement of the New York State Alcoholic Beverage Control (ABC) Law, an applicant for a license to sell alcoholic beverages at retail, for on-premises consumption, as well as any applicant for renewal of such a license, must notify the Town Clerk of the municipality wherein the premise are located, and;

WHEREAS, Carey Lake LLC, has requested a renewal of Liquor Licenses application, and

WHEREAS, Carey Lake LLC, has NOT requested that the Town waive the 30-day notification period required by New York State Liquor Authority how ever in an effort to expedite the granting of a Renewal Liquor License to Carey Lake LLC, the Walworth Town Clerk is requesting a waiver.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Walworth, that with respect to the renewal application submitted by Carey Lake LLC, Licenses numbers 3116448, 3126208 and 3121757, Walworth, New York, for a license to sell alcoholic beverages at retail for on-premises consumption, the Walworth Town Board does express a favorable opinion;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth hereby waives the thirty (30) days notice period in regard to Carey Lake LLC, allowing an earlier submission of the renewal Liquor License application.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopts Resolution.

Dated this 16th Day of December, 2010.

Discussion: Councilman Maciuska inquired if the Town Clerk has received any complaints. Susie Jacobs stated that she did receive a response from the Building Inspector indicating the Fire Inspection has been completed and everything is in order. No complaints.

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

Resolution carried.

**RESOLUTION 101-10 WALWORTH SPORTSMAN’S CLUB RENEWAL
LIQUOR LICENSE #3013882:**

Councilwoman Marini offered the following Resolution 101-10 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, pursuant to the requirement of the New York State Alcoholic Beverage Control (ABC) Law, an applicant for a license to sell alcoholic beverages at retail, for on-premises consumption, as well as any applicant for renewal of such a license, must notify the Town Clerk of the municipality wherein the premise are located, and;

WHEREAS, Walworth Sportsman’s Club, has requested a renewal of Liquor Licenses application, and

**WALWORTH TOWN BOARD – REGULAR MEETING
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WHEREAS, Walworth Sportsman’s Club, has requested that the Town waive the 30-day notification period required by New York State Liquor Authority how ever in an effort to expedite the granting of a Renewal Liquor License.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Walworth, that with respect to the renewal application submitted by Walworth Sportsman’s Club, Licenses numbers 3013882, Walworth, New York, for a license to sell alcoholic beverages at retail for on-premises consumption, the Walworth Town Board does express a favorable opinion;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth hereby waives the thirty (30) days notice period in regard

to Walworth Sportsman’s Club, allowing an earlier submission of the renewal Liquor License application.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopts Resolution 101-10.

Dated this 16th Day of December, 2010.

Discussion: Councilman Maciuska inquired if the Town Clerk has received any complaints. Susie Jacobs stated that she did receive a response from the Building Inspector indicating the Fire Inspection has been completed and everything is in order. No complains.

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

Resolution carried.

RESOLUTION 107-10 AUTHORIZE ACCOUNT CLERK TO CLOSE WATER EXTENSIONS WHICH THE DEBT HAS BEEN PAID IN FULL; #5 (SW5), #12, (SW12) and #15 (SW15) AND TRANSFER REMAINING BALANCE TO WATER EXTENSION #1 (SW1):

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

AS OF 12/15/10 THE FOLLOWING WATER EXTENSION DEBT HAS BEEN PAID IN FULL.

- Water Ext #5 Daansen Road
- Water Ext #12 Albright, Bushwood & Hennessey Roads
- Water Ext. #15 Kuttruff and Canandaigua Roads

BE IT RESOLVED, that the Senior Account Clerk be authorized to close and transfer the remaining balances in Water Ext. #5 (SW5), Water Ext. #12 (SW12) and Water Ext. #15 (SW15) Funds to Water Ext. #1 Fund (SW1).

Water Ext. #5	\$60.89	
Water Ext. #12	\$103.56	
Water Ext. #15	\$67.73	
Total	232.18	Transferred to Water Ext #1 (SW1) Town Wide District

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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**RESOLUTION 102-10 AUTHORIZATION TO REVISE THE TOWN OF
WALWORTH TRAVEL POLICY:**

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

WHEREAS, the Town of Walworth desires to update its policy into correspond with the Internal Revenue Service (IRS) regulations in the simplest manner;

THEREFORE, BE IT RESOLVED that the Town Travel Policy is revised to read as follows:

All actual and necessary expenses incurred for registration fees, travel, meals, and lodging in connection with such attendance shall be a town charge, provided, however that the Town Board or Town Supervisor has given prior approval and that said charges are supported by original receipts (except mileage) and do not exceed the approved amounts. However, the Town will not reimburse any meals taken by any employee when the employee is not away from home overnight, unless such meals is part of a client's defined care or therapy plan. This rule applies whether the employee is within or outside of Wayne County. This policy shall supersede any contrary departmental policies.

AND BE IT FURTHER RESOLVED that a copy of this policy is hereby on file with the Town Clerk and this policy will be distributed to all Town of Walworth Departments for implementation.

Adopted this 16th day of December, 2010 at the meeting of the Town Board.

DISCUSSION: Councilman Maciuska noted that the Town is being consistent with the IRS regulations.

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

Resolution carried.

RESOLUTION 105-10 FINANCIAL TRANSACTIONS:

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

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

\$3,150.00 from General Fund Balance to A1110.21 Justices – Equipment
Cover Cost of Snowblower

\$282.63 from A1990.41 Contingent Account to A1410.42 Town Clerk –
Office
Expense. To cover cost of Dog License Tags – 2011 expense.

\$274.49 from A1420.42 Consulting & Litigation to A1420.41 Town
Counsel
Contractual. To cover current expenses.

\$5,581.01 from Reserve Account A231CR Town Hall Capital Reserve to

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A1620.42 Town Hall – Bldg Maintenance & Repair. To cover cost of repairs to Town Hall Heating System.

\$34.06 from A5182.41 Intersection Lights to A3310.41 Traffic Lights. To cover current expenses.

\$63.78 from A1990.41 Contingent Account to A3510.41 Animal Control General Expenses. To cover current expenses.

\$250.00 from A7110.43 Park-Vehicle/Mower Maint. To A7110.42 Park-General Services/Park Maintenance. To cover current expenses.

\$1,516.00 from A7310.41 Recreation – Supplies to A7310.42 Recreation Program Instructors. To cover current expenses.

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

Resolution carried.

RESOLUTION 106-10 AUTHORIZATION END OF YEAR 2010:

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

BE IT RESOLVED that the Senior Account Clerk be authorized to perform transfers, encumbrances and the establishment of accounts necessary to close the Town of Walworth books for the calendar year 2010.

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

Resolution carried.

RESOLUTION 109-10 FINANCIAL TRANSFER FOR HIGHWAY DEPARTMENT:

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

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

Request a transfer of funds from Account A5182.41 of 1,026.41 to go into Account A3310.22.

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

Resolution carried.

HOME OCCUPATION FEE DISCUSSION:

Council members reviewed the proposed Home Occupation Fees deciding to table discussion and approval for the next Town Board Meeting.

ENVIROMENTAL PROTECTION AGENCY DISCUSSION:

Council members will research and discuss at a later date.

TOWN COMPLEX THERMOSTATS REPLACEMENT APPROVAL:

Motion by Councilman Maciuska authorizing Leo Roth to replace the Town Complex Thermostats – completion in 2010 will result in a refund of \$200.00 from the NYSERDA Grant, not to exceed \$1,786.00 from Town Hall Capital Fund. Seconded by Councilwoman Marini.

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

Motion carried.

AUTHORIZING TOWN SUPERVISOR TO SIGN LETTER GRANTING VIEWING ACCESS TO PENFLEX FOR LOSAPS:

Motion by Councilman Maciuska authorizing Town Supervisor to sign letter granting viewing access to Penflex. Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

AUTHORIZING TOWN SUPERVISOR TO SIGN DOCUMENTATION TO BE INCLUDED IN THE SEWER LOWER BONDING RATE WITH THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION:

Motion by Councilman Maciuska authorizing Supervisor Plant to sign the presented and reviewed agreement with NYS Environmental Facilities Corporation for the Municipality Bond pricing. Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

EXECUTIVE SESSION:

Motion by Councilwoman Hawkins-Mance to enter into Executive Session to discuss 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.

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Seconded by Councilwoman Marini.
Adopted: Vote Ayes 4 Nays 0
Time: 9:14 PM.

RECONVENE:

Supervisor Plant reconvened the Regular Schedule meeting.
Time: 9:24 PM.

**AUTHORIZATION TO ADVERTISE PART-TIME ASSESSOR'S CLERK
POSITION:**

Motion by Councilwoman Marini to authorize the advertisement of the part-time Assessor's Clerk.
Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.
Seconded by Councilwoman Marini and unanimously carried.
Time: 9:27 PM.

Respectfully Submitted,

Susie C. Jacobs, RMC
Town Clerk

DRAFT