

**WALWORTH TOWN BOARD - REGULAR MEETING
20 DECEMBER 2007**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, to order at 7:30 PM.

Present:	Daniel Keyes	Councilman
	Thomas Yale	Councilman
	Patricia Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	Karen Ambroz	Assessor
	Jacqueline Van Lare	Recreation Director
	Ed Parrone	Town Engineer

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of December 6, 2007, as presented.

Seconded by Councilman Keyes.

Adopted: Vote Ayes 5 Nays 0

CORRESPONDENCE:

Susie Jacobs, Town Clerk, read the following letter, dated November 27, 2007:

“Dear Walworth Rec. Center, Staff, and Members, The National Junior Honor Society of Gananda Middle School would like to thank you for allowing us to meet your seniors and for taking part in their holiday celebrations. This has given us and other students a treasured opportunity for interacting with seniors, and helping others out. We are so thankful you gave us an opportunity to give them a holiday dinner and concert. We loved talking with them and hearing about the lives and experiences of your members. Sincerely, NJHS of GMS”

Susie Jacobs, Town Clerk, shared that Caring Friends of Wayne County, Inc., has made Holiday cards to share with us. They were thanked.

Bob Plant, Supervisor, stated that he had received a letter from Senator Nozzolio, advising that the State DOT had turned down the Town’s request for a speed reduction on Sherburne Road. Senator Nozzolio forwarded a copy of the letter that he sent to the State DOT in which he advocated for a speed reduction on Sherburne Road and disagreed with their decision. He further advised that he would aggressively pursue the request for a speed reduction on Sherburne Road.

SUPERVISOR’S REPORT:

Motion by Councilwoman Marini to approve and file the Supervisor’s Monthly Report for November, 2007, as presented.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

PUBLIC PARTICIPATION:

No one present offered any comments.

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AUDIT OF CLAIMS RESOLUTION 78-07:

Councilwoman Marini offered the following Resolution **78-07** and moved its adoption.

Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, the following claims submitted at the scheduled Town Board meeting of December 20, 2007, have been audited and approved by the appropriate Council members;

BE IT RESOLVED that the claims be paid on **Abstract #12**, numbered 1,620 through 1,810, in the following amounts:

GENERAL FUND	\$ 167,482.78
HIGHWAY FUND	\$ 90,574.80
WALWORTH SEWER DISTRICT #1	\$ 37,830.64
BROOKSIDE LIGHT DISTRICT	\$ 8.01
GANANDA LIGHT DISTRICT	\$ 914.88
HARVEST HILL LIGHT DISTRICT	\$ 806.07
ORCHARD VIEW LIGHT DISTRICT	\$ 50.59
WALWORTH LIGHT DISTRICT	\$ 478.15
WALWORTH CONSOLIDATED DRAINAGE	\$ 2,770.75
HIGHWAY GARAGE PROJECT	\$ 6,544.00
MEMORIAL TREE SPECIAL REVENUE	\$ 854.00
PARKVIEW GREEN DISTRICT	\$ 307.66
ALBRIGHT/BUSHWOOD/HENN EXT #12	\$ 7,900.25
KUTT/CANANDAIGUA EXT #15	\$ 7,302.00
MILDAHN ROAD EXT #16	\$ 4,952.00
COUNTY LINE ROAD EXT #17	\$ 7,598.00
PLANK ROAD EXT #18	\$ 6,190.00
DAANSEN ROAD EXT #5	\$ 1,684.50

BE IT FURTHER RESOLVED that the claims be paid on **Abstract #12**, numbered 194 through 223, in the following amount:

TRUST & AGENCY	\$ 130,209.17
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NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Walworth adopt resolution **78-07**.

Adopted this 20th day of December, 2007, at the meeting of the Town Council.

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

Resolution carried.

DEPARTMENT HEAD REPORTS:

HIGHWAY –

Mike Frederes, Highway Superintendent, stated that he did not have an update on the *J Miles Report*.

RECREATION –

Nothing to report at this time.

ASSESSOR –

Nothing to report at this time.

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ENGINEER – MS4

Ed Parrone, Town Engineer, gave an update on the MS4. He is working with the Finger Lakes Coalition relative to getting ordinances in place. Discussion has taken place with the Wayne County Planning Department regarding the Town of Walworth and other municipalities within this consortium as to where these ordinances and laws should be placed, whether it be zoning or elsewhere. Ed Parrone advised the Supervisor to speak with the Town Attorney for clarification and stressed that the MS4 goes into effect on January 8, 2008.

ENGINEER – DESIGN CRITERIA

Ed Parrone, Town Engineer, stated that drafts for the design criteria have been handed out to department heads. Comments are forthcoming; recommendations should be presented to the Board by February, 2008.

ENGINEER - ROOF REPLACEMENT FOR TOWN COMPLEX BID

1. BIDS RECEIVED:

**BID SUMMARY FOR ROOF REPLACEMENT
TOWN OF WALWORTH
DECEMBER 19, 2007**

Contractor	30 yr base bid	50 year alt. add	Additional work	Comment
Ontario Exteriors	\$57,000	\$6,777	\$77.00/sht plywood replacement	Bid bond included
Pine Ridge Construction	\$54,800	N/A	N/A	Bid bond not cert by surety
Gudabri Inc.	\$46,800	\$3,500	N/A	Bid bond faxed no original
Secore Contracting Services	\$43,895	N/A	N/A	Bid bond is check for \$3,000

Bid security should be returned to the successful bidder once the agreement, bonds and insurance certifications are executed.

2. DISCUSSION:

Ed Parrone, Town Engineer, reviewed all bids and recommended on behalf of the Town that Secore Contracting Services be awarded the bid in the amount of \$43,895.00. Supervisor Plant asked if there was any discussion from Council members. As there was no further discussion, he asked for a motion.

3. BID AWARD:

Motion by Councilwoman Hawkins-Mance to take the low bid.
Seconded by Councilwoman Marini.

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

Motion carried.

TOWN CLERK –

Nothing to report at this time.

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COMMITTEE REPORTS:

TOWN CLERK MARRIAGE OFFICER APPOINTMENT REQUEST

Councilman Keyes once again brought to the attention of the Town Board the request of Susie Jacobs, Town Clerk, to be appointed as a marriage officer. Councilman Keyes mentioned that at the meeting of August 16, 2007, this discussion was tabled until Supervisor Plant could speak with the Town Justices. Councilman Keyes asked the Supervisor for the outcome of this discussion and to bring the matter before the Board for a vote. Supervisor Plant stated that Judge Young did do wedding ceremonies, but not many; and he believed that Judge Wolfe did not do ceremonies any more. He continued to state that other residents in town did wedding ceremonies. Councilman Keyes asked, "What is the problem with the Town Clerk performing marriages?" Discussion ensued, with an explanation of who, what, when, where, and why these ceremonies would take place. Councilman Yale stated that who you wish to be married by is a personal choice; and if the Domestic Relations Law §11 permits the Town Clerk be appointed as a marriage officer, then so be it. Councilman Yale said that this should not interrupt or interfere with any operation that another Townsperson is coming in for. Closing/restricting the office would not be acceptable. Susie Jacobs, Town Clerk, stated that she was trying to provide a service to Town residents which, in her opinion, had been requested.

Motion by Councilman Yale to appoint Susie Jacobs, Town Clerk, as a marriage officer with the provision that there not be an interruption to the general public. Seconded by Councilman Keyes.

Discussion: Councilwoman Hawkins-Mance commented that she was concerned about the disruption with the staff at the Town Hall. She continued to say it was her personal opinion that, as a Town, she was not sure we wanted to be in the business of marriages. Councilwoman Marini said that she was concerned at the number of guests that might be at the marriages and the lack of accommodations for this at the Town Clerk's counter. It was stated by both the Supervisor and Councilwoman Marini that once appointed, it could not be changed.

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

Motion rejected.

RECREATION PURCHASE OF A BUSH HOG

Motion by Councilwoman Marini requesting approval for the Recreation Department to purchase from DJM Equipment a 6-foot, 40/45 horsepower Bush Hog, to be used with one Highway tractor, for an amount not to exceed \$1,500.00, with transfers from budgeted lines A7110.22 Building Equipment (\$1,175.00), A7110.47 Fuel Usage (\$312.00), into budgeted line A7110.21 for the purchase. Seconded by Councilwoman Hawkins-Mance.

Discussion: Councilman Yale inquired as to what lines these amounts were being transferred from. He was told Building Equipment and Fuel Usage. Councilwoman Hawkins-Mance asked where the bush hog would be used, throughout the Town? The response was in the parks, mainly Sherburne Road Park. Councilman Yale asked if Parks had a tractor that would handle this work. The response was "no."

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

Motion carried.

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SNOWMOBILE COMMITTEE

Councilwoman Marini stated that she passed out the Snowmobile Law, with the comments from the Wayne County Sheriff's Office. The Sheriff's Office made a recommendation that we change the definition of all the types of vehicles relative to what is in the Department of Motor Vehicle (DMV) Law. The Sheriff's Office also questioned Item "B," Penalties/Seizures of Vehicles. Council members' discussion ensued with regards to this. Final decision was to eliminate item "B" of §166-5 with a penalty of up to \$250.00. Councilman Yale inquired as to going out of their way to define Town Parks but yet there was no mention of, or restriction on, Town Parks in the rest of the ordinance. It does refer to Town Property, and Town Parks are part of Town Property. Councilman Yale would like to see the ordinance clarified to include Town Parks/Town Property. Councilwoman Marini will take this discussion back to the Snowmobile Committee for further comments.

Councilman Yale requested that the media assist them in spreading the word to residents that snowmobile riders should respect owners' property when it comes to snowmobile riding, knowing the rules and abiding by them.

PERSONNEL COMMITTEE

Councilwoman Marini stated that January 1, 2008, would be a holiday for the Highway Department and all of the other Town Offices. The remaining holiday schedule will be adopted at the Organizational Meeting on January 3, 2008.

P.E.T.S. PROVIDES FOR RESIDENT ON BILLS ROAD

Councilwoman Hawkins-Mance reported that a Town resident on Bills Road was a recipient of a new doghouse and pet cable from Pet Edibles and Training Support (P.E.T.S.). They also came out and padded the house with straw to provide warmth for the pet. She asked that Susie Jacobs, Town Clerk, correspond with a thank-you letter to P.E.T.S.

ASSESSOR'S OFFICE ITEMS SURPLUS.

Motion by Councilman Yale to declare a BENQ computer (serial number XO8-54516), HP Deskjet 970 CXI printer and Regency MCA611 radio, surplus from the Assessment Office.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

JUSTICE COURT CLERK PART-TIME POSITION DISCUSSION:

Supervisor Plant informed Council members of information he received today regarding the part-time clerk for the Justice Department. He continued to explain that he had sent an e-mail to the Justices requesting that they let him know what they were planning on doing about the new part-time help that they wanted and had not received a response. Yet they had contacted the Town Clerk and asked her to run an ad. Discussion ensued reviewing the ad. Councilman Yale stated that the authority to expend had already been given with the approval of the 2008 budget. But the procedure for hiring someone and job description needed to be discussed. Further discussion ensued, with Council members advising the Town Clerk to advertise for this position.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to adjourn to Executive Session to discuss personnel.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 8:11 PM.

RECONVENE:

Time: 8:27 PM.

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ABOLISH ACCOUNT CLERK POSITION:

In conjunction with what was started two years ago, and based on a review of the duties being performed by the Account Clerk, and review of the Civil Service Job Description for the position of Account Clerk and Senior Account Clerk, there was a motion as follows:

Motion by Councilwoman Marini to abolish the position of Account Clerk and establish the position of Senior Account Clerk.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

SENIOR ACCOUNT CLERK APPOINTMENT:

Motion by Councilwoman Marini to appoint Jean Johnson as Senior Account Clerk, for a probationary period of 12 weeks at Step 9, beginning January 1, 2008.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

INSURANCE RENEWAL DISCUSSION - NYMIR:

Councilman Yale reported that after review of three quotes for Town insurance and input from Easter Shore Insurance Associates providing a qualified opinion, he recommended that NYMIR be the insurance provider for 2008. Councilman Yale asked that the opinion be attached to the record.

Motion by Councilman Yale designating NYMIR as the insurance provider for 2008 and authorizing the Supervisor to sign the contract.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

NEW PHONE SYSTEM QUOTES DISCUSSION:

Supervisor Plant stated that the purchase of the phone systems for the Town Complex had been narrowed down to two companies, and he would like to interview them again.

Motion by Councilwoman Marini to encumber \$10,000.00 for the purchase of a phone system for the Town Complex.

Seconded by Councilman Yale.

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

Motion carried.

FIREWORKS DISCUSSION:

Supervisor Plant stated that with regard to the fireworks request that has come in; under advisement of the Town Attorney, the Town does not issue fireworks permits for private functions. Councilman Keyes asked if this meant that they could not have fireworks. The Supervisor commented that this is between him and State code. The Town does not have the authority to issue fireworks permits for private functions.

AD FOR WASTE WATER TREATMENT PLANT SUPERVISOR:

Supervisor Plant distributed the job description for the Waste Water Treatment Plant Supervisor and asked if there were any comments. Councilman Keyes asked if he could be a part of the interviewing committee when it is established.

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Motion by Councilwoman Hawkins-Mance to advertise for the position of Wastewater Treatment Plant Supervisor for a period of ten (10) days.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Supervisor Plant stated that he would send the job description to the County, who would then forward it on to the State to make further determinations.

SET DATE FOR INTERVIEWS FOR OPEN POSITIONS:

Supervisor Plant called a Special Meeting on December 27, 2007, at 7:00 PM, with the intent to enter into Executive Session for interviewing.

WEST WALWORTH FIRE PROTECTION DISTRICT SERVICE AWARD PROGRAM - RESOLUTION 76-07:

Councilwoman Marini offered the following Resolution **76-07** and moved its adoption.

Seconded by Councilman Keyes to wit:

WHEREAS, the Town of Walworth – West Walworth Fire Protection District Service Award Program was established in 1997, and;

WHEREAS, the Town of Walworth – West Walworth Fire Protection District has requested an increase in the service award benefit from \$10.00 to \$20.00, and;

WHEREAS, a special election was held on December 11, 2007 of the Town of Walworth – Lincoln Fire Protection District, and;

WHEREAS, a total number of votes cast upon the proposition was 30; total of votes cast in favor of the proposition was 29; total of votes cast against the proposition was 1, and;

BE IT RESOLVED, that the Town Council of the Town of Walworth – West Walworth Fire Protection District Service Award Program shall increase the service award benefit from \$10.00 to \$20.00, beginning with 2008, with an estimated cost of no more than \$22,007.00, and;

BE IT FURTHER RESOLVED, that the Town of Walworth – West Walworth Fire Protection District Service Award Program shall continue to be administered by the Town of Walworth in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

ADOPTED this 20th day of December 2007 at the meeting of the Town Council.

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

Resolution carried.

LINCOLN FIRE PROTECTION DISTRICT SERVICE AWARD PROGRAM - RESOLUTION 77-07:

Councilwoman Hawkins-Mance offered the following Resolution **77-07** and moved its adoption.

Seconded by Councilwoman Marini to wit:

WHEREAS, the Town of Walworth - Lincoln Fire Protection District Service Award Program was established in 1997, and;

WHEREAS, the Town of Walworth - Lincoln Fire Protection District has requested an increase in the service award benefit from \$10.00 to \$20.00, and;

WHEREAS, a special election was held on December 11, 2007 of the Town of Walworth – Lincoln Fire Protection District, and;

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WHEREAS, a total number of votes cast upon the proposition was 46; total of votes cast in favor of the proposition was 44; total of votes cast against the proposition was 2, and;

BE IT RESOLVED, that the Town Council of the Town of Walworth – Lincoln Fire Protection District Service Award Program shall increase the service award benefit from \$10.00 to \$20.00, beginning with 2008, with an estimated cost of no more than \$16,928.00, and;

BE IT FURTHER RESOLVED, that the Town of Walworth - Lincoln Fire Protection District Service Award Program shall continue to be administered by the Town of Walworth in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

ADOPTED this 20th day of December 2007 at the meeting of the Town Council.

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

Resolution carried.

FINANCIAL TRANSACTION RESOLUTION 81-07:

Councilman Yale offered the following Resolution **81-07** and moved its adoption. Seconded by Councilwoman Marini to wit:

BE IT RESOLVED that the Account Clerk be authorized to execute transfers and encumbrances and establish accounts necessary to close the financial records of the Town of Walworth for calendar year 2007.

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

Resolution carried.

FINANCIAL TRANSACTIONS RESOLUTION 79-07:

Councilwoman Hawkins-Mance offered the following Resolution **79-07** and moved its adoption.

Seconded by Councilman Keyes to wit:

\$591.92 from A1110.43 Justices School & \$277.78 from Justices Office Expense to A1110.13

Court Clerk. To cover salary to year-end.

\$1,270.00 to A1410.42 Town Clerk Office Expense from A1410.41 Training & Conferences To cover cost of Stationery, Light for Upstairs Vault & Shredder

\$12,000.00 from General Fund Balance to A1440.41 Town Engineer. To cover cost to update

Design & Construction Specs.

\$942.00 from A1420.41 Town Counsel to A1440.41 Town Engineer. To cover cost of December Parrone Engineering Bills.

\$818.24 from General Fund Balance to A1620.21R Computer Equipment Reserve Line. To cover cost of Computer & Modular

\$5,790.00 from General Fund Balance to A1620.42 Bldg. Maintenance. To cover cost

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of approved outside Building Repairs.

\$79.03 from A1620.42 Bldg Maintenance to A1620.47 Fuel Usage. To cover costs to year-end.

\$84.60 from A1620.42 Bldg. Maintenance to A1670.41 Printing & Mailing. To cover costs to year-end.

\$108.50 from A1620.42 Bldg. Maintenance to A3120.41 Crossing Guard. To cover cost of Gananda Crossing Guard.

\$119.45 from A3510.42 Dog Enumerator to A3510.21 Animal Control Equipment. To cover purchase of Ketch All Pole.

\$119.69 from A3510.42 Dog Enumerator to A3510.41 Animal Control General. To cover costs of officers to year-end.

\$75.00 from A7110.47 Fuel Usage to A7110.43 Park Closings. To cover cost of park closing for summer/fall 2007.

\$81.71 from A7620.41 Senior Speakers to A7620.42 Senior Programs. To cover cost of supplies.

\$1,175.00 from A7110.22 Park Equipment Bldg and \$311.45 from A7110.47 Fuel Usage to A7110.21 Equipment Shrubs. To cover cost of purchase of Bush Hog.

\$15,256.26 from DA5110.11 Summer Payroll

\$3,669.76 from DA5110.13 Mowing
to DA5148.11 Winter Payroll To cover payroll to 12/31/07

\$6,884.63 from DA5110.12 Summer Overtime to DA5148.12 Winter Overtime. To cover payroll to
12/31/07

\$1,071.88 from DA9030.81 Social Security & Medicare to DA9010.81 NYS Retirement. To cover annual retirement payment

\$517.71 from HG8310.410 Engineering Fees & \$5,133.96 from Site Construction & \$892.33 from

Highway Garage Project Fund Balance to establish expense line HG8132.22 BTU Waste Oil Furnace.
To cover purchase of BTU Waste Oil Furnace. This transaction will close the Highway Garage Project
Capital Fund.

\$734.63 from SD1-8540.41 Maintenance of Drainage to SD1-8540.42 NYS DEC MS4. To cover
December bill of Parrone Engineering.

\$5,000.00 from SS8130.408 Sludge Disposal to SS8130.401 Utilities. To cover cost to year-end.

\$1,000.00 from SS8130.408 Sludge Disposal to SS8130.409 Maintenance. To cover cost to year-end.

\$48.86 from SS8130.408 Sludge Disposal to SS8130.403 Lab Supplies. To cover cost to year-end.

