

**WALWORTH TOWN BOARD - REGULAR MEETING  
6 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
	Patti Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	George Schaller	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor

**MINUTES:**

Motion by Councilwoman Hawkins-Mance to approve the Minutes of November 1, 2007, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**MINUTES:**

Motion by Councilman Yale to approve the Minutes of November 8, 2007, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**MINUTES:**

Motion by Councilwoman Hawkins-Mance to approve the Minutes of November 15, 2007, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**CORRESPONDENCE:**

**PLANNING BOARD MEMBER RESIGNATION**

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

“Dear Robert, I’d like to formally submit my resignation as a sitting member of the Town of Walworth Planning Board effective immediately. A heartfelt thank you goes out to the Town Board and yourself for allowing me to serve the Town as a member of the Planning Board for the last five years and as a member of the Zoning Board for two years. As of the end of November my family and I will be relocated to Colorado to start a new chapter in our lives. Thank you again. Sincerely, Pete Schillaci.”

Motion by Councilman Keyes to accept and file the letter of resignation from Pete Schillaci.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Councilman Keyes requested that a letter of appreciation be sent to Mr. Schillaci on behalf of the Town Board. Supervisor Plant asked Susie Jacobs, Town Clerk, to handle the correspondence.

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
6 DECEMBER 2007**

**SEWER SUPERINTENDENT RETIREMENT**

1. Susie Jacobs, Town Clerk, read the following letter, dated November 30, 2007:

"I am submitting my resignation as Sewer Superintendent for the Town of Walworth. My last day will be Thursday, January 31, 2008. After working 45 years, the last 26 for the Town, I feel my retirement is a needed change for me. I will be available for limited part-time work if needed. I have enjoyed serving the residents of the Town of Walworth and working with all the Town employees over the years. Sincerely, George Schaller"

**TELECONFERENCE**

2. Susie Jacobs, Town Clerk, advised that the Office of the State Comptroller, Division of Local Government, will hold a Teleconference on Thursday, December 13, 2007. Registration forms are available.

**TRAFFIC CONDITION – CANANDAIGUA ROAD**

3. Susie Jacobs, Town Clerk, read a letter from the New York State Department of Transportation stating, "per the joint request Form TE-9 of the Walworth Town Board and Wayne County Superintendent of Highways, James Brady, this office will investigate traffic conditions on Canandaigua Road in the vicinity of Freewill Elementary School, relative to the establishment of a school speed limit. Upon completion of this study, you will be notified of our determination."

**PUBLIC PARTICIPATION:**

No one present offered any comments.

**DEPARTMENT HEAD REPORTS:**

HIGHWAY – Mike Frederes, Highway Superintendent, wished George Schaller "Best of Luck" in his retirement.

**HIGHWAY – WASTE OIL HEATER DISCUSSION**

Mike Frederes, Highway Superintendent, presented quotes for the purchase of a Waste Oil Heater for use at the Highway Barns. Mike explained that the Town generates about 500 gallons of waste oil a year, which we currently give away. The quotes are as follows:

Peter J. Schiller Corporation – Penfield, NY  
Energy Logic – 200 B.T.U. Heater  
Delivered with 250-gallon storage tank - \$6, 995.00

Peter J. Schiller Corporation – Penfield, NY  
Firelake Horizon – 200 B.T.U. Furnace with  
250-gallon storage tank delivered - \$6,695.00

Midstate Supply – Endicott, NY  
175,000 Clean Burn – B.T.U. Furnace plus  
250-gallon tank - \$6,125.00

Mike Frederes expressed his recommendation was for the first quote, explaining that this was a local distributor with parts available, stainless steel heat exchanger, and its own on-board air compressor; so there would be no need to use the existing shop compressor (using less electricity). Mike explained an estimated 4-year payback with the investment being made. Most of the installation would be by Highway Department employees, with the exception of the electrical circuit that has to be added.

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
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Motion by Councilman Yale authorizing the purchase of an Energy Logic 200 BTU waste oil heater from Peter J. Schiller Corporation for an amount not to exceed \$6,995.00.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**SEWER –**

Motion by Councilman Keyes authorizing John Pagliuso and Tim McMullen to attend training class in Victor on December 14, 2007, and pre-pay approval of \$115.00 registration fee.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

**PARKS & RECREATION –**

Jacqueline VanLare, Recreation Director, reported that the Senior citizens attended a Christmas program performed by the 6<sup>th</sup> grade band and chorus, hosted by the Gananda Junior National Honor Society. Transportation and lunch was provided.

**ASSESSOR –**

Nothing to report at this time.

**TOWN CLERK –**

Nothing to report at this time.

**COMMITTEE REPORTS:**

**TOWN CLERK'S OFFICE SHREDDER PURCHASE AUTHORIZATION**

Motion by Councilman Keyes authorizing Susie Jacobs, Town Clerk, to purchase a shredder for the Town Clerk's Office and Records Management from budgeted line A1410.42 for an amount not to exceed \$249.99.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**RESIDENT CONCERN – HALEY ROAD**

Councilman Keyes commented that a resident from Haley Road approached him and inquired about "animals being in the roads" and what could be done. Supervisor Plant stated that there is nothing in Town Code, and the State and County Police Officers would have to handle this matter.

**SNOWMOBILE COMMITTEE**

Councilwoman Marini reported that she had received a letter from the District Attorney's Office regarding the proposed snowmobile ordinance, stating that their office does not prosecute violations of local law. She is waiting for responses from the State Police and Wayne County Sheriffs Department, and will advise as soon as she receives these recommendations.

**TOWN COMPLEX STUDY GROUP**

Councilwoman Hawkins-Mance stated that "after meeting with various departments, touring the building, looking at what space is being used and what additional space is probably going to be needed in the very near future; as Walworth is one of the towns in the County that is still growing, it is evident that the needs of this town are not going to be decreasing, and she believes the group will be coming before the Town Board within the next three to four months with some suggestions and recommendations."

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
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**NEW YORK STATE RETIREMENT SYSTEM PRE-PAYMENT AUTHORIZED:**

Motion by Councilwoman Hawkins-Mance authorizing the payment of \$104,446.00 to the New York State Retirement System, which will result in a \$1,009.00 savings.

Seconded by Councilwoman Marini.

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

**CLOSE MEMORIAL TREE FUND CM4 AUTHORIZATION:**

Motion by Councilwoman Marini authorizing the closing of Memorial Tree Fund CM4 and the transferring of remaining balance of \$133.85 to A2770 Other Income. All future purchases for Memorial Trees will be handled through General Fund.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**RESOLUTION 71-07 ESTABLISHING FUND ACCOUNT ENTITLED  
"CEMETERIES":**

Councilman Yale offered the following Resolution **71-07** and moved its adoption.

Seconded by Councilwoman Hawkins-Mance to wit:

**WHEREAS**, the Town of Walworth has a Fund Entitled Baker Road Cemetery CM2 with a balance of \$4,152.69 plus interest; and

**WHEREAS**, the Town of Walworth has a Fund Entitled Freewill Cemetery CM5 with a balance of \$5,462.03 plus interest; and

**WHEREAS**, the recommendation from the State Senior Investigator, Division of Cemeteries is that the Town of Walworth join these two Funds and create one Cemetery Fund; and

**WHEREAS**, the Town of Walworth would like to merge these two funds to establish one Fund Account Entitled "Cemeteries" with a balance of \$9,614.72 plus interest; and

**BE IT RESOLVED**, that the Town of Walworth establish one Fund Account; Entitled "Cemeteries" and

**AND NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Walworth adopt Resolution **71-07**.

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

**PROPOSED LOCAL LAW NO. 5:**

**HEARING:**

Motion by Councilwoman Hawkins-Mance to waive the reading of the legal notice.

Seconded by Councilman Yale and unanimously carried. Copies of the proposed Local Law were available to the public. As there were no comments from the public, there was a motion by Councilman Yale to close the public hearing.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Time: 7:49 PM.

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
6 DECEMBER 2007**

ADOPTION:

Councilman Yale offered the following Resolution **72-07** and moved its adoption. Seconded by Councilwoman Marini to wit:

1. That Chapter §85-1 entitled "Purpose" stated is hereby amended to read as follows:

The purpose of this chapter is to provide for enforcement procedures in the Town of Walworth, in the County of Wayne and shall provide for administration and enforcement of the Uniform Fire Prevention and Building Code (Uniform Code) in the Town of Walworth. This local law is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this law, state law, or within the Uniform Code, all premises regardless of use, are subject to the provisions, which follow.

2. That a new Chapter to be added and designated as Chapter §85-1.1 entitled "Intermunicipal Contracts" is hereby made a part of the Town of Walworth Code to read as follows:

§85-1.1 Intermunicipal contracts.

The Town Board may, by resolution, authorize the Supervisor to enter into a contract with other governments to carry out the terms of this local law.

3. That a new Chapter to be added and designated as Chapter §85-1.2 entitled "Partial Invalidity" is hereby made a part of the Town of Walworth code to read as follows:

§85-1.2 Partial Invalidity.

If any section of the local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

4. That Chapter §85-2 entitled "Building Inspector and Code Enforcement Officer; appointment; compensation; sharing of duties" is hereby amended to read as follows:

There is hereby designated in the Town of Walworth a public official to be known as the "Building Inspector," who shall be appointed by the Town Board of the Town at a compensation to be fixed by it. There is also designated in the Town of Walworth a public official to be known as the "Code Enforcement Officer," who shall be appointed by the Town Board of the Town of Walworth at a compensation to be fixed by it. Although the Building Inspector and the Code Enforcement Officer each may have different duties within the Town, each may carry out the duties of each other.

5. That Subdivision E of Chapter §85-5 entitled "Powers and duties" is hereby amended to read as follows:

E. The Building Inspector is authorized to pursue administrative actions and with authorization from the Town Board and in consultation with the Town attorney, legal action as necessary to abate conditions not in compliance with the Uniform Fire Prevention and Building Code, this local law, or other laws, rules or regulations of the Town of Walworth or of the State of New York.

6. That a new Chapter to be added and designated as Chapter §85-6.1 entitled "Program review and reporting" is hereby made a part of the Town of Walworth Code to read as follows:

§85-6.1 Program review and reporting.

Every municipality or other agency subject to 19 NYCRR Part 120 UNIFORM CODE: MINIMUM STANDARDS FOR ADMINISTRATION AND ENFORCEMENT, 1203.4 (a) The Building Inspector shall annually submit to the Secretary of State, on a form prescribed by the Secretary of State, a report of its activities relative to administration and enforcement of the Uniform Fire Prevention and Building Code. (b) Upon request of the Department of State, every municipality or other agency subject to this part shall provide from the records and related materials it is required to maintain excerpts, summaries, tabulations, statistics and other information and accounts of its activities in connection with administration an inference that the minimum standards of this Part have not been met.

7. That Chapter §85-8 entitled "Building permit required; exception" is hereby amended to read as follows:

No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure, or install a solid fuel burning heating appliance, inside or out, chimney or flue in any dwelling unit, without first obtaining a separate building permit from the Building Inspector for each such building or structure.

A. *No permit shall be required for:*

Construction or installation of one story detached structures associated with one- or two family dwellings or multiple single-family dwellings (townhouses) structures which are used for storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 64 square feet.

b. Installation of fences which are not part of an enclosure surrounding a swimming pool;

c. Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

d. Installation of window awnings supported by an exterior wall of a one or two family dwelling or multiple single-family dwellings (townhouses);

e. Installation of partitions or movable cases less than 5'9" in height;

f. Painting, wallpapering, tiling, carpeting/ or other similar finish work;

g. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

h. Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

i. Repairs, provided that such repairs do not involve:

- (1) The removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
- (2) The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress/
- (3) The enlargement, alteration, replacement or relocation of any building system;
- (4) The removal from service all or part of a fire protection system for a period of time.

8. That paragraph (7) of Chapter §85-9 entitled "Application" is hereby amended to read as follows:

(7) Such other information as may reasonably be required by the Building Inspector to establish compliance of the proposed work with the requirements of the Uniform Fire Prevention and Building Code, this Code and applicable building laws, rules and regulations.

9. That a new paragraph is to be added to Subdivision A of Chapter §85-9 entitled "Application" and designated as (8) and made part of the Town of Walworth Code to read as follows:

(8) Substantiate that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code.

10. That new paragraphs are to be added to Subdivision C of Chapter §85-9 entitled "Application" and designated as (4), (5) and (6) and made part of the Town of Walworth Code to read as follows:

(4) The Building Inspector shall stamp, sign and date all accepted construction

documents. The Building Inspector shall retain one set of accepted construction documents. The Building Inspector shall return one set to the applicant to be kept at the work site so as to be available for use.

(5) The building permit shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application and shall include the directive that the Building Inspector shall be notified immediately in the event of changes occurring during construction.

(6) Building permits shall be visibly displayed at the work site and to remain visible until the project has been completed.

11. That Subdivision(s) A and B of Chapter §85-11 entitled "Term of permit and conformance with plans required" is hereby amended to read as follows:

A. A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based. Building permits shall expire 12 months from the date of issuance. Permits shall become invalid unless the work authorized is commenced within 6 months following the date of issuance. Building permits may be renewed for a period 12 months, provided the work has commenced in such a manner as to be ongoing and upon payment of the appropriate fee.

B. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the Uniform Fire Prevention and Building Code, this Code and applicable building laws, rules and regulations. All work shall conform to the approved application, plans and specifications.

12. That a new Subdivision C is to be added to Chapter §85-11 entitled "Term of permit and conformance with plans required" and made part of the Town of Walworth Code to read as follows:

C. Building permits which are issued in error because of incorrect, inaccurate or incomplete information, or when the work for which such permit was issued violates the Uniform Fire Prevention and Building Code, shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed is and shall be in compliance with applicable provisions of the code.

13. That Chapter §85-14 entitled "Stop-work orders" is hereby amended to read as follows:

Whenever the Building Inspector, or his/her designated representative have reasonable grounds to believe that work on any building, structure, site, lot or parcel of land is being prosecuted or performed in violation of the provisions of the Uniform Fire Prevention and Building Code, the municipal Code of the Town of Walworth or other applicable building laws, rules or regulations, including work not in conformance with approved plans and specifications which have been approved pursuant to this Code, whether or not a building permit has been issued or in the event work is being carried out in an unsafe and dangerous manner, he or she shall notify the owner of the property or the owner's agent or the person performing the work to suspend all work or any portion of the work which is being performed, and any such person, persons, partnership, corporation, limited liability company

or other entity shall forthwith stop work and suspend all building or construction activities which are set forth in the stop-work order, until the stop-work order has been rescinded. Rescission of the stop-work order may be made by the Town Board by resolution or the Building Inspector, his or her designated representative in writing and shall state the conditions under which the work may be resumed, including the payment by such person, corporation or other entity of the removal of stop-work order fee, and if made in writing by the Building Inspector, or his/her representative, the rescission order may be served upon a person or persons to whom it is directed either by delivering it personally to him, her or them or, if it is a partnership, corporation, limited liability company or other entity, to a person employed by or representing the entity who may be served with legal process (for the purpose of obtaining jurisdiction of a court of competent jurisdiction) by posting the same in a conspicuous location at the construction site and sending a copy of same by registered mail to the person, persons, partnership, corporation, limited liability company or other entity who notice is directed to at his, her or its last known address. Removal of a stop-work order fee (referred to above) in the amount of fifty (\$50) shall be paid by the permit holder to the Town in the case of residential construction or development and one hundred (\$100) in the case of commercial/industrial construction or development.

14. That a new Chapter to be added and designated as Chapter §85-15.1 entitled "Construction inspections" is hereby made a part of the Town of Walworth Code to read as follows:

§85-15.1 Construction inspections.

A. Permitted work shall remain accessible and exposed until inspected and accepted by the Building Inspector or his or her representative. It shall be the responsibility of the owner, applicant, or his or her agent to notify the Building Inspector when construction work is ready for inspection.

- 1) If entrance to make an inspection is refused or cannot be obtained, the Town Board, after being notified by the inspector of the situation, may apply for an order to make inspection to any court of competent jurisdiction.

B. The following elements of the construction process shall be inspected as determined by the Building Inspector to be applicable.

- 1) Work site prior to the issuance of a permit;
- 2) Footing and foundation;
- 3) Preparation of concrete slab;
- 4) Framing;
- 5) Building systems, including underground and rough in;
- 6) Fire resistant construction;
- 7) Fire resistant penetrations;
- 8) Solid fuel burning heating appliances, chimneys, flues or gas vents;
- 9) Energy code compliance;
- 10) A final inspection after all work authorized by the building permit has been completed;
- 11) And any other inspection deemed necessary by the Building Inspector.

C. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Fire Prevention and Building Code. Construction work not in compliance with code provisions shall be required to remain exposed until it has been brought into compliance with the code, been re-inspected, and been found satisfactory as completed.

15. That Chapter §85-16 entitled "Certificate of occupancy or certificate of compliance required" is hereby amended to read as follows:

No building or structure hereinafter erected shall be used or occupied in whole or part until a certificate of occupancy or certificate of compliance shall have been issued by the Building Inspector as provided in §180-60 of the Zoning Chapter.

16. That Chapter §85-18 entitled "Issuance or refusal" is hereby amended to read as follows:

A. When after final inspection, it is found that the proposed work has been completed in accordance with the Uniform Fire Prevention and Building Code, this Code, applicable building laws and rules and regulations and also in accordance with the application, approved plans and specifications filed in connection with the issuance of the building permit, the Building Inspector shall issue a certificate of occupancy or certificate of compliance upon the form provided by him or her. If it is found that the proposed work has not been properly completed, the Building Inspector shall refuse to issue a certificate of occupancy or certificate of compliance and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations and shall notify the property owner in writing of the work to be completed in order to conform with the building permit and applicable building regulations.

17. That a new Subdivision B of Chapter §85-18 entitled "A certificate of occupancy or certificate of compliance shall contain the following information;

- 1) The building permit number, if any;
- 2) The date of issuance of the permit, if any;
- 3) The name, address and tax map number of the property;
- 4) If the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate is issued;
- 5) The use and occupancy classification of the structure;
- 6) The type of construction of the structure;
- 7) The assembly occupant load of the structure, if any;
- 8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- 9) Any special conditions imposed in connection with the issuance of the building permit; and the signature of the Official issuing the certificate and date of issuance.

18. That a new Chapter to be added and designated as Chapter §85-19.1 entitled "A certificate of occupancy or certificate of compliance issued in error" is hereby made a part of the Town of Walworth Code to read as follows:

§85-19.1 A Certificate of occupancy or certificate of compliance issued in error.

A certificate of occupancy or certificate of compliance issued in error or on the basis of incorrect information shall be suspended or revoked if the relevant deficiencies are not corrected within a reasonable length of time as specified by the Building Inspector.

19. That a new Chapter to be added and designated as Chapter §85-19.2 entitled "Operating Permits" is hereby made a part of the Town of Walworth Code to read as follows:

§85-19.2 Operating Permits.

A. The Building Inspector shall issue operating permits for conducting the activities or using the categories of buildings listed below:

- 1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) of the Fire Code of New York State (see NYCRR Part 1225);
- 2) Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling.
- 3) Use of pyrotechnic devices in assembly occupancies.
- 4) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- 5) Buildings whose use or occupancy classification may pose a substantial hazard to public safety, as determined by the Town Board by resolution.
- 6) Parties who propose to undertake the types of activities or operate the types of buildings listed in paragraph (A) of this subdivision shall be required to obtain an operating permit prior to commencing such operation. An application for an operating permit shall be provided by the Building Inspector and shall contain sufficient information to permit a determination that quantities, materials and activities conform to the requirements of the Uniform Code. Tests or reports necessary to verify conformance shall be required as determined by the Building Inspector.

B. An inspection of the premises shall be conducted prior to the issuance of an operating permit.

C. A single operating permit may apply to more than one hazardous activity as determined by the Building Inspector.

D. Operating permits for areas of public assembly shall be limited to one year. Operating permits for all other occupancies as noted in paragraph "A" shall be for not more than three years or shall coincide with the schedule of inspections as required by §85-19.3 of this law.

E. Where activities do not comply with applicable provisions of the Uniform Code, an operating permit shall be revoked or suspended.

19. That a new Chapter to be added and designated as Chapter §85-19.3 entitled "Fire Prevention, Property Maintenance Inspections" is hereby made a part of the Town of Walworth Code to read as follows:

§85-19.3 Fire Prevention, Property Maintenance Inspections.

A. The Building Inspector or his duly authorized deputies within the prescribed time frames and prior to issuance or renewal of any operating permit shall perform all such inspections.

- 1) Fire safety inspections of buildings or structures having areas of public assembly shall be performed at least once in every twelve (12) month's.
- 2) Fire safety inspections of buildings or structures being occupied as dormitories, shall be performed at least once in every twelve (12) month's.
- 3) Fire safety inspections of all other buildings, uses and occupancies (except one or two family dwellings) shall be inspected at least once in every thirty-six (36) month's.
- 4) An inspection of a building or dwelling unit may also be performed at any other time upon;
  - (a) The request of the owner, authorized agent, or tenant.
  - (b) Receipt of a written statement alleging that conditions or activities failing to comply with the Uniform Code exists; or
  - (c) Other reasonable and reliable information that such a violation exists.

20. That a new Chapter to be added and designated as Chapter §85-19.4 entitled "Notification Regarding Fire or Explosion" is hereby made a part of the Town of Walworth Code to read as follows:

§85-19.4 Notification Regarding Fire or Explosion.

The chief of any fire department providing fire fighting services for a property within the Town of Walworth, shall notify the Building Inspector or Fire Marshall of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent, or any fire the origin of which has been traced to the electrical system of any building or structure.

21. That a new Chapter to be added and designated as Chapter §85-19.5 entitled "Complaints" is hereby made a part of the Town of Walworth Code to read as follows:

§85-19.5 Complaints.

A. Bona fide complaints, which assert that conditions or activities fail to comply with the Uniform Code or with local laws, ordinances or regulations adopted for administration and enforcement of the Uniform Code, shall be investigated by the Building Inspector. The process for responding to such complaints shall include:

- 1) Provisions for inspection of the conditions and/or activities alleged to be in violation of the Uniform Code or this law;
- 2) Written notification to any offending party and the property owner of any such violation, with a reasonable period of time as determined by the Building Inspector to cause any such violations to be corrected;
- 3) Written notification to the Town Board that a complaint has been received and a violation notice has been issued;
- 4) Upon abatement of a violation, an inspection shall be performed by the Building Inspector to ensure that the violation has been corrected, and a final written report shall be filed with the complaint.

22. That Chapter §85-20 entitled "Testing to prove compliance" is hereby amended to read as follows:

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of the Uniform Fire Prevention and Building Code, this code and applicable building laws, rules or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.

23. That a new Chapter to be added and designated as Chapter §85-20.1 entitled "Violations" is hereby made a part of the Town of Walworth Code to read as follows:

§85-20.1. Violations.

A. Upon determination that a violation of the Uniform Code or this local law exists in, on, or about any building or premises, the Building Inspector shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code or this local law the particular condition violates, and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by registered mail return receipt requested.

B. In addition to those penalties proscribed by State law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this local law, or the terms or conditions of any Certificate of occupancy issued by the Building inspector, shall be liable to a civil penalty of not more than two hundred fifty (\$250) dollars for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town Board on its own initiative or at the request of the Building Inspector.

C. Alternatively or in addition to an action to recover the civil penalties provided by subsection (B)

The Town Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code or the terms or conditions of any Certificate of Occupancy issued by the Building Inspector.

24. That Chapter §85-21 entitled "Independent electrical inspection firms; approval" is hereby amended to read as follows:

A. The Town Board of the Town of Walworth may, from time to time, approve independent electrical inspection firms to see that the properties and construction in the Town of Walworth conform to the Uniform Fire Prevention and Building Code the Code and such other applicable codes as the Town shall deem apply.

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

**ASSESSMENT REVIEW BOARD MEMBER RESIGNATION:**

Supervisor Plant stated that he had received a verbal resignation from Ronald Soucy, Assessment Review Board member, whose term expires December 31, 2011. A written resignation letter will be forthcoming.

**SLUDGE SPREADING CONTRACT RENEWAL – GIBBS:**

Motion by Councilman Keyes authorizing Supervisor Plant to renew the contract for one year with George and Trumaine Gibbs for land spreading/sludge disposal with no rate increase.

Seconded by Councilwoman Marini.

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

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
6 DECEMBER 2007**

**PROPOSED LOCAL LAW NO. 6:**

**HEARING:**

Motion by Councilman Yale to waive the reading of the legal notice.  
Seconded by Councilwoman Hawkins-Mance and unanimously carried.  
Copies of the proposed Local Law were made available to the public.

Supervisor Plant asked if anyone present had any comments.

Frederick Nudd, Jr., a resident from Arbor Road, commented on Local Law No. 5 of 2007 that the Town Board should consider Chapter 85-7 entitled "Building permit required; exception;" in his opinion, this appears to be too restrictive. Discussion ensued with regards to State Code requirements and the Town "not having a choice." Supervisor Plant stated that we have to be in compliance with State regulations. Mr. Nudd shared his personal experience with a building permit. No further comments were made from the Board.

Supervisor Plant inquired if anyone else present would like to comment.  
As there were no other comments from the public, there was a motion by Councilwoman Hawkins-Mance to close the public hearing.  
Seconded by Councilman Keyes.  
Adopted: Vote Ayes 5 Nays 0  
Time: 7:57 PM.

**ADOPTION:**

Councilman Yale offered the following Resolution **73-07** and moved its adoption. Seconded by Councilwoman Marini to wit:

1. That paragraph 16 of Subdivision B of Chapter §151-18 entitled "One-lot residential developments" is hereby amended to read as follows:
 

(16) Proposed sewage disposal: in accordance with §180-30 of Chapter 180, Zoning.
2. That Subdivision B of Chapter §180-21 entitled "Accessory Building" is hereby amended to read as follows:
 

B. No separate building shall be erected closer to the main building than five feet and not closer to the side yard line than 15 feet in RR-1, RR-1A, R residential zoning districts and in a Hamlet Zoning District, not closer than 8 feet, except in the case of a corner lot, then §180-13. Hamlet districts: Multifamily/Neighborhood Business K (1) shall apply where the permitted principal use of the property is noncommercial.
3. That subparagraphs (a), (1), [a], [b], [c], [d], [e], (2), [a], [b] of paragraph 1 of Subdivision C of Chapter §180-10 entitled "RR-1 Districts: Single-Family Residential" is hereby amended to read as follows:
  - (a) Golf courses and country clubs occupying an area of not less than 40 acres.

(1) "Golf course and country club" is defined to mean any privately, semiprivate or publicly owned golf course consisting of at least nine holes of conventional design and distance (excepting miniature golf) and may include the following facilities as also permitted with the principal use:

  - [a] Clubhouse including, kitchens, dining areas, game rooms, bar, grill, locker rooms and baths. In cases where a clubhouse is approved with dining facilities, said facilities may be utilized on a year round basis.
  - [b] Swimming, pools.

[c] Parking areas.

[d] Tennis, and/or paddleball courts.

[e] Designated area dedicated to outdoor events, such as ceremonies, banquet, weddings, musical functions, etc. Said area may be open-air or tented.

(2) In the case of a golf course containing 18 or more holes of play, there may be included the following additional facility as accessory to the principal use:

[a] Pitch, and putt course, unlighted.

[b] Driving range, unlighted.

4. That paragraph 1 of Subdivision C of Chapter §180-10 entitled "RR-1 Districts: Single-Family Residential" is hereby amended by adding subparagraph (g) and (h) to read as follows:

(g) Private elementary and high schools, institutions of higher education, public libraries and municipal buildings.

(h) Boarding of horses for hire, remuneration or sale not connected with a home occupation or business requiring a home occupation permit within definition of home occupation major-category B, as defined in §180-43.1, animal or veterinarian clinics and riding academies, any of which must be on a site of at least ten acres.

5. That Subsection D of Chapter §180-10 entitled "RR-1 Districts: Single-Family Residential" is hereby amended to read as follows:

D. Required lot area. Lot area shall not be less than one acre and lot width not less than 100 feet at the building setback line when sanitary sewers and public water are available to service the lot, except that the minimum lot width at the building setback line where the lot area is from two to five acres or five to 10 acres or over 10 acres shall be as provided in Subsection F (4) of this section. [Amended 1-6-2005 by L.L. No. 1-2005]

6. That paragraphs (a) and (b) of paragraph (4) of Subsection F of Chapter §180-10 entitled "RR-1 Districts: Single-Family Residential" are hereby amended to read as follows:

(a) For lots from two acres to five acres, the relationship between depth and width shall not exceed 2.5 to 1, with a minimum width at the front setback line of 100 feet; however, in cases of minimum deviation from the requirements set forth herein, the depth-to-width ratio allowable and the minimum width at the front setback line shall be determined by the Planning Board, at the Planning Board's discretion, after considering drainage, topography, vegetation patterns, geological formations, lot shape and dimension and taking into consideration the harmonious development of the community in the interest of good planning and the public health, safety and general welfare of the neighborhood and the community.

(b) For lots from five acres to 10 acres, the relationship between depth and width shall not exceed five to one, with a minimum width at the front setback line of 100 feet; however, in cases of minimal deviation from the requirements set forth herein, the depth-to-width ratio allowable and the minimum width at the front setback line shall be determined by the Planning Board, at the Planning Board's discretion, after considering drainage, topography, vegetation patterns, geological formations, lot shape and dimension and taking into consideration the harmonious development of the community in the interest of good planning and the public health, safety and general welfare of the neighborhood and the community.

7. That Subdivision B of Chapter §180-15 entitled "B-2 Districts: General Business/Professional Office/Office Research/Park High-Density Residential" is hereby amended to read as follows:

B. (1) Permitted uses (including uses requiring special use permits, and, in such cases, application for special use permits must be made and granted by the Planning Board to permit the requested use) within a B-2 District.

8. That the Town of Walworth Code is hereby, amended by deleting and repealing Chapter §180-11. entitled "RR-2 Districts: Single-Family Residential" of Article IV entitled "District Regulations" and all areas previously zoned as "RR-2 Districts: Single-Family Residential" shall now be zoned as in Chapter §180-10. "RR-1 Districts: Single-Family Residential".

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

**PATIO CONTRACT AUTHORIZATION:**

Motion by Councilman Yale to rescind the approval for the contract with the lowest bidder authorized at the Town Board meeting on August 2, 2007, and re-award the contract to Contractor No. 2 for the work to be done in Spring, 2008.

Seconded by Councilwoman Hawkins-Mance.

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

**WAYNE COUNTY HEALTH CARE DISCUSSION:**

Motion by Councilman Yale authorizing the Supervisor to notify Wayne County Health of a "possible change" for 2009.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Discussion: Councilman Yale asked that it be understood that this is a "possible change" only.

**NEW PHONE SYSTEM QUOTES DISCUSSION:**

Four quote information packets were given to Council members for their review, and discussion was tabled until the next Town Board meeting on December 20, 2007.

**BURN PERMIT – 241 MILDAHN ROAD:**

Application was reviewed, and it was determined that location is farm/agricultural and does not require a burn permit.

**NYS TOWN DELEGATE APPOINTMENT:**

Motion by Councilman Yale appointing Phil Williamson as the Town Delegate at the Association of Towns Annual Conference.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**SEWER SUPERINTENDENT RETIREMENT ACCEPTANCE:**

Motion by Councilwoman Marini to accept and file George Schaller, Sewer Superintendent's, letter of retirement.

Seconded by Councilman Keyes.

Adopted: Vote Ayes 5 Nays 0

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
6 DECEMBER 2007**

Discussion: Councilwoman Marini extended her sincere gratitude for the past 26 years of service. Councilman Keyes seconded that and also added that he was on the committee that selected George and wished him the best. Supervisor Plant thanked him.

**FINANCIAL TRANSACTIONS RESOLUTION:**

Councilman Yale offered the following Resolution **74-07** and moved it adoption. Seconded by Councilwoman Hawkins-Mance to wit:

**BE IT RESOLVED** that the Account Clerk be authorized to modify budget  
 . \$2,500.96 to establish Expense Line A1910.42 for County Tax Cablevision from General Fund Balance. To cover County Bill.  
 \$854.00 from Memorial Tree Fund Balance to CM4-7110.41 Trees. To cover cost of trees for Vallone & Ginegaw. Funds to offset transfer were credited to CM4-2705 Gifts & Donations.

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

Resolution carried.

**EXECUTIVE SESSION:**

Motion by Councilwoman Marini to adjourn to Executive Session to discuss proposed, pending or current litigation and the employment history of a particular person/corporation, or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 8:10 PM.

**RECONVENE:**

Motion by Councilman Yale to reconvene the regularly scheduled Town Board meeting.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 9:12 PM.

**RESOLUTION 75-07 SUPPORTING CONCEPT PROPOSED BY EMPIRE STATE WIND ENERGY, LLC, TO DEVELOP WIND POWER GENERATION PROJECTS:**

Councilman Yale offered the following Resolution **75-07** supporting concept proposed by Empire State Wind Energy, LLC to develop wind power generation project.

Seconded by Councilman Keyes to wit:

**WHEREAS**, the Board of the Town of Walworth (the Board) believes that social, economic and environmental benefits could be realized through the development and deployment of renewable energy sources such as wind based power generation, and

**WHEREAS**, the Board believes that dependence on high cost foreign energy supplies, such as fossil fuels, has retarded economic growth, and

**WHEREAS**, the public health and resources, including forests, agricultural products and the air of Wayne County, are damaged by the use of fossil fuels for energy purposes, and

**WHEREAS**, the creation and expansion of renewable wind energy could increase economic growth, contribute to the tax base of the Town of Walworth and the County of Wayne and

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
6 DECEMBER 2007**

reduce environmental pollution by decreasing the use of high cost foreign energy supplies, and

**WHEREAS**, New York State desires to accelerate renewable energy development to promote economic growth, to create employment, to protect the environment, to preserve resources for future generations and to promote the health and welfare of its people, and

**WHEREAS**, the 2002 New York State Energy Plan established a policy calling for an increase in renewable energy used in the State from 19% to 25% by the year 2013, and

**WHEREAS**, the Board desires to promote economic growth, to create employment, to protect the environment, to preserve resources for future generations and to promote the health and welfare of its people, and

**WHEREAS**, the New York State Energy Research and Development Authority's report on feasibility of establishing a renewable portfolio standard and the Public Service Commission's implementation of the renewable portfolio standard will result in statewide reductions of fossil fuel use, and

**WHEREAS**, the Board desires to be an active participant in the exploration and utilization of our wind resources, in order to support state and local efforts at promoting increases in renewable energy use, and

**WHEREAS**, Empire State Wind Energy, LLC of Oneida, New York's ("ESWE") has a community oriented business model for developing wind based power generation projects, **NOW THEREFORE, BE IT RESOLVED**, that the Board generally supports the concept of wind power generation projects and supports the statewide efforts to reduce dependence on fossil fuels, and

**BE IT FURTHER RESOLVED**, that the Town of Walworth generally supports the efforts of ESWE to pursue wind power exploration in the Town of Walworth to determine the feasibility and practicality of wind power generation.

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

Resolution carried.

**ASSEMBLYMAN BOB OAKS VISIT:**

Supervisor Plant noted that Assemblyman Bob Oaks would be holding a Town meeting in the meeting room on February 28, 2007, at 7:30 PM.

**AUTHORIZE HIRING CONSULTANT FOR LITIGATION:**

Motion by Councilwoman Marini authorizing the Supervisor to negotiate with Harris Beach, LLC, to contract experts for representation in the Town of Walworth pending lawsuit.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

**ORGANIZATIONAL MEETING ADVERTISEMENT AUTHORIZATION:**

Motion by Councilman Yale authorizing Susie Jacobs, Town Clerk, to advertise the Organizational meeting for January 3, 2008.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**ADJOURNMENT:**

Motion by Councilman Keyes to adjourn.

Seconded by Councilman Yale and unanimously carried.

Time: 9:20 PM.

Respectfully Submitted,

Susie C. Jacobs  
Town Clerk