

**WALWORTH TOWN BOARD - REGULAR MEETING
7 DECEMBER 2006**

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

Council Members present:	Daniel Keyes	Councilman
	Patti Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman

Late arrival – Time: 7:34 PM	Bob Plant	Supervisor
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Town employees present:	Susie Jacobs	Town Clerk
	Michael Frederes	Highway Superintendent
	Debora Germain	Parks & Recreation Director
	Karen Ambroz	Assessor

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of November 2, 2006, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

MINUTES:

Motion by Councilwoman Marini to approve the Minutes of the Special Meeting with the Walworth Seely Public Library Board of Trustees of November 16, 2006, as presented.

Seconded by Councilman Keyes.

Adopted: Vote Ayes 5 Nays 0

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of November 16, 2006, as presented, with the following Amendment – Crown Castle Lease Extension Request: needs to read extension of existing Land Lease for 20 years with a current expiration date of February 18, 2023, with a new expiration date of February 18, 2043, and that we are also giving a right to first refusal if the Town wishes to sell the land to a competitor of theirs.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

CORRESPONDENCE:

No correspondence was entered into record.

PUBLIC PARTICIPATION:

No one present offered any comments.

PUBLIC HEARING PROPOSED LOCAL LAW NO. 4 – CREATING CHAPTER 168 ENTITLED “VEHICLES, JUNKED AND ABANDONED”.

Susie C. Jacobs, Town Clerk, read the Legal Notice.

NEGATIVE DECLARATION:

Frederick Nudd stated that the Town already has Law numbers Section 99 on Junk Cars and Section 128 regarding Junk and Abandoned Vehicles. After his review of these two laws there is no exception for recreational vehicles, which could be interpreted by the Building Inspector and Code Enforcement Officer to be considered “junk vehicles” and the owners would have to defend themselves.

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Mr. Nudd is against the adoption of this new Law because it is an unnecessary extension of laws already adopted. If we have a problem with junk vehicles, we could have just enforced the earlier laws. He stated that in his opinion there is not enough in the new law to protect farmers' equipment, once again placing our residents in a position of having to defend themselves. Mr. Nudd asked the Town Board to duly consider this proposed Law. He also stated that perhaps resident consideration and a public hearing be permitted prior to attorney document preparation.

NEGATIVE DECLARATION:

Tom, Palmyra resident, stated that even though he is not affected by this proposed Local Law, he did agree with Mr. Nudd's comments.

Motion by Councilman Yale to close the public hearing.

Seconded by Councilwoman Hawkins-Mance.

Time: 7:52 PM.

Adopted: Vote Ayes 5 Nays 0

Councilman Yale stated that this proposed Law had come about from requests made by residents at four public meetings.

ADOPTION LOCAL LAW NO. 4 FOR 2006:

Councilman Yale offered the following Resolution **45-06** and moved its adoption.

Seconded by Councilwoman Marini to wit:

BE IT RESOLVED THAT:

Chapter 168. VEHICLES, JUNKED AND ABANDONED

§ 168-1. Findings.

The outdoor storage or keeping of junked or abandoned motor vehicles on privately owned property within the Town of Walworth is detrimental to the health, safety and general welfare of the community. The same also constitutes an attractive nuisance to children and in many ways imperils their safety. Such storage also endangers the person and property of members of the community, since fuel tanks containing gasoline or gasoline fumes may easily explode. Such storage is unsightly and depreciates all property values. The control of the outdoor storage or keeping of junked or abandoned motor vehicles on privately owned properties within the Town of Walworth is, therefore, regulated for the preservation of the health, safety and general welfare of the community.

§168-2. Definitions.

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

ABANDONED VEHICLE – Any automotive vehicle or a trailer (excluding “box trailers” that shall be deemed a “structure” for the purpose of enforcement under and compliance with Chapter 180 of the Walworth Town Code) and except recreational vehicles and house trailers which is without a currently valid license plate or plates, that is left to remain outside a completely enclosed building in the same lot or part of a lot for more than four days without the permission of the owner of the premises.

AUTOMOBILE WRECKING - The dismantling or disassembling of new or used automotive vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or parts.

JUNKED MOTOR VEHICLES – Any motor vehicle whether automobile, bus, truck, trailer, tractor or any other vehicle intended for highway use that is unlicensed, old, wrecked, discarded abandoned or dismantled or partially dismantled, which is no longer intended or in condition for legal use upon the public highway. With respect to any motor vehicle not required to be licensed or a motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than three months and is not in condition to be moved under its own power shall be presumptive evidence that such motor vehicle is a “junked motor vehicle”. The fact that a motor vehicle which may be licensed or registered with the State of New York does not display a current plate shall be presumptive evidence of the fact that such motor vehicle is unlicensed.

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MOTOR VEHICLE – Every vehicle originally designed and intended to be operated, drawn or driven or capable of being operated, drawn or driven upon a public highway by any power other than muscular power. For the purposes of this chapter, the term “motor vehicle” shall include, but not be limited to, automobiles, trucks, buses, motorcycles and trailers.

OWNER OF MOTOR VEHICLE – A person, firm or corporation having the property in or title to a motor vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person, and also including any lessee or bailee of a motor vehicle having the use thereof under lease or otherwise.

OWNER OF PRIVATE PROPERTY – A person, firm or corporation being the owner, contract purchaser, tenant, lessee, occupant, undertenant, receiver or assignee of private premises or private property located within the Town of Walworth.

PRIVATE PREMISES OR PROPERTY - Includes all parcels of real property not owned by any unit of government situated in the Town of Walworth, whether occupied or vacant, regardless of size, topography or location.

§168-3. Outdoor storage on private property.

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, of property within the Town of Walworth to engage in or to assist or participate in automobile wrecking or to store or deposit or cause or permit they be stored or deposited a junked motor vehicle or part or piece thereof on any private property within the Town of Walworth, unless:

- A. Such motor vehicle is stored or deposited on a premises legally used, operated and located for a junkyard.
- B. Such motor vehicle is stored or deposited in a completely enclosed building.
- C. Such motor vehicle is under repair, reconstruction or refurbishing by the owners thereof who must actually be residing upon the premises. Not more than one such motor vehicle shall be permitted at any one time on any premises. Such motor vehicle must be so maintained and protected as to not create any safety hazard or nuisance to surrounding property owners and shall not remain on the premises more than three months.
- D. Such motor vehicle is temporarily stored on the premises of a duly authorized motor vehicle service station or body repair shop within a commercial or industrial district of the Town while awaiting repair or servicing at such place of business. Not more than five such vehicles shall be permitted on any such premises at any one time.
- E. Such motor vehicle is temporarily stored on the premises of an actively cultivated farm and used in connection with farm work. Such motor vehicle must be so maintained and protected as to not create any safety hazard or nuisance to surrounding property owners and shall not remain inactive more than nine months.
- F. The maintenance and storage of not more than one operable, yet unlicensed motor vehicle on private property.

§168-4. Abandoned vehicles.

It shall be unlawful for any person, firm or corporation to maintain or to permit to be maintained any abandoned vehicle or vehicles in the Town of Walworth. Owners or occupants of property on which there is an abandoned vehicle will be given notice by registered or certified mail by the Code Enforcement Officer of the Town of Walworth to remove the abandoned vehicle or vehicles from their property within 10 days from the day the notice is sent to such owner or occupant, and if said abandoned vehicle or vehicles are not removed from the premises by the time required in the notice, the Town of Walworth shall have the right to enter upon the premises and to remove and dispose of the abandoned vehicle or vehicles. The expense of such removal and disposition shall be a lawful charge against the owner or occupant of the premises to be relieved upon their Town/County property tax bill in a manner prescribed by law.

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§168-5. Established junkyards.

For the purpose of this chapter, the location of junkyards and yards used for the storage of abandoned vehicles or for automobile wrecking already established shall be permitted to continue in existence, provided that the owner of the premises so used shall, within 60 days following the effective date of this chapter, obtain from the Town Board of the Town of Walworth a license in accordance with the terms and provisions of §136 of the General Municipal Law.

§168-6. Notice of Violation.

If the provisions of the foregoing sections are believed to be violated, the Code Enforcement Officer of the Town of Walworth shall serve a written notice, personally or by registered or certified mail, upon the owner, occupant or person having charge of such private property, to comply with the requirements of this chapter. The Code Enforcement Officer may determine ownership of any parcel of land in the Town of Walworth from the current assessment roll of the Town, and may serve written notice upon the owner thereof by mailing such notice by certified mail to the owner of the address listed on the current assessment roll. If the Code Enforcement Officer is unable to determine the ownership or address of the owner of said private property, such notification may be made by publishing the same in the official newspaper of the Town for two consecutive weeks. The notice shall be in substantially the following form:

To the owner, occupant, or person having charge of land within the Town of Walworth briefly described as follows:

(here describe subject property)

Notice is hereby given that a junked or abandoned motor vehicle is stored or deposited on the above-described property in violation of the Junked and Abandoned Motor Vehicle Law of the Town of Walworth. This vehicle must be removed there from within 10 days from the date of this notice; provided, however, that if this notice is served on you by publication, said motor vehicle shall be removed within 24 days from the first publication date of this notice. If such motor vehicle is not removed on or before the expiration of said 10 days from the date hereof, or on or before the expiration of said 24 days from the date of this notice in the event it is served on you by publication, the Town of Walworth shall have the right to enter upon the premises and to remove and dispose of the junked or abandoned vehicle or vehicles. The expense incurred by the Town of Walworth shall be assessed against said property and shall constitute a lien thereon and be collected in the manner provided by law.

Dated:

Code Enforcement Officer
Town of Walworth

§168-7. Penalties for offenses.

A violation of this chapter or any provision or part thereof by any person, firm or corporation is hereby declared to be an offense, punishable by a fine not exceeding \$250 or by imprisonment not to exceed six months, or both. A violation of this chapter shall also subject the violator to a civil penalty of the greater of \$100 per separate violation, or the Town's cost of inspection, service of notices, removal, towing and permanently disposing of such vehicles, less any penal monetary fine which may have been imposed. Any person, firm or corporation who shall resist or obstruct the duly authorized agents, servants, officers and employees of the Town of Walworth in the removal and destruction of a motor vehicle by order of the Code Enforcement Officer shall be subject to the fines and penalties provided herein. Each day's continued violation shall constitute a separate and additional offense. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any provisions or parts thereof shall be deemed misdemeanors, and for such purposes on all provisions of law relating to misdemeanors shall apply to such violation.

§168-8 Procedures.

Notwithstanding any other provision of this chapter, the Town of Walworth may serve such notices, hold such hearings and do such other and further things as are set forth in § 168-6 hereof, and may at the same time, or at any other time, without prior notice, proceed with § 168-7 hereof, concerning the imposition of penalties.

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This local law shall take effect immediately after filing in the Office of the Secretary of State.

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

Resolution adopted.

DEPARTMENT HEAD REPORTS:

HIGHWAY DEPARTMENT - PURCHASE NEW TRUCK

Motion by Councilman Yale authorizing Mike Frederes, Highway Superintendent, to purchase a 2007 ten-wheel truck complete with dump body, hoist, hydraulics, plow equipment, plow and wing from Tracey Road Equipment on NYS O.G.S. Contract, for an amount not to exceed \$149,502.00 from 2007 budget line DA1530.21 (\$130,000.00) and DA5130.21 (\$20,000.00).

Seconded by Councilwoman Hawkins-Mance.

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

Motion adopted.

HIGHWAY DEPARTMENT – 2007 PROPOSED HOLIDAY SCHEDULE

Mike Frederes, Highway Superintendent, presented the 2007 proposed Holiday Schedule for the Highway Department.

Councilwoman Marini stated that as noted in the Employee Handbook, Section 303, the Town will grant holiday time off to all employees on the holidays determined by the Town Board. There will be a total of thirteen (13) holidays per year, the specific days to be established by the Town Board at the annual organizational meeting. Councilwoman Marini would like it acknowledged that the first Town Board Meeting is after the first holiday for 2007 (January 1).

PARKS & RECREATION DEPARTMENT –

Nothing reported at this time.

ASSESSOR –

Nothing reported at this time.

TOWN CLERK –

Nothing reported at this time.

JANUARY 1 HOLIDAY APPROVED:

Motion by Councilwoman Marini that the January 1, 2007, holiday be adopted as an employee holiday with the remainder of the 2007 holidays to be adopted at the January 4, 2007, Town Board Meeting.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

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COMMITTEE REPORTS:

MEASURING DEVICE ASSESSMENT DEPARTMENT:

Councilman Yale informed that Karen Ambroz, Town Assessor, has won Apex software at the Assessors Conference for a measuring device. In order for the software to be functional, the measuring device must be purchased. This will eliminate two people having to be out of the office to take measurements. Councilman Yale stated that this is a very useful piece of equipment for the Assessor's Office and other Town departments.

Motion by Councilman Yale authorizing Karen Ambroz to purchase a Disto A5 Measuring Device Equipment from Apex Software from Budget Line A3040 for an amount not to exceed \$459.00.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

LIBRARY BOARD APPOINTMENTS:

Motion by Councilwoman Hawkins-Mance to approve the appointments of Library Board members as follows:

Maretita Kingsley	2-year term to expire December 31, 2008
Christina Burmeister	3-year term to expire December 31, 2009
Donna Stalker	5-year term to expire December 31, 2011

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Council Members thanked Becky Appleman for her years of service to the Library Board of Trustees.

WALWORTH SPORTSMANS CLUB LIQUOR LICENSE RENEWAL APPROVAL:

Motion by Councilwoman Hawkins-Mance authorizing the Supervisor to sign a statement that the Walworth Sportsmans Club liquor license application has been received and is approved.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**M&T BANK REMOTE CHECK DEPOSIT AGREEMENT AUTHORIZATION,
PURCHASE EQUIPMENT & WARRANTY SERVICE AGREEMENT:**

Motion by Councilwoman Marini authorizing the signing of the agreement with M&T Bank, the purchase of NCR Bank Teller Scan 230, for an amount not to exceed \$985.00, and NCR Advanced Exchange Maintenance Contract – One Year – for an amount not to exceed \$220.00. Total amount not to exceed \$1,205.00.

Seconded by Councilman Keyes.

Adopted: Vote Ayes 5 Nays 0

PRE-PAY REPLACEMENT OF TOWN WINDOWS:

Motion by Councilman Yale authorizing pre-pay to Dentico Construction Co. for a percentage of the installation of the replacement windows at the Town Hall, for an amount not to exceed \$12,500.00.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

PRE-PAY ANNUAL NYS RETIREMENT SYSTEM CONTRIBUTION FOR 2007:

Motion by Councilwoman Hawkins-Mance authorizing pre-payment of the Annual NYS Retirement System Contribution for 2007 (if paid by 12/15/06, the discounted amount includes a savings of \$948.00), for an amount not to exceed \$98,075.00.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

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SNOW AND ICE CONTRACT AGREEMENT FOR 2008/2009:

Motion by Councilman Yale authorizing the Supervisor to sign the NYS “AGREEMENT TO EXTEND INDEXED LUMP SUM MUNICIPAL SNOW AND ICE AGREEMENT” for 2008/2009.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

WCWSA COUNTY APPOINTMENT:

Supervisor Plant stated that George Schaller, Walworth representative, is not seeking reappointment to the WCWSA County committee. Anyone interested in appointment to this committee should submit an application.

ADDITIONAL TOWN HALL SECURITY CAMERAS:

Motion by Councilman Yale authorizing the purchase of two additional cameras for the Town Hall from Integrated Systems for an amount not to exceed \$1,398.00.

Second by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

EXECUTIVE SESSION:

Motion by Councilman Keyes to enter into Executive Session to discuss a matter of personnel.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Time: 8:03 PM.

RECONVENED:

Supervisor Plant reconvened the meeting at time: 8:35 PM.

ADJOURNMENT:

Motion by Councilman Yale to adjourn. Seconded by Councilwoman Marini and unanimously carried.

Time: 8:37 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk