

**WALWORTH TOWN BOARD - REGULAR MEETING  
1 MARCH 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:	Thomas Yale	Councilman
	Patti Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk
	Debora Germain	Parks & Recreation Director
	George Schaller	Sewer Superintendent
	Ed Parrone	Engineer
Necessarily absent:	Daniel Keyes	Councilman

**MINUTES:**

Motion by Councilwoman Hawkins-Mance to approve the Minutes of February 3, 2007; February 15, 2007; and February 28, 2007; as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

**CORRESPONDENCE:**

Susie Jacobs read a letter from Kenneth A. Masker, Zoning Board of Appeals, tendering his resignation, effective March 31, 2007. A conversation ensued about the March 31, 2007, resignation date and what was in the best interest of the Town. It was determined that the effective date should be March 1, 2007. This date would allow for the appointment and training of a new Zoning Board member. Council members stated that in no way was this a reflection on Mr. Masker's service to the Zoning Board or the Town of Walworth. The Town Clerk was asked to mail a thank you letter to Mr. Masker for his years of service to the Town.

Motion by Councilwoman Marini to accept and file the Letter of Resignation from Kenneth A. Masker, Zoning Board, effective March 1, 2007.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

**PUBLIC PARTICIPATION:**

**HIGHWAY DEPARTMENT THANKED**

A resident from Heather Brook Lane, on behalf of the Town's people, thanked Mike Frederes, Highway Superintendent, and his crew for the outstanding job maintaining Town roads this winter.

**REMEMBERING CARL VROMAN**

A resident from Cream Ridge Road reflected on the passing of Carl Vroman who served on the Walworth Zoning Board from 1989 – 1999 and also served on the Gananda Central School Board. This was seconded by, another resident, who commented that he gave much of his time and energies to our community and will be missed by all.

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**DEPARTMENT HEAD REPORTS:**

**HIGHWAY DEPARTMENT –**

Supervisor Plant reported, in the absence of the Highway Superintendent, that the *J Miles* are at 109%. Last year at this time they were at 81%. Supervisor Plant stated that the Town receives additional funding for anything over 105%.

**PARKS & RECREATION –**

Nothing reported at this time.

**SEWER DEPARTMENT –**

**LEAKING SEWER TANK REPAIR**

George Schaller reported that the Board had authorized emergency funding for the repair of the Plant's leaking sewer tank, estimated at \$10,000 in parts; however, repair was actually completed for \$2,500, with the Department providing the labor. Council members were very appreciative of this accomplishment.

**SEWER ODOR**

The odor occurring at the Plant seems to be due to the variation in temperatures of late. Employees are addressing the issue.

**ENGINEER –**

Nothing to report at this time.

**TOWN CLERK –**

**NYSTCA CONFERENCE AUTHORIZATION**

Susie Jacobs requested authorization to attend the NYSTCA Conference with her deputies on April 29 – May 2, 2007. The registration fee is \$60.00 per person, from budgeted line A1410.41.

Motion by Councilwoman Hawkins-Mance authorizing Susie Jacobs and two deputies to attend the NYSTCA Conference April 29 – May 2, 2007 from budgeted line A1410.41, for an amount not to exceed \$180.00 for registration fees.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

**ASSOCIATION OF TOWNS ANNUAL CONFERENCE:**

Supervisor Plant reported that Phil Williamson, Code Enforcement Officer, attended several classes and has submitted a report for review by anyone interested.

**POTASSIUM IODIDE DISPERSAL:**

Supervisor Plant stated that the Town has received a shipment of Potassium Iodide (KI). The Town Clerk's office will be handling distribution.

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**ALCOHOLIC BEVERAGE RENEWAL LICENSES – BLUE HERON HILLS COUNTRY CLUB:**

Councilman Yale inquired as to any knowledge of violations or complaints with regards to Blue Heron Hills Country Club and the service of alcoholic beverages. Supervisor Plant and Town Clerk, Susie Jacobs, stated they were not aware of any. Motion by Councilman Yale authorizing three Alcohol Beverage License renewals for Blue Heron Hills Country Club for 2007.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

**ALCOHOLIC BEVERAGE RENEWAL LICENSES – GREYSTONE GOLF CLUB:**

Councilman Yale inquired as to any knowledge of violations or complaints with regards to Greystone Golf Club and the service of alcoholic beverages. Supervisor Plant and Town Clerk, Susie Jacobs, stated they were not aware of any.

Motion by Councilman Yale authorizing two Alcohol Beverage License renewals for Greystone Golf Club for 2007.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

**PROPOSED LAW FOR SNOWMOBILES/ALLTERRAIN VEHICLES DISCUSSION:**

Supervisor Plant stated that Council members have reviewed the proposed local law for snowmobiles / all-terrain vehicles. As they had further questions, it was decided to table setting the public hearing until the next Town Board meeting.

**ALCOHOL USE – GINEGAW PARK:**

Motion by Councilwoman Marini authorizing the issuance of an Alcohol Use Permit for beer to Wendy Ross on July 1, 2007.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

**COMMITTEE REPORTS:**

Nothing reported at this time.

**INTER-MUNICIPAL AGREEMENT:**

INTERMUNICIPAL AGREEMENT  
REGARDING COOPERATION TO COMPLY WITH THE  
FEDERAL PHASE II STORMWATER REGULATION  
IN ONTARIO AND WAYNE COUNTIES

An INTERMUNICIPAL AGREEMENT among the Ontario – Wayne Counties Stormwater Coalition members of the Towns of FARMINGTON, 1000 County Road 8, Farmington, New York 14425; MACEDON, 32 Main Street, Macedon, New York 14502; ONTARIO, 1850 Ridge Road, Ontario, New York 14519; VICTOR, 60 East Main Street, Victor, New York 14564; WALWORTH, 3600 Lorraine Drive, Walworth, New York 14568; hereinafter referred to as “Towns”, the Coalition members of the Villages of MACEDON, 81 Main Street, Macedon, New York 14502; VICTOR, 60 East Main Street, Victor, New York 14564; hereinafter referred to as “Villages”, the

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ONTARIO COUNTY on behalf of its Department of Public Works with offices at 2962 County Road 48, Canandaigua, New York 14424; and WAYNE COUNTY on behalf of its Highway Department with offices at 7227 Route 31, Lyons, New York 14489; as authorized by Article 5-G of the General Municipal Law.

WHEREAS, the Phase II federal stormwater regulations require that regulated municipal separate storm sewer system operators comply with the SPDES General Permit for Stormwater Discharges (General Permit 02-02) issued by the New York State Department of Environmental Conservation; and

WHEREAS, the Phase II federal stormwater regulations require that for each regulated municipal separate storm sewer system the municipality must prepare and implement a stormwater management program that includes six minimum control measures within five years of the permit issue date; and

WHEREAS, the municipalities recognize that, because watersheds and separate storm sewer systems cross municipal and county boundaries and because there are opportunities to save money and resources by working collaboratively, the municipalities should work cooperatively to comply with the requirements of the Phase II federal stormwater regulations; and

WHEREAS, the Ontario-Wayne Stormwater Coalition started holding meetings beginning in 2004 to identify and analyze options for pooling resources to meet the requirements of the Phase II Federal Stormwater Regulations, and;

WHEREAS, the funding for the Ontario-Wayne Stormwater Coalition is a combination of municipal cash and in-kind funding and New York State Environmental Protection Fund grants which shall be managed by the Ontario County Soil and Water Conservation District;

NOW, THEREFORE, in consideration of mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. The term of this agreement shall be from February 1, 2007, through January 31, 2013. At such time, this agreement may be renewed, amended, or terminated. Any party may withdraw from this agreement upon 60 days written notice to the other parties.
2. The work of the Ontario-Wayne Stormwater Coalition shall be to work collaboratively to:
  - a. Comply with the Phase II Federal Stormwater Regulations and permit conditions placed on municipal separate storm sewer system operators in 2003.
  - b. Protect and/or improve the water quality of local waterways in accordance with State, County, and local water quality planning documents and policies.
  - c. Facilitate the use of existing or future resources, organizations, and programs for the provision of the services necessary to comply with the Phase II regulations.
  - d. Research and implement an appropriate funding mechanism to meet the financial needs resulting from compliance with the Phase II Federal Stormwater Regulations.
  - e. Report annually to the Ontario County Board of Supervisors, Ontario County Water Resources Council, Wayne County Board of Supervisors, and Wayne County Water Quality Coordinating Committee on the Coalition's progress with compliance and funding issues.

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3. Each Coalition member (Municipality or Agency) will pay an annual membership fee to the Coalition to fund the implementation of compliance activities, which are part of each Coalition member's stormwater management plan. This fee will be determined annually by the Stormwater Coalition and approved by the full membership of the Stormwater Coalition. The fee schedule is included in Appendix 'A'.
  4. Each Coalition member will designate an official representative to serve on the Stormwater Coalition. The designee shall be responsible to attend and participate in monthly meetings of the Coalition and the task groups created to facilitate compliance with different aspects of the regulations, and to transmit stormwater policy issues to his or her Coalition member. The designee shall also be responsible to obtain opinions on stormwater policy issues from the Coalition member and to share such opinions with the Stormwater Coalition membership. Every Coalition member entitled to vote or attend a meeting of the Stormwater Coalition may authorize another person to act by signed proxy.
  5. The officers of the Stormwater Coalition shall be the Chair and Vice-Chair. The officers shall be elected to two-year terms by a majority of the members present at a regularly scheduled meeting. The duties and responsibilities of the Chair shall be to preside at meetings of the Coalition, and function as the official spokesperson for the Coalition. The Vice-Chair shall assist the Chair and subsequently assume the Chair position for a two-year term.
  6. Membership fees, which are outlined in Appendix A, should be paid to the Ontario County Soil and Water Conservation District by the date established by the Coalition. If payment is not received within 30 days of this date, then membership will be revoked, unless the Coalition has agreed to other payment arrangements.
  7. Stormwater Coalition decisions and recommendations are generally made by consensus. Consensus is defined as all members of the Coalition being able to support the decision or recommendation.
- When the Coalition cannot reach consensus, voting will be used for decision-making. Each Coalition member (municipality or agency) that has paid its Coalition membership fee in-full shall have one vote. All decisions requiring voting shall be made by the majority of the members (or their officially designated alternates) present at a regularly scheduled meeting. In the case of a tie vote, the Chair shall cast the tie-breaking vote.
8. Staff from the local, regional, and state agencies may provide staffing services to the Ontario-Wayne Stormwater Coalition. This will include coordination of the Coalition, the task groups, management of Coalition projects, applying for grant funding, and coordination of awarded grants. Staff will also manage the implementation of the membership fee and develop a template for the annual reports that must be submitted by each regulated Coalition member. The Ontario-Wayne Stormwater Coalition shall not be the employer of such staff.
  9. This Agreement may be modified or amended only in writing duly executed by all parties, which shall be attached to and become a part of this Agreement.
  10. Each party shall indemnify and hold harmless the other, its officers, agents and assigns for all liability arising out of its activities under this Agreement.

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11. This Agreement constitutes the entire Agreement between the parties and supersedes any and all prior Agreements between the parties hereto for the services herein to be provided. The Agreement shall be governed by and construed in accordance with the laws of New York State without regard or reference to its conflict of laws and principles.

12. Each Coalition member shall be solely responsible and liable for its own activities under this Agreement, for obtaining its permit coverage under the SPDES General Permit for Stormwater Discharges from MS4s (GP-02-02) and for the preparation, implementation, operation and maintenance of its own stormwater management program including, but not limited to, the required minimum control measures.

**APPENDIX A**

**Ontario-Wayne Stormwater Coalition**

**2007 Membership Fee Schedule:**

Type of Coalition Member	Membership Fee	Membership In-Kind Match
<ul style="list-style-type: none"> <li>• MS4 Towns</li> <li>• Ontario County Highway Department</li> <li>• Wayne County Highway Department</li> </ul>	\$5,000.00	\$9,000.00
MS4 Villages	\$2,500.00	\$4,500.00
Non-MS4 Towns, Cities	\$2,500.00	\$4,500.00
Non-MS4 Villages	\$1,250.00	\$2,250.00

Motion by Councilwoman Marini authorizing Supervisor Plant to sign the Intermunicipal Agreement (MS4).  
Seconded by Councilman Yale.  
Adopted: Vote Ayes 4 No 0

**SCHINDLER ELEVATOR CORPORATION CONTRACT AUTHORIZATION CHANGE:**

Councilman Yale authorized changing the Schindler Elevator Corporation contract term dates from February 1, 2007, to February 1, 2008, to the new dates of May 1, 2007, to May 1, 2012; this change will facilitate billing.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 No 0

**FIREWORKS APPLICATION PERMIT HOURS DISCUSSION:**

Supervisor Plant stated that the Town's current fireworks application does not specify an "ending time" for firework displays. Decision was made by Council members to have the Town Attorney re-write the current zoning ordinance stating an end time for fireworks displays, unless specifically authorized by a Council member.

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**7:45 PUBLIC HEARING – SMALL CITIES GRANT:**

Susie Jacobs, Town Clerk, read the Legal Notice.

Copies of the Comprehensive Projects and 2007 Small Cities Grant requirements were available to the public. Following is the Comprehensive Project list:

**COMPREHENSIVE PROJECTS**

A comprehensive project typically includes several inter-related activities to address the needs in a designated target area. Applicants must demonstrate how the activities they propose would implement four (4) of the following nine (9) criteria.

**Criterion 1.** Supports comprehensive neighborhood conservation, stabilization, revitalization, new housing construction or promotes home ownership.

**Criterion 2.** Provides housing choice within the community: Either outside areas with concentrations of minorities and low- and moderate-income persons or in a neighborhood which is experiencing revitalization and substantial displacement as a result of private reinvestment, by enabling low- and moderate-income persons to remain in their neighborhood.

**Criterion 3.** Supports the expansion of housing for low- and moderate-income persons by providing additional housing units not previously available.

**Criterion 4.** Addresses a serious deficiency in a community's public facilities.

**Criterion 5.** Expands or retains employment opportunities.

**Criterion 6.** Supports "Main Street" revitalization or attracts/retains businesses which provide essential services.

**Criterion 7.** Removes slums or blighting conditions.

**Criterion 8.** Resolves a serious threat to health, safety or welfare.

**Criterion 9.** Supports other federal or state programs being undertaken in the community or deals with the adverse impact of another recent federal or state action. The other federal or state program or action must be of substantial size or impact in relation to the proposed program.

Supervisor Plant stated that this Public Hearing was to gather interest, input, and get ideas from the public in terms of how they would like to see funds from this grant used. The next Public Hearing will be for discussion on specific projects that the Town will look at. Written suggestions will also be considered.

Debora Germain suggested the following ideas:

**SHERBURNE PARK WETLANDS:**

Some members of the Parks & Rec Master Plan Committee have brought to her attention that it would be most beneficial to have a "dock" (E-Z Dock, floating dock, boardwalk) at Sherburne Park in the wetlands, such that people can go right out in the wetlands to see them. A few years ago a DEC Officer explained that these wetlands are most pristine, and that he would be in favor of such a boardwalk to educate the public on wetlands and how important it is to protect them. This project would be very expensive; the Town would need grant money to facilitate it.

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**FOUR CORNERS IN THE WALWORTH HAMLET:**

Deb explained that having lived in Walworth most of her life, she would like to see something done to improve conditions in the four corners of the Hamlet. This addresses Criterion 6 in the list of Comprehensive Projects.

Jane Cala suggested the following idea:

**SPACE DEFICIENCY IN THE WALWORTH SEELY PUBLIC LIBRARY:**

Mrs. Cala addressed Criterion 4 in the Comprehensive Projects, a serious deficiency in a community's public facilities. She stated that most of us are aware of the serious deficiency in our library, and she felt that our community deserved better. Some of her concerns were: employees should not have to climb on tables/chairs to reach materials on top shelves; the one office in the library does triple duty for the Library Director, Youth Service Specialist, storage facility work room and kitchen break room all in one; and our current facility does not allow for a research area for students. She would like to see something done about the space crunch in our library.

Mike Jacobs' comments were as follows:

He stated that this was a great opportunity for the Town to receive funding, but he also believed it to be very important that the funds benefit everybody in Walworth, not just some people (i.e. a Library). In general, it is also a good opportunity to increase our tax base. If we can find a project that will pay a substantial amount of taxes in the end, that's the kind of project the Town should use this money to help develop. Avoid additional housing that is kind of an even "give and take" and look at something like a call center, where we subsidize bringing them to Walworth, tax the facilities, create jobs, and it doesn't add stress to the systems we have in place now, like our school districts. Target opportunities that benefit our public in general, and not things that are going to cost the Town and County money, so that the taxes that are paid are wiped out. Perhaps put out a profit/loss statement, showing what the project will bring in and what it will cost, to make sure that the Town receives a net gain. This grant funding is a rare opportunity that we should take advantage of.

Motion by Councilwoman Marini to close the Public Hearing.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

Time: 7:55 PM.

**AUTOMOBILE SALVAGE YARD LICENSE – MARK W. VOELCKERS/BRITISH AUTO:**

Councilman Yale inquired as to any knowledge of violations or complaints with regards to the Voelckers Automobile Salvage Yard. Supervisor Plant and Town Clerk, Susie Jacobs, stated they were not aware of any.

Motion by Councilman Yale authorizing an Automobile Salvage Yard License to Mark W. Voelckers for 2007.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

**ADVERTISEMENT FOR ZONING BOARD MEMBER:**

Mike Jacobs asked if the position for Zoning Board member would be advertised. Discussion ensued. It was decided that the open Zoning Board position should be advertised to the public for one week. Applications must be received by March 9, 2007.

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**ADJOURNMENT:**

Motion by Councilman Yale to adjourn.

Seconded by Councilwoman Hawkins-Mance and unanimously carried.

Time: 8:10 PM.

Respectfully Submitted,

Susie C. Jacobs  
Town Clerk