

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

**MINUTES:**

Motion by Councilwoman Hawkins-Mance to approve the Minutes of March 1, 2007, with the following amendment: "CORRESPONDENCE" should read, "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."

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 3 Nays 0

**CORRESPONDENCE:**

Supervisor Plant stated that he received a letter from New York State Department of Transportation acknowledging receipt of the Town's request for review of road conditions on Route 350 regarding the shoulder drop-off between Route 441 and Atlantic Avenue. A study has been initiated and an evaluation will be done. We will be notified of their determinations.

**SUPERVISOR'S REPORT:**

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

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

**GIRL SCOUT PROCLAMATION:**

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

**WHEREAS**, Monday, March 12, 2007, marks the 95th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

**WHEREAS**, throughout its distinguished history, Girl Scouting has helped build millions of girls and women of courage, confidence and character; and,

**WHEREAS**, through the dedication, time, and talent of volunteers of different backgrounds, abilities, and areas of expertise, the Girl Scout organization thrives for girls in so many settings; and,

**WHEREAS**, through Girl Scouting's unique leadership development program, girls define leadership by making the world a better place by discovering, connecting, and taking action in their communities; and,

**WHEREAS**, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in math, science, sports, technology, health and fields that can expand their horizons; and,

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
15 MARCH 2007**

**WHEREAS**, more than 3.7 million Girl Scout members nationwide will be celebrating 95 years of this American tradition, with nearly 50 million women who grew up participating in Girl Scouting and exemplify the impact of this amazing Movement; and,

**WHEREAS**, Girl Scouts locally in the Town of Walworth take part in many activities that benefit our community, including the collection of eyeglasses, sorting books for the Walworth Seely Library, helping with Environmental Clean-Up Day, etc.;

**NOW, THEREFORE**, the Town Board of the Town of Walworth does hereby applaud the commitment the Girl Scouts has made to America's girls and proudly proclaims the week of March 11 – 17, 2007, as "Girl Scouts Make The World A Better Place Week."

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

Motion carried.

**PUBLIC PARTICIPATION:**

A resident suggested that a "Catch a Group that Cares" award be presented to the cast of Gananda Community Youth Theatre, Inc., for their production of Seussical Jr. by Dr. Seuss, performed by grades 1 - 3.

**AUDIT OF CLAIMS - RESOLUTION 21-07:**

Councilwoman Hawkins-Mance offered the following Resolution **21-07**, and moved its adoption.

Seconded by Councilwoman Marini to wit:

**WHEREAS**, the following claims submitted at the scheduled Town Board Meeting of March 15, 2007, have been audited and approved by the appropriate Council Members;

**BE IT RESOLVED** that the claims be paid on **Abstract #3**, numbered **224** through **384**, in the following amounts:

GENERAL FUND	\$ 101,215.99
HIGHWAY FUND	\$ 70,804.26
WALWORTH SEWER DISTRICT #1	\$ 26,091.42
BROOKSIDE LIGHT DISTRICT	\$ 12.55
GANANDA LIGHT DISTRICT	\$ 929.10
HARVEST HILL LIGHT DISTRICT	\$ 696.16
ORCHARD VIEW LIGHT DISTRICT	\$ 79.65
WALWORTH LIGHT DISTRICT	\$ 612.32
WALWORTH CONSOLIDATED DRAINAGE	\$ 4,257.50
LIN/SWA/CO/JAC/LEW/SMI/ARB/DAA	\$ 25,949.50
WATER EXTENSIONS	
ARBOR/TUMMONDS WATER EXTENSIONS	\$ 6,740.50

**BE IT FURTHER RESOLVED** that the claims be paid on **Abstract #3**, numbered **20** through **28**, in the following amounts:

TRUST & AGENCY	\$ 24,737.70
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**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Walworth adopt Resolution **21-07**.

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
15 MARCH 2007**

Adopted this 15<sup>th</sup> day of March, 2007 at the meeting of the Town Council.

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

Resolution carried.

**DEPARTMENT HEAD REPORTS:**

**PARKS & RECREATION –**

**GANANDA LACROSSE FIELD REQUEST – DOLOMITE PARK:**

Debora Germain stated that she had received a request from the Gananda Youth Lacrosse Club for the use of Dolomite Park from mid-March through June 16, 2007, as follows:

Practice	Boys	-	Monday's and Wednesday's; 5:30 – 8:30 PM
	Girls	-	Tuesday's and Thursday's; 5:30 – 8:30 PM
Games	All	-	Saturdays; 10:00 AM – 3:00 PM
Tournament	All	-	Saturday, June 16; 9:00 AM – 6:00 PM

Gananda Youth Lacrosse will coordinate the need for additional porta-potties with Deb.

Motion by Councilwoman Marini authorizing the use of Dolomite Park by Gananda Youth Lacrosse as presented above. Authorization granted with submission of certificate of liability insurance.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

**GANANDA YOUTH FOOTBALL REQUEST – DOLOMITE PARK:**

Debora Germain stated that she had received a request from the Gananda Panther Youth Football and Cheerleading Club for use of the football fields at Dolomite Park from July 30 - October 28, 2007. An updated two million dollar liability insurance certificate will be provided.

Practice	-	July 30 - August 30; Monday through Thursday; 5:00 – 8:00 PM
		September and October; Tuesday's and Thursday's; 5:00 - 8:00 PM;
		Saturday's; 8:00 AM to 12:00 PM
Games	-	September through November; 4 – 5 Sunday's; 7:00 AM to 7:00 PM

Deb pointed out that there was a conflict with July 31, in that Walworth Recreation's Teen League Baseball program would be using the front of Dolomite Park that night, finishing up its season. She has advised Football they can use the back of the park.

Motion by Councilwoman Marini authorizing the use of Dolomite Park by Gananda Panther Youth Football and Cheerleading Club, with limited use on July 31, as presented above.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

**NYS DRUG AND ALCOHOL STATISTICS:**

Debora Germain handed out recent drug and alcohol statistics from the Consortium of Alcohol and Substance Abuse Services for the State of New York.

**INCREASE TO RECREATION FEE – NEW HOMES:**

The Parks and Recreation Master Plan Committee recommends that the Recreation Fee on new homes be raised from \$650 to \$1000. Debora Germain passed out a table listing the fees for other municipalities in both Monroe and Wayne Counties.

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
15 MARCH 2007**

**SEWER –**

**SURPLUS FORD DUMP TRUCK**

George Schaller requested that the 1988 Ford Dump Truck, vehicle identification number 1FDNF70K4JVA32691, be declared surplus and go to auction.

Motion by Councilwoman Marini declaring the Sewer Department's Ford Dump Truck surplus and authorizing it go to auction.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

**ENGINEER –**

Nothing presented at this time.

**ASSESSOR –**

Karen Ambroz informed the Board that she has held 57 informal hearings to date.

**TOWN CLERK –**

**TOWN CLERK OFFICE HOURS**

Susie Jacobs stated that the Town Clerk's Office has been quite successful with the 8:30 AM office opening time and would like to request that 8:30 AM to 5:00 PM office hours remain in effect.

Motion by Councilwoman Marini authorizing the Town Clerk's office hours to remain 8:30 AM to 5:00 PM, Monday through Friday.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

**TOWN CLERK –**

**RESOLUTION 20-07 ESTABLISHING A CAPITAL RESERVE FUND – “HAMLETS SIDEWALK RESERVE FUND”:**

Susie Jacobs advised the Board that the 30-day term for Resolution 20-07, subject to a Permissive Referendum, has been completed and no petitions have been filed. Resolution stands as filed.

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

Discussion on snowmobile law tabled until April 5, 2007, Town Board Meeting.

**COMMITTEE REPORTS:**

**EMPLOYEE EVALUATION FORMS - DRAFTS**

Councilwoman Marini stated that the draft evaluation forms have been given to Council members for review. A decision as to which form to use will be made at the next Town Board meeting.

**APPROVAL OF LETTER OF INTENT ANNOUNCEMENT**

Councilwoman Hawkins-Mance informed the Board that the letter of intent she filed for a \$50,000.00 grant to relieve the flooding problem we are having has been accepted, and we appear to be eligible for funding consideration under the hazard mitigation plan.

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
15 MARCH 2007**

**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 asked if anyone had any comment with regard to the Town's Small Cities Grant Application.

**Resident Comments:**

Mike Jacobs stated that he is very pro-development. He commented that he has been looking for information on this subject and has not seen any in the press and not too much in the handouts, particularly concerning the senior citizen apartment complex. He wished to ask a couple of questions in hopes that the Board could help him understand. He asked if there was any kind of survey done to see what the market demand was for senior housing. Supervisor Plant responded that there was a survey done within the last couple of months, by an outside source. Mike asked if the outcome of this survey was shared with the Town. Supervisor Plant stated that the information was shared with the Town, but he did not bring the information with him. He did state, however, that there is a very large demand for senior housing. Mike Jacobs asked what area this demand encompassed, whether it was in our town, the county, or what particular area. Supervisor Plant stated "the area," more

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
15 MARCH 2007**

than our town. Mike confirmed with the Supervisor that the area encompassed the possibility of Monroe, Ontario, and Wayne Counties; and they were expecting to draw from a fairly wide circle. Mike Jacobs asked what the age and income restrictions would be on this housing. He was told by the Supervisor that the age is 62 and the income level would be \$31,000.00 per household. Mike Jacobs asked what the value of the first phase of this development would be. Supervisor Plant said that the Town is in the preliminary stage of this. Mike confirmed that there would be 62 units and asked what the square footage of the units would be and the build rate. Ed Parrone, Town Engineer, stated that the value would be 3.5 million dollars. Mike also asked if there would be a community center. Supervisor Plant said "no." Councilwoman Marini said there would probably be a community room for the seniors that live there. Ed Parrone, Town Engineer, added the following comments: 25 of the 62 units in the first phase will be subsidized. The remaining 37 units would be at market rate. The second phase that they are contemplating will be 60 more units, all at market rate. Mike Jacobs asked if the market rate that they are talking about would not include the \$31,000.00 per household income cap. Ed Parrone said that yes, the market rate would not include the \$31,000.00 per household income cap. Mike Jacobs went on further to ask about the "payment in lieu of taxes," which is about \$18,000.00. He questioned why, if this project has a potential of about \$150,000.00 in annual taxes, the town was going to give it away for \$18,000.00? Supervisor Plant stated that it does not have the potential of \$150,000.00. Mike stated that the tax rate is about \$42.00 per thousand; so if you do the math, you arrive at roughly this figure. Supervisor Plant commented that currently the School District receives \$642.00 on 7.5 acres of empty land. He also commented that there would be no impact on the School District from senior residents, and the school would receive \$6,000.00 tax revenue on the senior complex. Mike Jacobs commented that this figure was pretty insignificant on a budget of the School's size; \$60,000.00 would be far more significant. Mike stated that he was concerned about the cost of this project and the kind of revenue it was going to generate. He asked if there was any kind of metrics put together regarding social service cost, Medicaid cost, and what the potential liability would be for the County and the Town. Supervisor Plant stated that no metrics had been done, but he did not see it as a big liability for the Town. Mr. Jacobs advised that if a large number of Medicaid people moved out here from Monroe County, Wayne County would have to pick up all of this cost, thus increasing the County's tax rate. Mike asked if the Town could estimate what this amount would be. Mike stated that the Town should be able to look at similar complexes and see how these costs have "fallen out." Mike continued to express his concerns that the County could be stuck with hundreds of thousands of dollars in Medicaid alone, especially if you get a couple of very sick people from the City of Rochester. These people would not be spending their money with Wayne County doctors. They would be going to their doctors in Monroe County, which results in a big outpouring of our taxpayers' dollars. Mike's final comments were that while he was in favor of senior housing, he felt that we had to be very careful because it could create huge liabilities for the Town if we are not. Mike commented that there was no restriction where these residents could come from and that they could come from Monroe County or any other county, and Wayne County would be burdened with the cost; not to mention our own social service departments would have to interface with some of these people also, which would create costs as well. Mike said that \$18,000.00 is not very much money, especially when \$6,000.00 is already going to the School District. Mike commented that this was very disturbing. Mr. Jacobs also stated another item that bothers him is that part of this complex is low income, so he is not sure how much of a positive impact this will have on the local businesses in our town. Mike said he thought the Town should see some kind of cash flow analysis of what can be expected prior to doing this project. Mr. Jacobs thought it would be a better idea to build the whole senior complex at market rate and use some of the tax dollars instead of taking the payment in lieu of taxes and put in the sewer lines that are being looked at through the Small Cities Grant. Mr. Jacobs thought this would be a much better deal, because without the increase (2% each year over a 30-year period), it appears the Town is giving up

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
15 MARCH 2007**

about 5 – 6 million dollars, which is an awful lot of money to give up for a small grant. By building this project at market rate, we are better off tax wise, the School District is far better off, and working out an agreement with the County to fund the expansion, we need to put it in. Mr. Jacobs stated that with the way this project is set up now, this is a typical Walworth give-it-away deal; where we give away money to the developer and the builder – and the taxpayers get stuck with the costs. Mike stated that he previously requested a cash flow analysis at the first hearing and nothing has been done. Mr. Jacobs finished his comments by stating that, “This is a poor county and our taxes are extremely high; we can’t subsidize a bunch of rich guys who are going to make a ton of money off of this development. We need to make sure the metrics make sense or not do the project.”

Motion by Councilwoman Marini to close the Public Hearing.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

Time: 7:55 PM.

**TOWN OFFICIAL REPRESENTATIVE AUTHORIZATION:**

**RESOLUTION 23-07**

Councilwoman Marini offered Resolution **23-07** and moved its adoption.

Seconded by Councilwoman Hawkins-Mance to wit:

**BE IT RESOLVED** that the Supervisor of the Town of Walworth, Wayne County, New York, is hereby authorized as the official representative of the Town to execute and submit a Small Cities application to the administrative agency for the Fiscal Year 2007 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

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

Resolution carried.

**HOUSING STRATEGY RESOLUTION 24-07:**

Councilwoman Hawkins-Mance offered the following Resolution **24-07** and moved its adoption.

Seconded by Councilwoman Marini to wit:

The following goals and objectives provide direction and focus to the Town of Walworth’s housing and neighborhood development efforts. Home to approximately 8,402 residents, 2900 households, and 234 renter households (2000 Census), the Town’s goals are consistent with current state and local community planning documents including the: Town of Walworth PC/Codebook; Town of Walworth Comprehensive Plan (amended 1-6 2005); New York State’s 2005-2010 Consolidated Plan; Wayne County Housing Survey for Older Persons; and Wayne County Comprehensive Plan – Public Opinion Survey.

**Community and Housing Goals:**

1. To preserve the rural characteristics of the community, including its scenic landscape features.
2. To provide for a diverse mix of housing opportunities including affordable and accessible housing.
3. To provide additional affordable housing opportunities for the elderly including accessible housing.

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
15 MARCH 2007**

The Town of Walworth Comprehensive Plan (TWCP) Principles include;

- The Town's highest density development is and should remain in the southern tier of the Town, including Gananda (page 19).

The TWCP development goals include:

- Encourage the development of a range of housing types, including affordable housing and housing designed for senior citizens (page 17).

Town of Walworth PC/Code: (Section 180-17 A.1) addresses each of these goals:

"This section specifically encourages innovations in residential development so that the growing demands for housing at all economic levels may be met by greater variety in type, design, and siting of dwellings and by the conservation and more efficient use of land in such developments."

**Objectives:**

1. Pursue and utilize available Federal and State housing programs for the provision of affordable rental and home ownership units for residents.

Town of Walworth PC/Codebook: Section 180-17 C:

"Developers may avail themselves of such state, federal, and other housing programs as may be available to accomplish these objectives. "

2. Develop flexible zoning regulations, which permit affordable and diverse housing opportunities.

Town of Walworth: Specifically Section 180-17 B.1 Planned Development:

"A maximum choice in the types of environment, occupancy tenure (e.g. cooperatives, individual ownership, condominium, leasing), types of housing, lot size and community facilities available not existing and potential Town residents at all economic levels."

3. Create housing opportunities to meet needs including affordable, handicapped-accessible housing targeted to seniors.
4. Evaluate undeveloped parcels for suitability for affordable senior housing and economic development.
5. Encourage development and construction of affordable housing for seniors on vacant land. Support development and construction of a Home Leasing Corporation's property - a rectangular parcel approximately 7.40 acres (part of Tax Parcel 062.114-00-162.129), located north of the intersection of Canandaigua Road and Route 441 (Walworth-Penfield Road) in Gananda, Town of Walworth into affordable senior housing (Gananda Senior Apartments).

This housing resolution was approved on this 15th day of March, 2007.

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

Resolution carried.

**SENIOR HOUSING RESOLUTION 22-07:**

Councilwoman Marini offered the following Resolution **22-07** and moved its adoption.

Seconded by Councilwoman Hawkins-Mance to wit:

**WHEREAS**, Home Leasing Corporation ("HOME LEASING ") intends to develop and construct affordable senior housing on a rectangular parcel approximately 7.40 acres (part of Tax Parcel 062.114-00-162.129), located south of the intersection of

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
15 MARCH 2007**

Canandaigua Road and Route 441 (Walworth-Penfield Road), located in Gananda, Town of Walworth (the "Project"); and

**WHEREAS**, in furtherance of the Project, HOME LEASING will sponsor a to-be-formed Housing Development Fund Corp. ("HDFC") pursuant to the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law ("PHFL") of the State of New York; and

**WHEREAS**, HDFC will serve as a general partner of a to-be-formed limited partnership intended to be named Gananda Senior Housing, L.P. (the "Partnership"), the beneficial and equitable owner of the Project, and will hold fee title to the land upon which the Project will be situated (the "Land"); and

**WHEREAS**, Section 577 of the PHFL authorizes the Town Board to exempt the Land and the Project from real property taxes; and

**WHEREAS**, the Partnership will be willing to enter into a Payment In Lieu Of Taxes Agreement, substantially in the form attached hereto as Exhibit A, whereby it will make annual payments in lieu of taxes to the Town of Walworth (the "Agreement"). The Partnership shall make a payment in lieu of taxes in an amount equal to \$300 per each rental unit within the Project. For each subsequent year through year thirty in the PILOT Period, the Partnership shall make a payment in lieu of taxes equal to the amount of the previous year's payment in lieu of taxes and an annual increase of 2%); and

**WHEREAS**, as permitted by Section 577 of the PHFL and to make the Project economically feasible, the Town Board is willing to exempt the Land and the Project from real property taxes for a period of thirty (30) years, subject to execution and delivery of the Agreement;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board:

Section 1. As permitted by Section 577 of the PHFL, the Town Board hereby (a) exempts the Land and the Project from real property taxes, for a period of thirty (30) years commencing with the first tax year following completion of the Project, and (b) approves the proposed Payment In Lieu Of Taxes Agreement between the Town of Walworth, Gananda Senior Housing, L.P. (or the project's to-be-formed limited partnership), and Gananda Housing Development Fund Corp. (or the project's to-be-formed HDFC), substantially in the form attached hereto as Exhibit A.

Section 2. The Town of Walworth will collect all payments made pursuant to the Agreement, on behalf of the taxing jurisdictions and will distribute such payments one-third to the county and one-third to the school district, retaining one-third for town purposes.

Section 3. The Supervisor of the Town of Walworth is hereby authorized to execute and deliver the Agreement on behalf of the Town of Walworth.

Section 4. This resolution shall take effect immediately, this 15<sup>th</sup> day of March, 2007.

**EXHIBIT A**

**FORM OF PAYMENT IN LIEU OF TAXES AGREEMENT**

**Gananda Senior Housing 7.40 acres of (part of parcel 062.114-00-162.129)**

**PAYMENT IN LIEU OF TAXES AGREEMENT**

This Agreement is made as of the 15th day of March, 2007, by and among the **TOWN OF WALWORTH**, a municipal corporation organized and existing under the laws of the State of New York (the "Town"), **GANANDA SENIOR HOUSING, L.P.**, a limited partnership organized and existing under the laws of the State of New York (the "Partnership"), and **GANANDA HOUSING DEVELOPMENT FUND CORP.**, a corporation organized pursuant to the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law of the State of New York (the "Housing Development Fund Company");

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
15 MARCH 2007**

**WHEREAS**, the Housing Development Fund Company is the owner in fee simple and the Partnership is the beneficial and equitable owner of certain improved real property located rectangular parcel approximately 7.40 acres (part of Tax Parcel 062.114-00-162.129), located south of the intersection of Canandaigua Road and Route 441 (Walworth-Penfield Road) in Gananda, Town of Walworth (the "Property"), NY; and

**WHEREAS**, the Housing Development Fund Company is a general partner of the Partnership; and

**WHEREAS**, the Housing Development Fund Company obtained title to the Property for the purpose of developing, through the Partnership, housing for low income seniors, pursuant to Article XI of the Private Housing Finance Law of the State of New York (the "PHFL"); and

**WHEREAS**, the Partnership was formed in order to facilitate the development of the Project by Home Leasing Corporation (the "Sponsor"); and

**WHEREAS**, during the term of this Agreement, the rents to be charged for apartment units in the Project may be no greater than those permitted by the New York State Division of Housing and Community Renewal pursuant to the Low-Income Housing Tax Credit provisions of Section 42 of the United States Internal Revenue Code, as amended, and State Low-Income Housing Tax Credit, and

**WHEREAS**, in order to make the Project economically feasible for the Partnership, it is necessary to obtain tax relief from the Town on the real property in the Project, while still providing payments to the Town and the County to compensate for services provided by them which are utilized by the Project; and

**WHEREAS**, the Town wishes to grant the Partnership such tax relief as permitted by Section 577 of the PHFL; and

**WHEREAS**, on March 15, 2007, the Town Board of the Town duly adopted a Resolution granting a real property tax exemption to the Property under Section 577 of the PHFL, and authorizing the Supervisor of the Town to enter into a Payment in Lieu of Taxes Agreement with the Partnership and the Housing Development Fund Company providing for payments as set forth herein;

**NOW, THEREFORE**, in consideration of the mutual covenants herein described, the receipt and sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

1. *Grant of Exemption.* As permitted by Section 577 of the PHFL, the Town hereby grants to the Partnership an exemption from all real property taxes, other than assessments for local improvements, during the PILOT Period, as defined below.

2. *Property to Which Exemption Applies.* The property to which the above exemption applies is that rectangular parcel, approximately 7.40 acres (part of Tax Parcel 062.114-00-162.129), located south of the intersection of Canandaigua Road and Route 441 (Walworth-Penfield Road), Walworth, New York, together with all improvements thereon (the "Property").

3. *Term of Exemption.* The exemption provided under this Agreement shall become effective on the first tax status date following completion of the Project, as evidenced by the issuance of a certificate of occupancy for the Project, and continue for a term of thirty (30) years thereafter, unless terminated sooner pursuant to Section 6, below (the "PILOT Period").

4. *Payment in Lieu of Taxes (PILOT).* Notwithstanding the foregoing, during the Project's construction and prior to its completion, the Partnership shall make annual payments in lieu of taxes equivalent to the taxes as of the date of this Agreement. During the first year of the PILOT Period, the Partnership shall make a payment in lieu of taxes in an amount equal to \$300 per each rental unit within the Project. For each subsequent year in the PILOT Period, the Partnership shall make a payment in lieu of taxes payment equal to the amount of the previous year's payment in lieu of taxes payment, plus two percent (2%) (each such payment, as annually increased, shall be known as a "PILOT Payment"). A schedule setting forth each PILOT Payment is attached hereto as Schedule A. Prior to the completion of construction of the Project

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
15 MARCH 2007**

(as evidenced by the issuance of a certificate of occupancy for the Project), the Partnership shall not be required to make a PILOT Payment.

The Town will receive each PILOT Payment on behalf of the taxing jurisdictions. It will forward one-third of each such payment to the County and one-third to the School District. Each PILOT Payment shall be made on or before March 31 of each year, commencing in the first year of the PILOT Period. Late payments will be subject to the same late charges as imposed on the collection of taxes.

5. *Regulation of Rents.* During the term of this Agreement, the rents to be charged for apartment units in the project shall be no greater than those permitted by the New York State Division of Housing and Community Renewal pursuant to the Low-Income Housing Tax Credit provisions of Section 42 of the United States Internal Revenue Code, as amended and State Low-Income Housing Tax Credit provisions.

6. *Termination of PILOT.* In the event that the Partnership fails to make a PILOT Payment as required by this Agreement for two (2) consecutive years, this Agreement shall terminate, the exemption hereunder shall cease, and the improvements shall be placed on the assessment roll by the Assessor of the Town of Walworth. Further, if the owner seeks to change the senior age restriction, the Town has the right to reconsider the PILOT.

**Schedule A Payment of Lieu of Taxes (PILOT)**

Year	PILOT Payment
1	18,600
2	18,972
3	19,351
4	19,738
5	20,133
6	20,536
7	20,947
8	21,366
9	21,793
10	22,229
11	22,673
12	23,127
13	23,589
14	24,061
15	24,542
16	25,033
17	25,534
18	26,044
19	26,565
20	27,097
21	27,639
22	28,191
23	28,755
24	29,330
25	29,917
26	30,515
27	31,126
28	31,748
29	32,383
30	33,031

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
15 MARCH 2007**

**IN WITNESS WHEREOF**, the undersigned have set unto their hands this 15th day of March, 2007.

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

Resolution carried.

**STU BROWN AGREEMENT FOR 2007 SMALL CITIES GRANT APPLICATION PREPARATION:**

Motion by Councilwoman Marini authorizing the Supervisor to sign the agreement with Stuart I. Brown Associates, Inc., to prepare the Town of Walworth's application for the 2007 Small Cities Grant.

Seconded by Councilwoman Hawkins-Mance.

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

Resolution carried.

**LINCOLN FIRE DEPARTMENT SERVICE AWARD PROGRAM:**

Motion by Councilwoman Marini authorizing the Town Board to sign the statement verifying the service points of members of the Lincoln Volunteer Fire Department.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

**INTEGRATED SONICWALL SUPPORT SUBSCRIPTION 2007:**

Motion by Councilwoman Hawkins-Mance authorizing the agreement with Integrated Systems for Sonicwall Support, and extended warranty subscription for 2007, for an amount not to exceed \$115.00.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 3 Nays 0

**LEO ROTH CONTRACT RENEWAL:**

Motion by Councilwoman Marini authorizing the Supervisor to sign the contract renewal with Leo J. Roth Corporation for the period of April 1, 2007, through March 31, 2008, for an amount not to exceed \$2,680.00.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

**BOILER UPGRADES DISCUSSION:**

Motion by Councilwoman Marini authorizing the Supervisor to sign the agreement with Leo J. Roth Corporation to install two (2) low-water cutoff controls and one manual reset high limit switch on the boiler, in compliance with the fire underwriters recommendation, at a cost not to exceed \$983.00.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

**WALWORTH TOWN BOARD - REGULAR MEETING CONTINUED  
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**APPOINTMENT ZONING BOARD CHAIRPERSON:**

Motion by Councilwoman Marini appointing Pam Knapp as Chairperson of the Zoning Board, term expiring December 31, 2007.

Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

**APPOINTMENT ZONING BOARD MEMBER:**

Motion by Councilwoman Marini appointing Michael Bagne to fill the unexpired term of Kenneth Masker on the Zoning Board, term expiring December 31, 2008.

Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

**EXECUTIVE SESSION:**

Motion by Councilwoman Hawkins-Mance to adjourn to executive session for matters of litigation.

Seconded by Councilwoman Marini and unanimously carried.

Time: 8:15 PM.

**RECONVENED:**

Supervisor Plant reconvened the meeting at 8:55 PM.

**2007 TAX COLLECTION SUMMARY-TO-DATE REPORT:**

Motion by Councilwoman Marini to accept and file the 2007 tax collection summary report submitted by Louise Weller, Receiver of Taxes.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

**PYRAMID NETWORK SERVICES – T-MOBILE:**

Supervisor Plant stated that T-Mobile is interested in knowing if the Town would consider leasing them a parcel of land on which to place another tower. T-Mobile has discussed leasing a parcel of land with Wayne County as well. Council members would like to wait for Wayne County's decision. Additional information is needed; discussion tabled for now.

**TENTATIVE EQUALIZATION RATE:**

Supervisor Plant stated that the Town's tentative equalization rate is 92.08%; after the reassessment it should go up to 100%.

**ADJOURNMENT:**

Motion by Councilwoman Marini to adjourn.

Seconded by Councilwoman Hawkins-Mance and unanimously carried.

Time: 9:05 PM.

Respectfully Submitted,

Susie C. Jacobs, Town Clerk