

**WALWORTH TOWN BOARD – REGULAR MEETING
16 OCTOBER 2014**

Presiding Supervisor Marini called the regularly scheduled Town Board Meeting, County of Wayne, State of New York, held at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY to order at 7:30 PM and led those present in the Pledge of Allegiance.

PRESENT:

Patricia Marini	Supervisor
Larry Ruth	Councilman
Vaughn Pembroke	Councilman
Suzi Hawkins-Mance	Councilwoman
Judy Markowski	Councilwoman
Michael Frederes	Highway Superintendent
Susie Jacobs	Town Clerk

OTHERS PRESENT: Rob Burns, Sewer Superintendent; Jacqueline VanLare, Recreation Director; Jean Johnson, Town Comptroller; Town Newspaper Reporter, and five (5) attendees.

MINUTES:

Motion by Councilman Ruth that the Minutes of October 2, 2014 Regular Meeting be approved as submitted by the Town Clerk.

Seconded by Councilwoman Hawkins-Mance.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

PUBLIC PARTICIPATION:

No one present offered any comments.

SUPERVISOR'S REPORT:

Motion by Councilman Ruth to accept as presented the Supervisor's Report for, September, 2014.

Seconded by Councilwoman Markowski.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

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**RESOLUTION 206-14 AMENDING RESOLUTION 202-14 - LINCOLN
VOLUNTEER FIRE DEPARTMENT 2015 CONTRACT AMOUNT \$152,158.00**

Councilman Ruth offered the following Resolution and moved its adoption.

Seconded by Councilman Pembroke to wit:

WHEREAS, that the Town Board held a Public Hearing on October 2, 2014, and

WHEREAS, that the Town Board of the Town of Walworth Adopted Resolution 202-14 on October 2, 2014; authorizing the Town Supervisor to sign the contract with the Lincoln Volunteer Fire Department for the 2015 Contract Amount of \$182,072.00, and

WHEREAS, that the Lincoln Volunteer Fire Department 2015 Contract Amount was incorrect and the correct 2015 Contract Amount should be \$152,158.00.

BE IT RESOLVED, that Patricia Marini, Town Supervisor, is authorized and directed to sign the Lincoln Volunteer Fire Department for the 2015 Contract Amount of \$152,158.00.

Now, therefore, **BE IT FURTHER RESOLVED**, that the Town Board of the Town of Walworth adopts Resolution 206-14.

Adopted this 16th day of October, 2014, at the meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

RECUSAL – SUPERVISOR MARINI:

Supervisor Marini recusing from the West Walworth Fire Department discussion - Suzi Hawkins-Mance, Deputy Supervisor, presiding over Resolution 207-14.

**RESOLUTION 207-14 AMENDING RESOLUTION 203-14 - WEST
WALWORTH VOLUNTEER FIRE DEPARTMENT 2015 CONTRACT AMOUNT
\$161,635.00**

Councilman Pembroke offered the following Resolution and moved its adoption.

Seconded by Councilman Ruth to wit:

WHEREAS, that the Town Board held a Public Hearing on October 2, 2014, and

WHEREAS, that the Town Board of the Town of Walworth Adopted Resolution 203-14 on October 2, 2014; authorizing the Town Deputy Supervisor to sign the contract with the West Walworth Volunteer Fire Department for the 2015 Contract Amount of \$186,79.00, and

WHEREAS, that the West Walworth Volunteer Fire Department 2015 Contract Amount was incorrect, and the correct 2015 Contract Amount should be \$ 161,635.00.

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BE IT RESOLVED, that Suzi Hawkins-Mance, Town Deputy Supervisor, is authorized and directed to sign the West Walworth Volunteer Fire Department for the 2015 Contract Amount of \$161,635.00.

Now, therefore, **BE IT FURTHER RESOLVED**, that the Town Board of the Town of Walworth adopts Resolution 207-14.

Adopted this 16th day of October, 2014, at the meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Abstain

Resolution carried.

SUPERVISOR MARINI CONTINUED PRESIDING OVER THE REGULAR MEETING:

COMMITTEE REPORTS:

Council members reported on their respective committees with the following Town Board actions:

RESOLUTION 213-14 AUTHORIZING TOWN SUPERVISOR TO SIGN THE PROPOSAL FROM GENERAL CODE FOR IMAGING, INDEXING AND SCANNING OF ASSESSMENT AND TAX ROLLS TOWN PERMANENT RECORDS:

Councilman Ruth offered the following Resolution 213-14 and moved its adoption.

Seconded by Councilwoman Markowski to wit:`

The following was submitted pages 1-10 are on file in the Town Clerks Office:

Continued on the next page
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Town of Walworth

ASSESSMENT ROLLS:

1913-1916 (Bound)		
Estimated Quantities	Unit Price	Extended Price
page/images: 1200	\$0.517	\$620.40
1919-1921 (Bound)		
Estimated Quantities	Unit Price	Extended Price
page/images: 1200	\$0.517	\$620.40
1923-1931 (Bound)		
Estimated Quantities	Unit Price	Extended Price
page/images: 1200	\$0.517	\$620.40
1932, 1937-1938, 1940, 1942-1945 (Bound)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2600	\$0.517	\$1,344.20
1946-1947, 1948 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 500	\$0.173	\$86.50
1949-1959 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2600	\$0.173	\$449.80
1960, 1962-1967 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2200	\$0.173	\$380.60
1968-1972 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2200	\$0.173	\$380.60
1973-1976 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2200	\$0.173	\$380.60
1961, 1976-1977 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2000	\$0.173	\$346.00
1978-1979 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2000	\$0.173	\$346.00
1979-1980 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2000	\$0.173	\$346.00
1981-1982 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2200	\$0.173	\$380.60
1982-1984 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2200	\$0.173	\$380.60

Continued on the next page
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1983-1986 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2200	\$0.173	\$380.60
1985-1986 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2000	\$0.173	\$346.00
1987-1989 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2200	\$0.173	\$380.60
1989 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2000	\$0.173	\$346.00
1990-1992 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 1050	\$0.173	\$181.65
1991-1992 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 1400	\$0.173	\$242.20
1993 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 1400	\$0.173	\$242.20
1993-1994 (Loose Leaf)		
Estimated Quantities	Unit Price	Extended Price
page/images: 2000	\$0.173	\$346.00
Other Charges		
Project Management and other related services: Including job setup, creation of file structures and database (as applicable), Laserfiche viewer containing images and data on removable media.		Included in per-image price
Total Estimated Image Conversion		\$9,147.95
Shipping (\$50.00/trip)		\$100.00
Fee to Process and Upload Images into Laserfiche		\$750.00
Total Estimated Project Investment		\$9,997.95

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AUTHORIZATION & AGREEMENT

The **Town of Walworth, New York** hereby agrees to the procedures outlined above, to General Code's Document Management Solution Terms & Conditions which are available at <http://www.generalcode.com/TCdocs> and are incorporated herein by reference, and authorizes General Code to proceed with the project.

Base Document Imaging & Scanning Services Price: \$ 9,997.95

Payment Schedule:

- Image conversion fees will be invoiced monthly based on the per image charge for the actual images delivered.
- All other fees will be invoiced in the month incurred.

Performance Schedule:

The project will be completed within 90 days of General Code's receipt from the Town of all materials necessary to complete the project.

(Client please fill out) Invoice for this Project to be sent to:

Department: _____ Contact Name: _____

TOWN OF WALWORTH, WAYNE COUNTY, NEW YORK

By: _____ In the Presence of: _____

Title: _____ Title: _____

Date: _____ Date: _____

GENERAL CODE, LLC

By: _____ In the Presence of: _____

Title: _____ Title: _____

Date: _____ Date: _____



BE IT RESOLVED, to authorize Town Supervisor to sign the proposal from General Code for Document Imaging, Indexing and Scanning the Town Assessment and Tax Rolls – Town Permanent Records from budgeted line A1410.44 Records Management - \$9,997.95. Procurement Form submitted.

Adopted this 16th day of October 2014, at the meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

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**LIBRARY – APPOINTMENT OF LIBRARY BOARD OF TRUSTEE MEMBERS
& TREASURER:**

The Library Board of Trustees appointed two (2) vacant unexpired term positions and filled the Treasurers vacancy.

Trustees:

Carol Dame

Term ending 12/31/18

Misty Blevins

Term ending 12/31/17

Treasurer:

Gary Dewitt

**RESOLUTION 212-14 AUTHORIZING THE TOWN SUPERVISOR TO SIGN
THE AGREEMENT WITH WAYNE CENTRAL SCHOOL DISTRICT FOR SALT
AND SANDING FOR THE 2014-2015 SCHOOL YEAR:**

Councilwoman Hawkins-Mance offered the following Resolution 212-14 and moved its adoption. Seconded by Councilman Pembroke to wit:

WHEREAS, Mike Frederes, Highway Superintendent, has reviewed the Agreement with Wayne Central School District for 2014-2015 school year, and

WHEREAS, the Council members of the Town of Walworth authorizes the Town Supervisor to sign the Agreement with Wayne Central School District for salt and sanding 2014-2015 for salt and sanding at \$23.00 per trip to cover cost of materials, as submitted by Mike Frederes, Highway Superintendent.

The following was submitted:

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Wayne Central School District
Office of the Assistant Superintendent for Business

P.O. Box 155
6200 Ontario Center Road
Ontario Center, NY 14520
315-524-1011

October 1, 2014

Ms. Patti Marini
Walworth Town Supervisor
3600 Lorraine Drive
Walworth, NY 14568

Dear Ms. Marini:

The Wayne Central School District would like to enter into a written agreement for salting and sanding driveways and parking lots of the school district for the 2014-2015 snow removal season.

I am including a written agreement for your review. This is the same agreement as executed for the 2013-2014 snow removal season. If you are in agreement, please sign the two copies enclosed and return to my office as soon as possible so that this agreement can be made before the snow season begins. When the document is properly executed, I will return one copy for your records.

A Certificate of Insurance naming the Town of Walworth as an additional insured on the Wayne Central District's liability insurance policy will be forwarded to you as soon as it is received from our insurance agent.

If there are any questions, please call my office.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregory J. Atseff", is written over a horizontal line.

Gregory J. Atseff
Assistant Superintendent for Business

/cl

Enclosures

"The Best by Any Measure"

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AGREEMENT BETWEEN
TOWN OF WALWORTH and WAYNE CENTRAL SCHOOL DISTRICT

THIS AGREEMENT, made the _____ day _____, 2014, by and between the Town of Walworth, Wayne County, New York, (hereinafter referred to as the "Town of Walworth") and the Wayne Central School District, a school district of the State of New York with an office and principal place of business at Ontario Center, County of Wayne, New York (hereinafter referred to as the "School District"), made pursuant to Section 142-b of the Highway Law of the State of New York, as follows:

WHEREAS, said School District maintains buildings, grounds and appurtenant driveways and parking lots at various locations within the Town of Walworth, and _____

WHEREAS, the Town of Walworth, by its Highway Department, regularly salts and sands the highways adjacent to said driveways and parking lots of the School District, and

WHEREAS, while the School District, has by separate contract, contracted with private snow removal concerns for the removal of snow from its parking lots and driveways, it is desirous of using the services of the Highway Department of the Town of Walworth for salting and sanding the driveways and parking lots as aforesaid for the protection of the health, safety, and welfare of the citizens and children of the Town of Walworth in attendance at the School District, and

WHEREAS, it appears that the actual cost to the Town of Walworth by its Highway Department, for the provision of salting and sanding services, when, as and if salt and sand are being applied by the Town of Walworth Highway Department to the roads of the Town of Walworth, are nominal in amount and would be beneficial to the School District as well as the citizens and residents of the Town of Walworth generally.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. That during the 2014-2015 snow removal season,
 - a) trucks and equipment of the Town of Walworth Highway Department will, in the sole and uncontrolled discretion of the Highway Superintendent of the Town of Walworth, enter upon driveways and parking lots of the School District, located within the Town of Walworth, as and if trucks and equipment of the Town of Walworth are operating in the vicinity of school facilities above described.
 - b) said Highway Superintendent will conduct salting and sanding of said driveways and parking lots only at the request and direction of authorized and designated school district personnel, including the amount of salt and/or sand to be placed on said driveways and parking lots.

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- 2. The School District, by its Board of Education, hereby agrees to provide reasonable access to such driveways and parking lots, and hereby expressly releases the Town of Walworth and its Highway Department from any and all claims and damage to paving, parking facilities, or landscaping arising from or connected with such salting and sanding operations, and
- 3. In consideration of the foregoing salting and sanding services to be performed by the Town of Walworth Highway Department, the School District hereby agrees to pay to the Town of Walworth the sum of \$1.00 annually for such service and to further pay the actual value of salt and sand spread and delivered as calculated by the Town of Walworth Highway Superintendent, in an amount estimated to be \$23.00 / TRIP for the said 2014-2015 snow removal season.
- 4. This School District agrees to hold harmless and indemnify the Town of Walworth from any and all claims, actions, suits, orders, judgments of whatever nature that may be brought and/or obtained against the Town of Walworth, caused by or resulting from or incidental to the salting and sanding operations by the Town of Walworth on School District property as provided herein and in connection with any such claim, action, suit, order, judgment of whatever nature the School District shall hold harmless and indemnify the Town of Walworth from any and all reasonable and necessary expenses and disbursements which may be incurred, including reasonable attorneys fees.
- 5. In consideration of the foregoing salting and sanding services to be performed by the Town of Walworth Highway Department, the School District hereby agrees to name the Town of Walworth Highway Department as an additional insured on the school district's insurance policy.

THIS AGREEMENT is made pursuant to Section 142-b of the Highway Law of the State of New York.

TOWN OF WALWORTH

Seal

by _____
Supervisor

Seal

by _____
Superintendent of Schools

BE IT RESOLVED, that the Town Supervisor, sign the contract.

Adopted this 16th of October 2014, at the meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

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**RESOLUTION 215-14 AUTHORIZING AMENDMENT B 2013-14 SNOW AND
ICE INDEXED LUMP SUM CONTRACTS:**

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

Seconded by Councilman Ruth to wit:

WHEREAS, Mike Frederes, Highway Superintendent, has reviewed the 2013-14 Amendment B – S&I Indexed Lump Sum Contracts, and

WHEREAS, Town Board of the Town of Walworth has reviewed the Amendment to Change the Estimated Expenditure for Snow & Ice Agreement for 2013-14 for the Town of Walworth, and

WHEREAS, the Town Board of the Town of Walworth authorizes Patricia Marini, Town Supervisor, to sign the Amendment B.

The following was submitted:

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MEMORANDUM
Department of Transportation

TO: Susan Miles, Region 4 TMD
FROM: April Steward, Transportation Maintenance Division, POD 54, Wolf Road
SUBJECT: 2013/14 AMENDMENT B - S&I INDEXED LUMP SUM CONTRACTS
DATE: September 4, 2014

In order for TMD to make payments on indexed lump sum snow and ice contracts that had payment factors over 1.00 we first have to amend their existing S&I contracts. The amendments allow OSC to better track the actual costs associated with each S&I Agreement. In the past we paid adjustments to the S&I contracts with Snow and Ice vouchers. This process did not allow OSC the ability to track all costs associated with each S&I agreement.

If any changes are to be made to the amendment both the municipality and DOT representative should initial by the change. The municipalities will also have to issue a signed and sealed Resolution from their governing body authorizing a Municipal Official to enter in the above Amendment.

It is important that **four (4) Amendments with original signatures and notary seals on each and four (4) resolutions from the municipality, complete with original signatures and certified with the Municipal Seal on each**, be returned to this office as soon as possible for processing. The adjustment payments will be made once the amendments have been approved by OSC.

The amendment is for payment purposes only, the Revised Estimated Expenditure should not be carried over to the next year's contract extension and be used as the Estimated Expenditure. The amendments allow us to put the additional money on the contract so that the municipality can be paid for that season **ONLY**.

If you have any questions you can either call me at (518) 457-9500 or email at april.steward@dot.ny.gov.

ALS:als

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AMENDMENT B

RECEIVED BY D.O.T.
14 SEP 15 AM 5:39

Contract #	Municipality	Ext. Season	Region #
D009829	TOWN OF WALWORTH	2014/15	4
Beginning Date of Contract Period	7/1/1995	Ending Contract Period	6/30/2015

**AMENDMENT TO CHANGE THE ESTIMATED EXPENDITURE
FOR SNOW & ICE AGREEMENT**

Due to the severity of the winter during 2013/14 the MUNICIPALITY requests that the Municipal Snow and Ice Agreement estimated expenditure be revised to reflect the additional lane miles of state roads that were plowed/treated during the winter season. All the terms and conditions of the original contract extension remain in effect except as follows:

ADDITIONAL S&I OPERATIONS					
J-Mile Base	13/14 J-Miles	S&I LM Base	13/14 LM	Pay Factor ¹	Original Estimated Expenditure
198,794	293,402	700	707	1.461	\$71,590.27
Pay Factor ¹ = (13/14 J-Miles/(13/14 LM))/(J-Mile Base/S&I LM Base)					
Fixed Cost ²		Adjusted Estimated Expenditure ³		Index Adjustment ⁴	
\$2,946.90		\$68,643.37		\$31,644.59	
Fixed Cost ² = Salt Storage (Barns), Snow Fence					
Adjusted Est. Expenditure ³ = Original Estimated Expenditure – Fixed Cost ²					
Index Adjustment ⁴ = (Adjusted Estimated Expenditure ³ * Pay Factor ¹) – Adjusted Estimated Expenditure					
TOTAL REVISED ESTIMATED EXPENDITURE					
Original Estimated Expenditure		Index Adjustment ⁴		Revised Estimated Expenditure ⁵	
\$71,590.27		\$31,644.59		\$103,234.86	
Revised Estimated Expenditure ⁵ = Original Estimated Expenditure + Index Adjustment ⁴					

IN WITNESS WHEREOF, this agreement has been executed by the State, acting by and through the duly authorized representative of the COMMISSIONER OF TRANSPORTATION and the MUNICIPALITY, which has caused this Agreement to be executed by its duly authorized officer on the date and year first written in the original contract extension.

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Agency Certification Contract No. D009829

“In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this contract.”

THE PEOPLE OF THE STATE OF NEW YORK

MUNICIPALITY

BY _____
For Commissioner of Transportation

BY _____

ATTORNEY GENERAL’S SIGNATURE

COMPTROLLER’S SIGNATURE

Dated _____

Dated _____

STATE OF NEW YORK)

) SS:

COUNTY OF)

On the _____ day of _____ in the year _____ before me personally came _____ to me known who, being by me duly sworn, did depose and say that (s)he resides in _____, New York; that (s)he is the _____ of _____ the municipality described in and which executed the above instrument; that (s)he executed said instrument by order of the Governing Body of said municipality pursuant to a resolution which was duly adopted on _____; a certified copy of such resolution attached hereto and made a part hereof.

Notary Public

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NOW BE IT RESOLVED that the Town Council of the Town of Walworth adopt Resolution 215-14.

Adopted this 16th day of October 2014, at the meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

TRAINING - STATE ENVIRONMENTAL QUALITY REVIEW:

The following attended the State Environmental Quality Review (SEQR) an Overview and Recent Changes to Environmental Assessment Forms Training on Tuesday, September 30, 2014 instructed by Mark Tayrien, JD, AICP and Kathy Spencer, CEP from LaBella Associates. Two hour Training Credit awarded.

Michael Melino
Larry Ruth
Mike Bagne
Karel Ambroz
Judith Markowski
Pam Knapp
Bob Plant
Lou Villanova
Gene Bavis
Deb Amsler
Susie Jacobs

Motion by Councilwoman Hawkins-Mance to accept and file.
Seconded by Councilwoman Markowski.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

SEWER – RESOLUTION 216-14 AUTHORIZE PART TIME EMPLOYEE FOR THE WASTE WATER TREATMENT PLANT:

Councilman Pembroke offered the following Resolution and moved its adoption.
Seconded by Councilwoman Hawkins-Mance to wit:

BE IT RESOLVED, that Mr. David Barmaster be hired part-time for the Walworth Sewer Treatment Plant, effective November 4th – December, 2014.
Discussion ensued.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

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OTHER BUSINESS:

RESOLUTION 210-14 FINANCIAL TRANSFERS:

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

Seconded by Councilman Ruth to wit:

The following was submitted:

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BE IT RESOLVED that the Town Comptroller be authorized to modify budget as follows:

\$457.22 from A1410.46 Town Clerk Mileage to A1410.41 Town Clerk Office Expense.

To cover current expenditures.

\$15,000.00 from General Fund Balance to A1420.41 Town Counsel. To cover current

expenditures.

\$350.50 from A1990.41 Contingent Account to Town Counsel Litigation A1420.42.

To cover current expenditures.

\$130.00 from General Fund Balance to A7110.45 Farmers Market. The funds to cover

this transfer were credited to A2089 Recreation Other Income.

\$1,000.00 from General Fund Balance to A7310.42 Youth Recreation Instruct Fees.

The funds to cover this transfer were credited to A2001 Recreation Fees.

\$2,970.70 from General Fund Balance to A7310.43 Youth Recreation New/Special

Programs. The funds (Donations to Harvest Moon Festival) were credited to

A2089 Recreation Other Income.

\$200.00 from Gananda Light District Fund Balance to SL3-5182.42 Street Light Repairs. To cover current expenditures.

\$16.25 from SS8130.409 Sewer Maintenance to SS8130.411 Sewer Billing. To cover

current expenditures.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Deputy Supervisor Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

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RESOLUTION 211-14 – ABSTRACT #10 – APPROVAL:

Councilman Ruth offered the following Resolution 211-14 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

The following was submitted:

To: Walworth Town Board
From: Jean Johnson, Town Comptroller
Date: 16-Oct-14
Re: Abstract #10

Attached please find a copy of the Abstracts by Fund. I have audited

all claims and will be transferring funds to cover payments by Fund as follows:

Vouchers Numbers #1516-1699

General Fund	\$63,482.96
Highway Fund	\$62,450.88
Sewer Fund	\$31,259.67
Park Special Revenue Fund	\$1,020.34
Walworth Light District	\$430.20
Harvest Hill Light District	\$434.90
Gananda Light District	\$2,471.75
Brookside Light District	\$9.19
Orchard View Light District	\$95.83
Parkview Green Park District	\$200.00
Consolidated Drainage	\$642.00
Self Insurance	
Fund	\$1,059.50
Water Extension #19	\$0.00
Water Extension #20	\$0.00
Total Payments	\$163,557.22

Voucher Numbers #163-183

Trust & Payroll	\$30,000.90
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Checks will be issued on October 17, 2014

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Deputy Supervisor Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

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**RESOLUTION 214-14 AUTHORIZING TOWN SUPERVISOR TO SIGN THE
SCHINDLER ELEVATOR CORPORATION UPGRADE ORDER AGREEMENT
ESTIMATE NUMBER: RMON-PNLPLB (2014.1):**

Councilwoman Hawkins-Mance offered the following Resolution 214-14 and moved its adoption.

Seconded by Councilman Pembroke to wit:

BE IT RESOLVED, authorizing the Town Supervisor to sign the Schindler Elevator Corporation Upgrade Order Agreement Estimate Number: RMON-9NLPLB from Budget A1620.42 Building Maintenance & Repair - \$2,691.00. Procurement Form submitted.

The following was submitted:

Oct. 14. 2014 12:58PM Schindler Elevators (Rochester) No. 2018 P. 2

SCHINDLER ELEVATOR CORPORATION
50 Vantage Point Drive
Suite 2
Rochester, NY 14624-1181
Phone: 585-352-2088
Fax: 585-352-2093

UPGRADE ORDER AGREEMENT

Date: 09/03/2014

Estimate Number: RMON-9NLPLB (2014.4.1)

To:
Walworth Town Hall
3600 Lorraine Dr
Walworth, NY 14568-9311

Customer:
Walworth Town Hall
3600 Lorraine Dr
Walworth, NY 14568-9311

Attn: Bob Plant

Schindler hereby proposes to furnish and install the following with respect to the equipment located at the above building:

Packing Replacement

Price: \$2,691.00, plus applicable taxes. (Quotations valid for 60 days; price based upon work during regular working hours of regular working days.)

For an additional discount of 10% off the price noted above, I agree to extend my current maintenance contract, which includes the unit that this fixed price work will be executed on, with all same terms and conditions, for an additional term of the original duration of the maintenance contract.

I am authorized to bind the company

Date: _____

Payment: Payable in full within 30 days of invoice. Schindler retains title to any equipment furnished hereunder until final payment is made. Late or non-payment will result in assessment of interest charged at a rate of 1 1/2% per month or the highest legal rate available, and any attorneys' fees, expenses and costs of collection.

**WALWORTH TOWN BOARD – REGULAR MEETING
16 OCTOBER 2014**

Oct. 14. 2014 12:58PM Schindler Elevators (Rochester)

No. 2018 P. 3

The attached terms and conditions are incorporated herein by reference.

Acceptance by you as owner's agent or authorized representative and subsequent approval by our authorized representative will be required to validate this agreement.

Proposed:

Accepted:

By: Rosemarie Morrison

By: _____

For: Schindler Elevator Corporation

For: Walworth Town Hall

Title: Sales Representative

Title: _____

Date: 9/3/2014

Date: _____

Approved:

By: Peter Hall

Title: District Manager

Date: _____

**WALWORTH TOWN BOARD – REGULAR MEETING
16 OCTOBER 2014**

Oct. 14. 2014 12:58PM Schindler Elevators (Rochester)

No. 2018 P. 4

TERMS AND CONDITIONS

1. Any changes to the building to meet local or state codes are to be made by Purchaser. Any changes in the Work required due to building conditions discovered in the performance of the Work will be paid by Purchaser.
2. No work, service materials or equipment other than as specified hereunder is included or intended.
3. Purchaser retains its normal responsibilities as Owner of the equipment which is subject of this Agreement.
4. Schindler will not be liable for damages of any kind, in excess of the Price of this Agreement, nor in any event for special, indirect, consequential or liquidated damages.
5. Any cutting and patching is by others and not included in this work.
6. Neither party shall be responsible for any loss, damage, detention or delay for causes beyond its reasonable control, including strikes, lockouts, or labor disputes, or acts of God. Dates for the performance or completion of the work shall be extended as is reasonably necessary to compensate for the delay.
7. We warrant that the work will comply with the specifications and that there will be no defects in materials or workmanship for one year after completion of the work or acceptance thereof by beneficial use, whichever is earlier. Our duty under this warranty is to correct nonconformance or defect at our expense within a reasonable time after the receipt of notice. THE EXPRESS WARRANTIES CONTAINED HEREIN ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Purchaser's remedies hereunder are exclusive.
8. Purchaser agrees to defend, indemnify and hold Schindler harmless from and against any claims, lawsuits, demands, judgments, damages, costs and expenses arising out of this Agreement except to the extent caused by or resulting from the sole and direct fault of Schindler.
9. Any proprietary material, information, data or devices contained in the equipment or work provided hereunder, or any component or feature thereof, remains our property. This includes, but is not limited to, any tools, devices, manuals, software (which is subject to a limited license for use in this building/premises/equipment only), modems, source/ access/ object codes, passwords and the Schindler Remote Monitoring feature ("SRM") (if applicable) which we will deactivate and remove if the Agreement is terminated.

Adopted this 16th day of October 2014, at the meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Deputy Supervisor Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

**WALWORTH TOWN BOARD – REGULAR MEETING
16 OCTOBER 2014**

RECESS:

Supervisor Marini indicated that we will take a two minute recess while we wait the time for the Public Hearing scheduled at 7:45 PM.

RECONVENE:

Supervisor Marini reconvened the regularly scheduled
Time: 7:45 PM.

7:45 PM PUBLIC HEARING – 2015 PRELIMINARY BUDGET:

Susie C. Jacobs, Town Clerk, certify the notice of Public Hearing for 2015 Preliminary Budget was duly published three (3) times in the Town's official newspaper on September 28, 2014, October 5, 2014 and October 12, 2014, Notices also posted on the Town website.

Copies are available to the public.

Motion by Councilman Ruth to waive the reading of the Public Notice.
Seconded by Councilwoman Hawkins-Mance.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

Supervisor Marini provided the instructions for a Public Hearing and declared the Public Hearing opened indicating if anyone present would like to speak in **FAVOR** or **AGAINST** the 2015 Preliminary Budget.

Time: 7:47 PM.

After three (3) inquires, no one wished to comment.

Motion by Councilwoman Hawkins-Mance to close the Public Hearing.
Seconded by Councilman Pembroke.

Time: 7:47 PM.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Deputy Supervisor Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

**WALWORTH TOWN BOARD – REGULAR MEETING
16 OCTOBER 2014**

RECESS:

Supervisor Marini indicated that we will have a three minute recess while we wait the time for the Public Hearing scheduled at 7:50 PM.

RECONVENE:

Supervisor Marini reconvened the regularly scheduled
Time: 7:51 PM.

**7:50 PM PUBLIC HEARING – PROPOSED LOCAL LAW NO. 5 OF 2014
REPEALING LOCAL LAW NO. 2 OF 2014 TAX LEVY OVERRIDE:**

Susie C. Jacobs, Town Clerk, certify the notice of Public Hearing for Proposed Local Law No. 5 of the Year 2014 Repealing Local Law No. 2 of the year 2014 Tax Levy Override was duly published two (2) times in the Town’s official newspaper on October 5, 2014 and October 12, 2014, Notices also posted on the Town website.

Copies are available to the public.

Motion by Councilman Pembroke to waive the reading of the Public Notice.
Seconded by Councilman Ruth.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

Supervisor Marini provided the instructions for a Public Hearing and declared the Public Hearing opened indicating if anyone present would like to speak in **FAVOR** or **AGAINST** Proposed Local Law No. 5 of the Year 2014.
Time: 5:53 PM.

After three (3) inquires, no one wished to comment.

Motion by Councilwoman Hawkins-Mance to close the Public Hearing.
Seconded by Councilman Ruth.
Time: 7:53 PM.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Deputy Supervisor Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

**WALWORTH TOWN BOARD – REGULAR MEETING
16 OCTOBER 2014**

**RESOLUTION 208-14 ADOPTION OF PROPOSED LOCAL LAW NO. 5 OF
THE YEAR 2014- REPEAL LOCAL LAW NO. 2 OF THE YEAR 2014
OVERRIDE LAW:**

Councilman Ruth offered the following Resolution and moved its adoption.
Seconded by Councilwoman Hawkins-Mance to wit:

Proposed Local No. 5 of the year 2014
Repeal Local Law No. 2 of 2014 Override Law
Town of Walworth, County of Wayne

**A local law to REPEAL Local Law No. 2 OF THE YEAR 2014 override the tax
levy limit established in General Municipal Law 3-c**

Section 1. Legislative Intent

It is the intent of this local law to **repeal** Local Law No. 2 of 2014, adopted on June 5, 2014: override the limit on the amount of real property taxes that may be levied by the Town of Walworth, County of Wayne pursuant to General Municipal Law § 3-c, and to allow the Town of Walworth, County of Wayne to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2015 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective date.

This local Law shall take effect immediately upon filing with the Secretary of State.

BE IT RESOLVED, the Town Clerk submits the necessary documents pertaining to the adoption of said proposed Local Law No. 5 of 2014, for filing with the Secretary of State.

Adopted this 16th day of October 2014, at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Deputy Supervisor Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

RECESS: TOWN COMPTROLLER SUBITTAL OF DOCUMENTS TO NYS:

Time: 7:55 PM

**WALWORTH TOWN BOARD – REGULAR MEETING
16 OCTOBER 2014**

RECONVENE:

Supervisor Marini reconvened the regularly scheduled
Time: 8:14 PM.

FINANCE - NYS TAX CAP REPORTED:

The following was submitted:

Tax Cap Printable Summary

Page 1 of 1

Real Property Tax Cap / Tax Freeze

Municipality: Town of Walworth (540386700000)
Fiscal Year Ending: 12/31/2015
Status: Submitted

Tax Levy Limit Before Adjustments and Exclusions	
Tax Levy FYE 2014	\$2,377,828
Tax Cap Reserve Plus Interest from FYE 2013 Used to Reduce 2014	\$0
Total Tax Cap Reserve Amount (including interest earned) from FYE 2014	\$0
Tax Base Growth Factor	1.0058
PILOTs Receivable FYE 12/31/2014	\$6,711
Tort Exclusion Amount Claimed in FYE 12/31/2014	\$0
Allowable Levy Growth Factor	1.0156
PILOTs Receivable FYE 12/31/2015	\$6,845
Available Carryover from FYE 12/31/2014	\$36,439
Total Levy Limit Before Adjustments/Exclusions	\$2,465,338
Adjustments for Transfer of Local Government Functions	
Costs Incurred from Transfer of Local Government Functions	\$0
Savings Realized from Transfer of Local Government Functions	\$0
Total Adjustments	\$0
Tax Levy Limit, Adjusted for Transfer of Local Government Functions	\$2,465,338
Exclusions	
Tax Levy Necessary for Expenditures Resulting from Tort Orders/Judgements Over 5%	\$0
Teachers Retirement System	\$0
Employees Retirement System	\$0
Police and FireFighters Retirement System	\$0
Total Exclusions	\$0
Tax Levy Limit, Adjusted for Transfers, Plus Exclusions	\$2,465,338
Total Tax Cap Reserve Amount Used to Reduce 2015 Levy	\$0
2015 Proposed Levy, Net of Reserve	\$2,409,985
Difference between Tax Levy Limit Plus Exclusions and Proposed Levy	\$55,353
Do you plan to override the cap in 2015?	<input type="radio"/> Yes <input checked="" type="radio"/> No

History

Date and Time	Status Change	User	Explanation
10/16/2014 8:11:17 PM	Form Submitted	Jean Johnson (LG540386700000B)	

**WALWORTH TOWN BOARD – REGULAR MEETING
16 OCTOBER 2014**

Jean Johnson

From: LGSAMonitoring@osc.state.ny.us
Sent: Thursday, October 16, 2014 8:11 PM
To: Jean Johnson
Subject: LGPTC - Town of Walworth (540386700000) 12/31/2015 Tax Cap Report status been set to Submitted.

The status of a Tax Cap Report has changed:

MUNI CODE: 540386700000
MUNI NAME: Walworth
CLASS: Town
FISCAL YEAR END: 12/31/2015
DATE: Thu Oct 16 20:11:17 EDT 2014
CURRENT STATUS: Submitted

Please do not respond to this message. This is an automatically generated message sent from an unmonitored email address.

**WALWORTH TOWN BOARD – REGULAR MEETING
16 OCTOBER 2014**

RESOLUTION 209-14 ADOPTION 2015 BUDGET:

Councilman Ruth offered the following Resolution and moved its adoption, seconded by Councilman Pembroke to wit:

WHEREAS, the Town Board of the Town of Walworth held a Public Hearing on October 16, 2014.

BE IT RESOLVED, that the Budget for the year 2015 be adopted subject to the use of fund balances as follows:

GENERAL FUND	\$148,714.00
HIGHWAY FUND	\$174,921.00
DEPT SERVICES	\$ 4,980.00
TOTAL	\$328,615.00

Now, therefore, **BE IT FURTHER RESOLVED**, that the Town Board of the Town of Walworth adopts Resolution209-14.

Adopted this 16th day of October 2014, at the meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Deputy Supervisor Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.

Seconded by Councilman Ruth.

Time: 8:15 PM.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Deputy Supervisor Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

Respectfully Submitted,

Susie C. Jacobs, MMC, RMC
Town Clerk