

**WALWORTH TOWN BOARD – REGULAR MEETING
17 OCTOBER 2013**

Presiding Supervisor Plant 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 with the Pledge to the Flag.

PRESENT:

Robert Plant	Supervisor
Patricia Marini	Councilwoman
Vaughn Pembroke	Councilman
Larry Ruth	Councilman
Tom Yale	Councilman
Michael Frederes	Highway Superintendent
Susie Jacobs	Town Clerk

ABSENT:

OTHERS PRESENT: Rob Burns, Sewer Superintendent; Jacqueline VanLare, Recreation Director; Jean Johnson, Town Comptroller; Linda Bretsch, Receiver of Taxes; Linda Kleeman, Sewer Clerk; Newspaper Reporter, twelve attendees.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into executive session to discuss collective bargaining negotiations per Article 14 of Civil Service Law.
Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Marini, Pembroke, Plant, Ruth and Yale
Nays 0

Time: 7:32 PM.
Motion carried.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.
Time: 7:56 PM.

MINUTES:

Motion by Councilman Ruth to approve the Minutes of October 3, 2013 Meeting as presented.
Seconded by Councilwoman Marini.

Adopted: Ayes 5 Marini, Pembroke, Plant, Ruth and Yale
Nays 0

Motion carried.

TOWN EMPLOYEE HEALTH CARE DISCUSSION:

Mr. Daniel Botsford from Optima Benefits gave a brief description of the options available to Town Employees for 2014. There will be three levels of the plan; Gold, Silver and Platinum and these meet the New Federal Regulations.
Discussion ensued.

**WALWORTH TOWN BOARD – REGULAR MEETING
17 OCTOBER 2013**

RESOLUTION 94-13 AUTHORIZATION OF TOWN EMPLOYEE HEALTH CARE FOR 2014:

Councilman Yale offered the following Resolution 94-13 and moved its adoption, seconded by Councilwoman Marini to wit:

WHEREAS, the Town Board of the Town of Walworth wishes to provide Health Care for the Employees, and

WHEREAS, Mr. Daniel Botsford provided different plans from Optima Benefits, and

WHEREAS, the Town Board has chosen Excellus Simply Blue Plus Gold 11 as the base plan for the Town Employees, and

WHEREAS, the Town Board has chosen Excellus DBOC-18-26/26 for the Dental Blue Option for the Town Employees, and

WHEREAS, Mr. Daniel Botsford will be available October 28, 2013 at the Town Hall to address any questions or concerns with the Town Employees, and

BE IT RESOLVED, the necessary papers and documents be issued to make the transition.

Adopted this 17th of October 2013, at the meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

PUBLIC PARTICIPATION:

No one present offered any comments.

MR. JAMES HAYES – FIS GOVERNMENT FOR BILLER SOLUTIONS, CREDIT CARDS:

Mr. James Hayes gave a brief presentation on the history of FIS Government and a quick overview of credentials and his division. FIS Government is the parent company.

Mr. Hayes provided answers to questions from both the Town Board and the Attorney. Council members agreed that the citizens would be pleased to have additional payment options.

Mr. Hayes stated that he would be happy to amend the contract and submit a new version of the contract for review to the Attorney for the Town.

**WALWORTH TOWN BOARD – REGULAR MEETING
17 OCTOBER 2013**

RESOLUTION 67-13 AUTHORIZATION TO ACCEPT CREDIT CARDS AS A SOURCE OF PAYMENT IN THE TOWN CLERK’S OFFICE, RECEIVER OF TAXES AND SEWER DEPARTMENT:

Councilwoman Marini offered the following Resolution 67-13 and moved its adoption, seconded by Councilman Ruth to wit:

WHEREAS, the Town of Walworth wishes to offer credit cards for the customers in the offices of Town Clerk, Receiver of Taxes and the Sewer as a convenience, and

BE IT RESOLVED, to authorize the offices of Town Clerk, Receiver of Taxes and Sewer to use credit cards for a form of payment.

Adopted this 17th of October 2013, at the meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

RESOLUTION 91-13 AUTHORIZE FIS PAYDIRECT-GOVERNMENT AS CREDIT CARD SOURCE:

Councilman Ruth offered the following Resolution 91-13 and moved its adoption, seconded by Councilwoman Marini to wit:

WHEREAS, the Town Board of the Town of Walworth authorizes with Resolution 67-13 to offer credit cards for the customers in the offices of the Town Clerk, Receiver of Taxes and the Sewer, and

WHEREAS, FIS PayDirect – Government as the source for credit card payment, and

WHEREAS, the agreement presented for review has some changes that will be corrected and FIS will submit a new agreement for review by the Attorney for the Town, and

BE IT RESOLVED, that the Supervisor be authorized to sign the amended contract with FIS PayDirect – Government.

Adopted this 17th of October 2013, at the meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

**WALWORTH TOWN BOARD – REGULAR MEETING
17 OCTOBER 2013**

SUPERVISOR’S REPORT:

Motion by Councilwoman Marini to accept as presented the Supervisor’s Report for September, 2013.

Seconded by Councilman Ruth.

Adopted: Ayes 5 Marini, Pembroke, Plant, Ruth and Yale
Nays 0

Motion carried.

COMMITTEE REPORTS:

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

JUSTICE COURT CLERK – LETTER OF RESIGNATION:

The following was submitted and Councilman Ruth read the following:

Continued on next page.

**WALWORTH TOWN BOARD – REGULAR MEETING
17 OCTOBER 2013**



WALWORTH TOWN COURT
3600 Lorraine Drive
Walworth, New York 14568
Tel: 315-986-8544
Fax: 888-848-0841

Hon. Daniel P. Majchrzak, Jr.
Town Justice

Hon. Charles J. Young
Town Justice

October 17, 2013

Hon. Daniel P. Majchrzak, Jr.
Hon. Charles J. Young
Walworth Town Board

Dear Judge Majchrzak, Judge Young, Members of Walworth Town Board

I have made the decision to retire from the position of Court Clerk for the Town of Walworth effective December 5, 2013.

It is with happiness and sadness that I leave this position. I has been my pleasure to serve and work for the Town of Walworth as one two Court Clerks. I have enjoyed working with the Judges, Laurie and the employees of the Town Hall.

I wish you all success in the future.

Sincerely,

Linda Ingram
Linda Ingram
Court Clerk, Town of Walworth

Motion by Councilman Ruth to accept and file.
Seconded by Councilwoman Marini.

Adopted: Ayes 5 Marini, Pembroke, Plant, Ruth and Yale
Nays 0

Motion carried.

It was noted the Town Clerk will provide a copy of the letter for the personnel file.

**JUSTICE COURT – AUTHORIZATION TO ADVERTISE THE PART TIME
POSITION OF JUSTICE COURT CLERK:**

The following was submitted and Councilman Ruth read the following:

**WALWORTH TOWN BOARD – REGULAR MEETING
17 OCTOBER 2013**



WALWORTH TOWN COURT
3600 Lorraine Drive
Walworth, New York 14568
Tel: 315-986-8544
Fax: 888-848-0841

Hon. Daniel P. Majchrzak, Jr.
Town Justice

Hon. Charles J. Young
Town Justice

October 17th 2013

Dear Honorable Councilman Ruth,

As you are aware effective December 5th 2013 Linda Ingram will be retiring from her position as Court Clerk.

We would like to request authorization to move forward in placing notices and accepting application to fill this vacancy.

Thank you
Sincerely
Judge Young and Judge Majchrzak

Discussion ensued.

Motion by Councilman Ruth to authorize an advertisement for the part time (15 hours) position for Justice Court Clerk position. Salary is based on the Salary Matrix for the Town.

Seconded by Councilman Yale.

Adopted: Ayes 5 Marini, Pembroke, Plant, Ruth and Yale
Nays 0

Motion carried.

**WALWORTH TOWN BOARD – REGULAR MEETING
17 OCTOBER 2013**

RECREATION – AUTHORIZE QUOTE FOR OFFICE IN LOWER LEVEL:

Motion by Councilwoman Marini to authorize Doan Homes to construct a 12 X 12 office in the lower level of the Town Hall. Procurement form was submitted with three quotes for an amount not to exceed \$4,800.00 to be expended out of line A1620.42 Building Maintenance/Repair.

Seconded by Councilman Yale.

Adopted: Ayes 5 Marini, Pembroke, Plant, Ruth and Yale
Nays 0

Motion carried.

MASTER PLAN COMMITTEE RECOMMENDATIONS – COUNCILMAN YALE:

The following was submitted.

TO: Town Supervisor

FR: Master Plan Workgroup

The following are the recommendations from the Master Plan Workgroup regarding Zoning:

CLUSTER DEVELOPMENT:

- Cluster Development will be permitted.
- Recommendation for minimum acreage.
- The following wording should be added: “Provisions, satisfactory in the sole discretion of the Town Board, shall be made to assure the proper maintenance of all nonpublic areas and facilities for the common use of occupants of any cluster housing development of any type without expense to the general taxpayers of the Town of Walworth. The instrument incorporating provisions for the proper maintenance of all nonpublic areas and facilities for the common use of occupants of any cluster development shall be approved by the Town Attorney of the Town of Walworth as to form and legal sufficiency before any approval action is taken by the Town Board.”
- Identify Tax District to support maintenance of public space (sidewalks, lighting, maintenance and drainage).

ALTERNATIVE ENERGY:

- Certified installer should be required.

ALTERNATIVE ENERGY: outside boiler units (steam pots)

- Town needs to set up guidelines for them (NYS has some guidelines including required stack height)

- Establish minimum lot size in order to install one, including what zoning areas they can be in (possibly only in Ag. Districts)
- Should have same set back regulations as “livestock barns” – 100 feet set back
- Must be installed by a Certified installer
- Must be an established permit process

HYDRO-FRACKING:

- Should be a fee to the town for removal of resources to pay for infrastructure repair (this could affect all natural resources)
- Town needs to define what a sub-surface resource is
- Town needs to establish minimum lot size for harvesting natural resources (this can be mineral specific)
- Including set back of operations guidelines
- Acceptable reclamation
- Bonded plan approved by Planning Board

TOWN HOUSES:

- Town needs to define a town house (currently lacking from code books)
- Town needs to set a certain number of units per structure (recommendation is 4 units)
- Set a minimum sq. footage for each unit
- Recommend they be allowed in cluster development.
- Need to have a garage requirement
- Must have an HOA (home owners association) by a NYS recognized management company.

Exterior maintenance cost covered by HOA fee

PUPPY MILLS:

- Research Gorham denial
- Regulate as a business
- Town Board set breeding limit as to what is a mill -Town Board set acreage in comparison to Kennels -Proper disposal of waste is a concern

MOTO CROSS:

- This is a civil matter, if people want to ride on property with friends, town has rules about noise requirement -Town should only be involved if it is a for profit venture like Hogback (i.e. set up as a business)

BARNES:

- Town should allow people to build accessory buildings on a lot without a primary structure -Issue was brought up about town staff interpreting code differently each time asked about it (not an issue MPC can take care of as it is a personal issue)

WATER DISTRICTS:

- The recommendation is that property in a Water District, the balance of the land will be included to follow the property lines.

TIFFANY AND ATLANTIC:

- The recommendation is to extend Industrial Zoning, North-West side of Atlantic Avenue (62115-00-228475) from Tiffany Road (62115-00-228475) to power lines which is now zoned Residential.

350 AND ATLANTIC:

- The Town Board should consider rezoning the North-West corner of 350 (63115-00-115394 & 63115-00-105394) and Atlantic Avenue (63115-00-120448, 63115-00-094393 & 63115-00-147411) - including the land held by the apartments.

MANUFACTURED HOMES: No action

RV CAMPGROUNDS:

- Propose New Local Law to the Code of the Town of Walworth; Amending by repealing Chapter 70 CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS Adopted on July 1, 2010 by Local Law No. 5-2010.
- New "Recreational Vehicle" overlay footprint with acreage minimum limitation Business and/or PD with 200 Acreage.

WEST WALWORTH SEWER:

- Resolution, that pursuant to Section 6-c (or6-g) of the General Municipal Law, as amended, establishes Capital Reserve Fund to finance the cost for expansion of the Walworth Sewers, subject to a permissive referendum.

Discussion ensued.

Motion by Councilman Ruth to accept and file the recommendations as submitted.

Seconded by Councilwoman Marini.

Adopted: Ayes 5 Marini, Pembroke, Plant, Ruth and Yale
Nays 0

Motion carried.

**WALWORTH TOWN BOARD – REGULAR MEETING
17 OCTOBER 2013**

**RESOLUTION 89-13 AUTHORIZING THE TOWN SUPERVISOR TO SIGN
THE AGREEMENT WITH WAYNE CENTRAL SCHOOL DISTRICT FOR SALT
AND SANDING FOR THE 2013-2014 SCHOOL YEAR:**

Councilman Yale offered the following Resolution 89-13 and moved its adoption, seconded by Councilman Ruth to wit:

WHEREAS, Mike Frederes, Highway Superintendent has reviewed the Agreement with Wayne Central School District for 2013-2014 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 2013/2014 for salt and sanding at \$20.00 per trip to cover cost of materials, as presented by Mike Frederes, Highway Superintendent.

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

Adopted this 17th of October 2013, at the meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

RESOLUTION 92-13 JUSTICE COURT AUDITED RECORDS:

Councilman Ruth offered the following Resolution 92-13 and moved its adoption. Seconded by Councilwoman Marini to wit:

WHEREAS, the Town of Walworth contracted with Raymond F. Wager, CPA, P.C. for a Review of the Justice Accounts for the Year Ended December 31, 2012, and

WHEREAS, on August 15, 2013, Raymond F. Wager, CPA, P.C. gave a review of the Town of Walworth Audit with the Town Board, and

WHEREAS, on August 15, 2013 with a Motion Council members accepted and filed the presented and reviewed reports from Raymond F. Wager, CPA, P.C.

WHEREAS, the Walworth Town Justice Court filed with the Walworth Town Clerk the Summary Report of Cases Closed on October 15, 2013; and

BE IT RESOLVED, that the Town Board of the Town of Walworth adopt Resolution 92-13.

Adopted this 17th day of October, 2013 at the meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

**WALWORTH TOWN BOARD – REGULAR MEETING
17 OCTOBER 2013**

**RESOLUTION 93-13 AUTHORIZING THE TOWN SUPERVISOR TO SIGN
THE AGREEMENT WITH NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION LICENSE ISSUING AGENT
AGREEMENT:**

Councilwoman Marini offered the following Resolution 93-13 and moved its adoption, seconded by Councilman Ruth to wit:

WHEREAS, Susie Jacobs, Town Clerk; Denise Munson, Attorney for the Town; and Patricia Marini, Town Board member, have reviewed the Agreement with New York State Department of Environmental Conservation License Issuing Agent Agreement, and

WHEREAS, the Council members of the Town of Walworth authorize the Town Supervisor to sign the Agreement.

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

Adopted this 17th of October 2013 at the meeting of the Town Board.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

RESOLUTION 90-13 FINANCIAL TRANSFERS:

Councilman Yale offered the following Resolution 90-13 and moved its adoption. Seconded by Councilwoman Marini to wit

\$4,059.66 from General Fund Balance to A7310.43 Recreation New/Special Programs. To cover current expenses. Funds to cover this transfer were credited to A2089 Advertising/Other Rec Revenue

\$128.61 from DA5110.41 Highway Roads to DA5110.42 Road Stripping. To cover current expenses.

\$289.47 from CM1 Fund Balance to CM1-7110.27 Parks Improvements. To cover current expenses.

\$22.79 from MS Fund Balance to MS9050.81 Unemployment Payments NYS. To cover current expenses.

Roll call vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye

Resolution carried.

**WALWORTH TOWN BOARD – REGULAR MEETING
17 OCTOBER 2013**

APPROVAL ABSTRACT NO. 10:

The following was submitted.

To: Walworth Town Board
From: Jean Johnson, Town Comptroller
Date: 17-Oct-13
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:

Voucher Numbers #1416-1581

General Fund	\$52,508.59
Highway Fund	\$140,223.40
Sewer Fund	\$60,764.02
Park Special Revenue Fund	\$1,284.75
Walworth Light District	\$520.78
Harvest Hill Light District	\$440.41
Gananda Light District	\$1,005.98
Brookside Light District	\$9.04
Orchard View Light District	\$93.91
Parkview Green Park District	\$200.00
Self Insurance Fund	\$1,139.25
Walworth Drainage	\$1,792.50
Total Abstract #10 Payments	\$259,982.63

Voucher Numbers #144 - 160

Trust & Payroll	\$23,712.53
-----------------	-------------

Checks will be issued on October 18, 2013.

Motion by Councilman Ruth to accept Abstract #10 as submitted.
Seconded by Councilwoman Marini.

Adopted: Ayes 5 Marini, Pembroke, Plant, Ruth, Yale
Nays 0

Motion carried.

**WALWORTH TOWN BOARD – REGULAR MEETING
17 OCTOBER 2013**

RECREATION – USE OF GINEGAW PARK FOR 200:

Motion by Councilwoman Marini authorizing the use of Ginegaw Park Lodge and Pavilion (no tents) for 200 people on June 28, 2014.

Seconded by Councilman Ruth.

Adopted: Ayes 5 Marini, Pembroke, Plant, Ruth, Yale
Nays 0

Motion carried.

ADJOURNMENT:

Motion by Councilwoman Marini to adjourn.

Seconded by Councilman Yale and unanimously carried.

Time: 9:02 PM.

Respectfully Submitted,

Susie C. Jacobs, MMC, RMC
Town Clerk