

**WALWORTH TOWN BOARD – REGULAR MEETING  
5 DECEMBER 2013**

Presiding Deputy 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 with the Pledge to the Flag.

**PRESENT:**

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

**ABSENT:** Robert Plant Supervisor

**OTHERS PRESENT:** Rob Burns, Sewer Superintendent; Jacqueline VanLare, Recreation Director; Denise Munson, Attorney for the Town and 19 attendees.

**MINUTES:**

Motion by Councilman Ruth to approve the Minutes of November 21, 2013 meeting as presented.  
Seconded by Councilman Yale.

Adopted: Ayes 4 Marini, Pembroke, Ruth, Yale  
Nays 0  
Motion carried.

**PUBLIC PARTICIPATION:**

Mr. Heiden of Lincoln Road addressed the Town Board regarding his concern for his property Tax Assessment which began in April, 2013. He would like to ask what steps are being taken to correct the mistake that he was over charged by the error of the Town Assessor. He explained that many other items have gone up due to this error and it has and continues to cause a hardship on them. Deputy Supervisor stated the Town is aware of this situation and will be meeting with them and the Attorney for the Town later in the meeting this evening.

**COMMITTEE REPORTS:**

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

**RECREATION – SENIOR CITIZENS ENTERTAINMENT – RAY BRASELTON:**

Motion by Deputy Supervisor Marini authorizing the Pre-pay to Mr. Ray Braselton in the amount of \$75.00 for the entertainment during the Seniors Citizens Christmas Party. This is a budgeted item to be expended from budget line A7620.41.

Seconded by Councilman Yale.

Adopted: Ayes 4 Marini, Pembroke, Ruth, Yale  
Nays 0  
Motion carried.

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**EXECUTIVE SESSION:**

Motion by Councilman Ruth to enter into executive session to discuss proposed, pending or current litigation.

Seconded by Councilman Yale.

Adopted: Ayes 4 Marini, Pembroke, Ruth, Yale  
Nays 0

Motion carried.

Time: 7:37 PM.

**RECONVENE:**

Deputy Supervisor Marini reconvened the regularly scheduled meeting.

Time: 8:07 PM.

**RESOLUTION 111-13 – AUTHORIZING THE RECEIVER OF TAXES TO  
ADJUST THE TOWN PORTION OF THE HEIDEN TAX BILL:**

The following was submitted:

Councilman Yale offered the following Resolution 106-13 and moved its adoption.

Seconded by Councilman Pembroke to wit:

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DENISE R MUNSON ESQ

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**RESOLUTION AUTHORIZING THE RECEIVER OF  
TAXES TO ADJUST THE TOWN PORTION OF  
THE HEIDEN TAX BILL**

WHEREAS the Town Board of the Town of Walworth, the Tax Assessing Unit for the Town of Walworth, has received an application from Christopher and Megan Heiden, residing at 5528 Lincoln Road, Walworth, New York requesting correction of their 2014 Town tax based upon an incorrect assessment by the Town Assessor; and

WHEREAS due proof having been submitted that the correct square footage of the property should 2, 500 square feet and not any other amount; and

WHEREAS due proof having been submitted that the property assessment for the tax year 2013 should have been \$256,430.00; and

WHEREAS the matter having come before the County Director of Real Property Tax Services for correction of the tax, and the Director having failed and refused to correct the same;

NOW therefore, upon request of Christopher and Megan Heiden and upon an affirmative vote of the Town Board of the Town of Walworth, it is hereby

RESOLVED that the Town Tax Receiver and/or the Town Assessor shall adjust downward the Town portion of the Town/County tax bill for 2014 to show an amount of tax equivalent to that based upon an assessed value of \$256,430.00.

Date 12/5/2013

Absent  
Robert Plant – Supervisor

Patricia Marini  
Patricia Marini – Town Board Member

Tom Yale  
Tom Yale – Town Board Member

Larry Ruth  
Larry Ruth – Town Board Member

Vaughn Pembroke  
Vaughn Pembroke – Town Board Member

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Roll call vote:	Supervisor Plant	Absent
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Aye
Resolution carried.		

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**COMMITTEE REPORTS CONTINUED:**

**TOWN CLERK – MOBILE HOME PARK PERMIT – GALVIN’S MOBILE HOME:**

Motion by Councilman Ruth authorizing the Town Clerk to issue a Mobile Home Park Permit to Galvin’s Mobile Home for 2014.

Seconded by Councilman Yale.

Adopted: Ayes 4 Marini, Pembroke, Ruth, Yale  
Nays 0

Motion carried.

**RESOLUTION 106-13 – AUTHORIZE SENDING PROPOSED LOCAL LAW NO. 1 OF 2014 TO WAYNE COUNTY PLANNING BOARD:**

Councilman Yale offered the following Resolution 106-13 and moved its adoption.

Seconded by Councilman Ruth to wit:

**BE IT RESOLVED** that notification be sent to Wayne County Planning Board regarding Proposed Local Law No. 1 of 2014 Chapter 180 Zoning.

Adopted this 5th day of December 2013 at the meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 107-13 – AUTHORIZE SENDING PROPOSED SEQR TO WAYNE COUNTY PLANNING BOARD:**

Councilman Yale offered the following Resolution 107-13 and moved its adoption.

Seconded by Councilman Ruth to wit:

**BE IT RESOLVED** that notification is sent to Wayne County Planning Board regarding Proposed SEQR – Amending Section 180-6(E) of the Town Code to add Sections (12), (13), (14), (15), (16) and (17).

Adopted this 5th day of December 2013 at the meeting of the Town Board.

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

Resolution carried.

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**RESOLUTION 108-13 – DECLARING ITSELF LEAD AGENT WITH REGARD TO THE PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2014 AMENDING SECTION 190-6 OF THE TOWN CODE:**

Councilman Yale offered the following Resolution 108-13 and moved its adoption.

Seconded by Councilman Ruth to wit:

Pursuant to SEQR Regulations, the Town Board of the Town of Walworth declares itself lead agent with regard to the Proposed Local Law No. 1 of the Year 2014 amending Section 180-6(E) of the Town Code to add sections (12), (13), (14), (15), (16), and (17).

Adopted this 5th day of December 2013 at the meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 109-13 – AUTHORIZE SENDING PROPOSED AMENDMENT TO TOWN'S OFFICIAL MAP TO WAYNE COUNTY PLANNING BOARD:**

Councilman Yale offered the following Resolution 109-13 and moved its adoption.

Seconded by Councilman Pembroke to wit:

**BE IT RESOLVED** that notification is sent to Wayne County Planning Board regarding proposed amendment to Town's Official Map to Wayne County.

Adopted this 5th day of December 2013 at the meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 110-13 AUTHORIZING LEGAL NOTICE OF PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2014, SEQR AND PROPOSED CHANGE IN THE OFFICIAL TOWN MAP:**

Councilman Yale offered the following Resolution 110-13 and moved its adoption. Seconded by Councilman Ruth to wit:

**BE IT RESOLVED**, that proposed Local Law No.1 of the year 2014, A LOCAL LAW AMENDING SECTION 180-6(E) OF THE TOWN CODE TO ADD SECTIONS (12), (13), (14), (15), (16) AND (17), and

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**BE IT RESOLVED**, proposed SEQR and proposed Change in the Official Town Map, and

**BE IT FURTHER RESOLVED**, that copies of the aforesaid proposed Local Law, SEQR and Proposed Change in the Official Town Map be laid upon the desk of each member of the Town Board, and

**BE IT FURTHER RESOLVED**, that the Town Board holds the following Public Hearings:

**Thursday, February 20, 2014**

SEQR – @ 7:45 pm

Proposed Local Law No. 1 Zoning – @ 7:50 pm

Proposed Amendments to Official Town Map – @ 7:55 pm

**BE IT FURTHER RESOLVED**, that the Town Clerk publish or cause to be published public notices in the official newspaper of the Town of said public hearing at least five (5) days prior thereto.

**BE IT FURTHER RESOLVED**, that the Town Clerk direct further notices of any future public hearings to be sent to local municipalities if desired and required.

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

Resolution carried.

**RESOLUTION 112-13 SEQR PUBLIC HEARING FOR TOPS FRIENDLY MARKET PROPOSED SANITARY SEWER DISTRICT #1 EXTENSION:**

Councilman Yale offered the following Resolution 112-13 and moved its adoption. Seconded by Councilman Ruth to wit:

**BE IT RESOLVED**, that the Town Board holds a SEQR Public Hearing for Tops Friendly Market proposed Sanitary Sewer District #1 Extension at the Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at **7:45 pm** on **Thursday, December 19, 2013**.

**BE IT FURTHER RESOLVED**, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of said public hearing at least five (5) days prior thereto.

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

Resolution carried.

**SUPERVISOR PLANT ENTERED THE MEETING:**

Time: 8:16 PM

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**VOELCKERS – REQUEST FOR TRANSFER OF NAME ON THE AUTO  
SALVAGE YARD LICENSE:**

Supervisor Plant explained he has received a request from Mrs. Cathy Voelckers to transfer the name on the Auto Salvage Yard License. Discussion ensued.

Motion by Councilman Yale requesting to table discussion to the next Town Board Meeting scheduled on December 19, 2013.  
Seconded by Councilman Ruth.

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

**PROPOSED 2014 TOWN FEE SCHEDULE:**

Supervisor Plant indicated Council members have received the recommendations from the Departments for the Proposed 2014 Town Fee Schedule. Please review and contact Department Heads with any questions.

**CORRESPONDENCE – NYMIR LETTER:**

The Following was read and submitted:

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**NEW YORK MUNICIPAL INSURANCE RECIPROCAL**  
*Insuring Our Own Future.*

333 EARLE Ovington Blvd., Suite 505  
Uniondale, NY 11553  
(516) 227-2300 (800) NYMIR05  
(516) 227-2352 Fax

12 Metro Park Suite 208  
Colonie, NY 12205  
Phone: (518) 437-1171  
Fax: (518) 437-1182

December 2, 2013

Mr. Robert Plant  
Town of Walworth  
3600 Lorraine Drive  
Walworth, NY 14568

Re: Recommendations for Town of Walworth

Dear Mr. Plant,

I would like to thank you for affording me the opportunity to perform an underwriting survey of your municipality. Since you are a subscribing member of the New York Municipal Insurance Reciprocal, it is imperative that the proper time and attention be devoted to providing a safe environment for officials, employees and others who use or visit your facilities. Careful consideration should be given to methods of preventing and minimizing losses and accidents, which could result in bodily injury and property damage.

We are pleased to advise there are no recommendations at this time. Should you have any questions, please feel free to contact me at 716-282-4890 or [bcarruthers@wrightinsurance.com](mailto:bcarruthers@wrightinsurance.com).

Yours truly,

Brett Carruthers  
Manager of Risk Management Services

Cc: Eastern Shore Associates  
Ms. Regina Lunkenheimer  
101 Cayuga Street - P.O. Box 480  
Fulton, NY 13069

These recommendations are not to be considered a safety inspection and ought not alter your duty to provide a safe environment. The daily observations of your employees are insurmountably more important and complete than our loss control surveys. We assume no responsibility for implementing these recommendations. Our observations are solely for underwriting purposes.

**EXECUTIVE SESSION:**

Motion by Councilman Yale to enter into executive session to discuss personnel issues.

Seconded by Councilwoman Marini.

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

Motion carried.

Time: 8:20 PM.

**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 9:30PM.

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**RESOLUTION 113-13 MODIFICATION OF NON-ELECTED OFFICIALS 2014 SALARIES:**

The following was submitted:

Councilman Yale offered the following Resolution 113-13 and moved its adoption. Seconded by Councilman Ruth to wit:

<sup>113-13</sup>  
**RESOLUTION 113-13 MODIFICATION OF NON-ELECTED OFFICIALS 2014 SALARIES:**  
Council offered the following Resolution 113-13 and moved its adoption. Seconded by Council to wit:

**WHEREAS**, the Personnel Committee met and reviewed the Comparative Salary Study for 2013 for positions in the Town. A copy of the comparison used for the recommendations is attached. \*Note, the clerical titles for Town Employees were reviewed earlier and adjustments were already made so the Committee did not review those positions; and

**WHEREAS**, after a review of salaries/hourly rates for the surrounding Wayne County Towns and with adjacent Counties for those who do not have counterparts in Wayne County, the Committee makes the following recommendations after analyzing the information:

**The following positions fall within an acceptable range based on the data:**

- Code Enforcement Officer
- Building Inspector
- Clerk to Supervisor
- Assessor
- Town Clerk
- Highway Superintendent
- Town Justices; and

**WHEREAS, it is determined that the following positions do not fall within an acceptable range based on the data:**

Animal Control Officer – after a review of the salaries, based on the duties of the job, being on call 24/7, using her own vehicle and the fact that there are calls on holidays, weekends which are not compensated in any manner, it is recommended that this appointed position be raised to \$10,000.00 per year.

Town Comptroller – after a review of the salaries, based on the responsibilities of administration of Health Care and Human Resources, Payroll, and payments, abstracts, etc., it is recommended that this position be changed in the salary matrix as follows:

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
\$47390	\$48357	\$49344	\$50351	\$52427	\$53497	\$54589	\$55703	\$56840	\$58000

After consideration of the position, it is recommended that the current employee's compensation be raised to step 7 of the salary matrix, based on years of service and these responsibilities.

Parks & Recreation Director – after a review of the salaries of surrounding communities, the responsibilities and time commitment of this position along with the supervision responsibilities of employees, coaches, instructors and programs, it is recommended that this position be changed in the salary matrix as follows:



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Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8 Step 9 Step 10  
\$48942 \$49941 \$50960 \$52000 \$53040 54101 \$55183 \$56287 \$57413 \$58561

After consideration of the position, it is recommended that the current employee's compensation be raised to step 4 of the salary matrix, based on years of service and these responsibilities.

Council Person – after a review of the responsibilities and the time commitment for this position, and a review of the positions in Ontario and Macedon, it is recommended that this position be changed to an annual salary of \$6,650 per council person.

Supervisor – after a review of the responsibilities and a review of the positions in Ontario and Macedon, it is recommended that this position be changed to an annual salary of \$50,000.

**BE IT RESOLVED** that the following modifications to the Salary Matrix for 2014 for the non-elected positions be made and the positions in 2014 be compensated as follows:

Animal Control Officer:	\$10,000 per year
Town Comptroller:	Step 7 as per above modification
Recreation Director:	Step 4 as per above modification

**AND BE IT FURTHER RESOLVED**, that the Elected Officials salaries is subject to modification by Local Law.

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

Resolution carried.

**RESOLUTION 114-13 PROPOSED LOCAL LAW NO. 6 OF THE YEAR 2013  
MODIFICATION OF ELECTED OFFICIALS 2014 SALARIES:**

The following was submitted:

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

**RESOLUTION <sup>114-13</sup> \_\_\_-13 PROPOSED LOCAL LAW NO. 6 OF THE YEAR 2013  
MODIFICATION OF ELECTED OFFICIALS 2014 SALARIES:  
Council \_\_\_\_\_ offered the following Resolution \_\_\_-13 and moved its adoption.  
Seconded by Council \_\_\_\_\_ to wit:**

**BE IT RESOLVED**, that the Personnel Committee of the Town of Walworth has met and reviewed the compensation of all non-elected employees and elected officials in an effort to maintain a competitive salary for all of the non-elected employees and elected officials, said proposed Local Law No. \_\_\_ of the year 2013 is hereby introduced before the Town Board, and

**BE IT FURTHER RESOLVED** that copies of the aforesaid proposed Local Law be laid / emailed upon the desk of each member of the Town Board; and

**BE IT FURTHER RESOLVED** that the Town Board hold a Public Hearing on said Proposed Local Law at the Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at **7:35PM on Thursday, December 19, 2013**; and

**BE IT FURTHER RESOLVED** that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of said public hearing at least five (5) days prior thereto.

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

Resolution carried.

**PROPOSED LOCAL LAW NO. 6 OF THE YEAR 2013 – ADJUSTING THE SALARIES OF ELECTED OFFICIALS OF THE TOWN OF WALWORTH FOR THE YEAR 2014:**

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The following was submitted:

Town of Walworth  
Local Law # ~~6~~ - 13

A LOCAL LAW adjusting the salaries of elected officials of the Town of Walworth for the year 2014.

BE IT ENACTED by the Town Board of the Town of Walworth, as follows:

Section 1. Authority

Section 27 of the Town Law of the State of New York provides that the Town Board may increase the annual salary of an elected official for not more than one (1) fiscal year in excess of the amount specified in the notice of hearing on the preliminary budget by local law adopted pursuant to the Municipal Home Rule Law.

Section 2. History

The notice of hearing on the preliminary budget of the Town of Walworth for the Fiscal Year 2014 fixed the salaries for certain elected officials as follows:

Supervisor	\$
Town Councilperson (4)	\$

The Personnel Committee of the Town of Walworth has met and reviewed the compensation of elected officials in an effort to maintain a competitive salary for all employees and elected officials.

Council Person – after a review of the responsibilities and the time commitment for this position, and a review of the positions in Ontario and Macedon, it is recommended that this position be changed to an annual salary of \$6,650 per council person.

Supervisor – after a review of the responsibilities and a review of the positions in Ontario and Macedon, it is recommended that this position be changed to an annual salary of \$50,000.

Section 3. Salary Increase

For fiscal year 2014, the annual salary is hereby increased as follows:

Supervisor	\$50,000.00
Town Councilperson (4)	\$ 6,650.00

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Continued on the next page

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Section 4. Permissive Referendum

This local law is subject to permissive referendum pursuant to Municipal Home Rule Law §24.

Section 5. Effective Date

This local law shall become effective immediately upon filing in the Office of the Secretary of State.

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**TOWN CLERK – AUTHORIZATION FOR FUND TRANSFER – GENERAL  
CODE SUPPLEMENT NO. 4.**

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

**BE IT RESOLVED**, that the General Code – Supplement No. 4 estimate has been received (dated 11/30/2013) and reviewed. A financial transfer from A1990.41 Contingent Account is authorized for the payment upon receipt of voucher.

Adopted this 5<sup>th</sup> day of December 2013 at a 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.

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**ADJOURNMENT:**

Motion by Councilwoman Marini to adjourn.

Seconded by Councilman Yale and unanimously carried.

Time: 9:34 PM.

Respectfully Submitted,

Susie C. Jacobs, MMC, RMC  
Town Clerk

DRAFT