

**WALWORTH TOWN BOARD – REGULAR MEETING
MAY 7, 2015**

Presiding Supervisor Marini called the Special Meeting 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
Susie Jacobs	Town Clerk

ABSENT: Michael Frederes Highway Superintendent

OTHERS PRESENT: Jacqueline VanLare, Recreation Director; Town Newspaper Reporter, and two (2) attendees.

MINUTES:

Motion by Councilman Ruth that the Minutes of April 16, 2015 Regular Meeting are approved as submitted by the Town Clerk.
Seconded by Councilman Pembroke.

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

Motion carried.

PUBLIC PARTICIPATION:

No one present offered any comments.

COMMITTEE REPORT'S:

Council members reported on their respective committee's with the following Town Board actions:

HIGHWAY – HIGHWAY SUPERINTENDENT REQUEST:

Discussion ensued. Negotiations committee to coordinate a meeting after May 18, 2015.

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TOWN CLERK – RESOLUTION 96-15 – AUTHORIZING THE FINANCIAL TRANSFER FROM FUND BALANCE TO A1410.42 OFFICE EXPENSE FOR THE PURCHASE OF 25 NYS EZPASS - \$525.00:

Councilman Ruth offered the following Resolution 96-15 and moved its adoption. Seconded by Councilwoman Markowski to wit:

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

\$525.00 from Fund Balance to A1410.42 Town Clerk Office Expense for the purchase of 25 NYS EZPass.

Adopted this 7th day of May, 2015 at a meeting of the Town Board.

Discussion ensued.

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

Resolution carried.

TOWN CLERK – RESOLUTION 97-15 – AUTHORIZING THE TOWN CLERK TO PURCHASE 25 NYS EZPASS FROM A1410.42:

Councilman Ruth offered the following Resolution 97-15 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

The following was submitted:

Good Morning Susie. I received your message regarding information on retail tag purchases. I have included here a section from the retail sales agreement, which highlights tags are purchased from us for \$21 per tag and sold to customers for \$25. One box of tags would be \$525 (they are packaged in quantities of 25). Invoices are included in the box of tags when you receive them and there is a 45 day payment period. Please let me know if there is something else you need. I am in the office all day.

Section 3.2 – Purchases and Payments

A. **Merchant must pay \$21.00 for each E-ZPass On-the-Go Tag ordered.** There will be no additional charge for the shipping of E-ZPass On-the-Go Tags to Merchant.

B. Merchant must make payment for each E-ZPass On-the-Go Tag order within forty-five (45) days of receipt of an invoice for such order.

C. The Authority will provide Merchant with a credit or refund for all E-ZPass On-the-Go Tags that are damaged during delivery and are received by Merchant in a damaged condition provided Merchant notifies the Authority within five (5) days of receipt of such damaged Tags.

Section 2.3 – Sales Offerings

A. Merchant must make E-ZPass On-the-Go Tags available for sale to its customers during all days and hours that Merchant's retail locations are open for business. Merchant shall display and sell E-ZPass On-the-Go Tags on a first in, first out (FIFO) basis; that is, Merchant shall sell E-ZPass On-the-Go Tags in the date order in which they were received into stock. Merchant shall treat all E-

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ZPass On-the-Go customers with courtesy and in a manner which is equal to or better than the manner in which Merchant treats its customers in general.

B. Merchant may sell each E-ZPass On-the-Go Tag for an amount Merchant deems appropriate, provided that Merchant shall not sell an E-ZPass On-the-Go Tag for more than \$25.00. The sale of E-ZPass On-the-Go Tags is not subject to sales tax and compensating use tax and Merchant shall not charge or collect such taxes on such sales.

C. Merchant may only sell E-ZPass On-the-Go Tags to customers with 2-axle, 4-tire vehicles that are for private use.

D. Merchant shall not refund to any customer the cost of an E-ZPass On-the-Go Tag once it has been purchased by such customer.

Regina Bulman
E-ZPass On-the-Go
518 471-4218
www.e-zpassNY.com
Like the NYS Thruway Authority on Facebook
Follow us on Twitter @NYSThruway8790

BE IT RESOLVED that the Town Clerk be authorized to purchase 25 NYS EZPass.

Discussion ensued.

Adopted this 7th day of May, 2015 at a 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.

CEMETERIES – RESOLUTION 98-15 – AUTHORIZING THE SUPERVISOR TO SIGN A CONTRACT WITH MICHIELSON LAWN & LANDSCAPE FOR THE MOWING AT TOWN CEMETERIES (WEST WALWORTH, BAKER ROAD, FREEWILL AND FINLEY).

Councilwoman Markowski offered the following Resolution 98-15 and moved its adoption. Seconded by Councilman Ruth to wit:

The following was submitted:

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<u>Spring Clean-Up:</u>	• Johns park \$50.00 / Trip
<u>Lawn Maintenance:</u>	• West wal. - \$75.00 / Trip
<u>Landscape Ornamental Maintenance:</u>	• Baker rd. - \$40.00 / Trip
<u>Mulching and Edging:</u>	• Freewill \$30.00 / Trip
<u>Weed Control:</u>	• Finley \$80.00 / Trip
<u>Fall Clean-Up:</u>	

Service/ Billing Address:

Name Town of walworth ✗ Cemeteries Cut ✗
 Address 3600 Loraine dr. 2x Per Month ✗
 Town/ Zip Code walworth, NY 14568
 Phone # 315-886-1400
 Alternate Phone # _____ ✗ Johns Park Cut ✗
 Fax # _____ weekly ✗

Customer Agreement- Terms and Conditions

- ❖ Service Contract extends through the season it is subject to.
- ❖ Lawn Service Includes: one cut per trip, string trimming and blowing of debris (unless additional trips specified)
- ❖ Michielson Lawn & Landscape is fully insured.
- ❖ Customer is responsible for payment by the 15th of every month. If payment is not received, lawn service will STOP until payment is made.
- ❖ LATE PAYMENTS are subject to a \$30 LATE FEE per month.
- ❖ Labor rate is subject to change based upon each service and or machinery to complete job/service.

Property Owner/ Manager Signature _____ Date _____
 Michielson Lawn & Landscape Signature _____ Date 4-9-15

Thank you for your business- Andrew

Please make checks payable to: Michielson Lawn & Landscape.

Return signed contract → to: 3261 Sherwood Drive - Walworth, NY 14568 - 585.750.8830

BE IT RESOLVED, that Town Supervisor of the Town of Walworth, is hereby authorized and directed to sign the contract with Michielson Law and Landscape, for the year 2015.

Adopted this 7th day of May 2015, 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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PARKS & RECREATION – RESOLUTION 99-15 – AUTHORIZING THE SUPERVISOR TO SIGN A CONTRACT WITH MICHELSON LAWN & LANDSCAPE FOR THE MOWING AT JOHNS PARK:

Councilwoman Hawkins-Mance offered the following Resolution 99-15 and moved its adoption. Seconded by Councilman Pembroke to wit:

The following was submitted:



<u>Spring Clean-Up:</u>	• Johns park \$50.00 / Trip
<u>Lawn Maintenance:</u>	• West wal. - \$75.00 / Trip
<u>Landscape Ornamental Maintenance:</u>	• Baker rd. - \$40.00 / Trip
<u>Mulching and Edging:</u>	• Freewill \$30.00 / Trip
<u>Weed Control:</u>	• Finley \$50.00 / Trip
<u>Fall Clean-Up:</u>	

Service/ Billing Address:

Name Town of walworth ✖ Cemeteries Cut ✖
 Address 3600 Loraine dr. 2x Per Month ✖
 Town/ Zip Code walworth, NY 14568
 Phone # 315-86-1400
 Alternate Phone # _____ ✖ Johns Park Cut ✖
 Fax # _____ weekly ✖

Customer Agreement- Terms and Conditions

- ❖ Service Contract extends through the season it is subject to.
- ❖ Lawn Service Includes: one cut per trip, string trimming and blowing of debris (unless additional trips specified)
- ❖ Michelson Lawn & Landscape is fully insured.
- ❖ Customer is responsible for payment by the 15th of every month. If payment is not received, lawn service will STOP until payment is made.
- ❖ LATE PAYMENTS are subject to a \$30 LATE FEE per month.
- ❖ Labor rate is subject to change based upon each service and or machinery to complete job/service.

Property Owner/ Manager Signature _____ Date _____
 Michelson Lawn & Landscape Signature _____ Date 4-9-15

Thank you for your business- Andrew

Please make checks payable to: Michelson Lawn & Landscape.

Return signed contract → to: 3261 Sherwood Drive - Walworth, NY 14568 - 585.750.8830

BE IT RESOLVED, that Town Supervisor of the Town of Walworth, is hereby authorized and directed to sign the contract with Michelson Law and Landscape, for the year 2015.

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Adopted this 7th day of May 2015, 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.

BUILDING – RESOLUTION 103-15 – AUTHORIZE NORMAN DRUSCHEL, BUILDING INSPECTOR, TO ATTEND THE GENESEE/FINGER LAKES REGIONAL PLANNING COUNCIL SPRING 2015 REGIONAL LOCAL GOVERNMENT WORKSHOP ON THURSDAY, MAY 14, 2015, REQUESTING TOWN VEHICLE, NON-BUDGETED ITEM FROM A3620.41 - \$80.00, PREPAY:

Councilwoman Markowski offered the following Resolution 103-15 and moved its adoption. Seconded by Councilman Ruth to wit:

The following was submitted:

DRAFT

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Registration Form

Spring Local Government
Workshop

Registration Fee: \$75,
(\$80 after May 5)

PLEASE PRINT CLEARLY

Name: *Norman Druschel*

Organization: *Town of Walworth*

Address: *3600 Leonaire Dr.*

City: *Walworth State* Zip: *53186*

County: *Walworth*

Area Code: _____ Phone: *315-586-1400*

Email Address: *BLDG Insp @ Town of Walworth WI*
rd@go.com

Please Return By **May 5, 2015**

Please Circle which concurrent sessions you will be attending (only one per time slot):

Session A	1	2	3	4	5
Session B	1	2	3	4	5
Session C	1	2	3	4	5

— Please Check for Vendor Registration
— Please Check if you would like to place an advertisement in the Workshop Guide

Please include voucher or payment with all registrations

Make Checks Payable To: **G/FLRPC**
Mail Registration Form To: **G/FLRPC**,
50 West Main Street, Suite 8107,
Rochester, New York 14614

Questions and Information Contact:
David S. Zorn, 585-454-0190 x14
dave.zorn@gflrpc.org

Sorry, no refunds provided after May 5

Time	Registration, Continental Breakfast, and Vendor Exhibits	Lunch & Vendor Exhibits
8:00-9:00 9:00-10:00	<p>A1 Planning Board Overview. Patricia Burke, Linda King, NYSDOCS. This basic course addresses the powers and duties of town, village, and city planning boards and commissions. The course includes a review of site plans, special use permits, and subdivision plans are discussed, along with the planning board's role in the municipal comprehensive plan. The importance of board procedures, referral to the county planning agency, and making findings are also covered. (2 hour, CEO credit)</p> <p>A2 Public Meetings & Hearings. Erin Thomas, Patricia Burke, NYSDOCS. This session addresses the goals and requirements associated with holding meetings, in contrast to the purposes and legal requirements surrounding a public hearing. It explores the role of the chairperson in conducting effective meetings and hearings, and includes a discussion of how to manage the public and the media in the context of a hearing or meeting. Also addressed are aspects of the Open Meetings Law, including executive sessions, quorums, minutes, and public notices. (1 hour, CEO credit)</p>	<p>B3 Green Infrastructure 101. Suzanna Randall, EFC. Communities across the county are using green infrastructure as a cost effective method for improving water quality, complying with the Clean Water Act, and leveraging financial incentives. This session will cover implementing green infrastructure techniques for stormwater management in urban, suburban and rural settings and will show real-life examples of projects constructed by the EFC's Green Innovation Grant Program, including municipal parking lot retrofits using permeable and porous pavements, as well as successful green streets programs and regional wetland creation. (1 AICP credit, pending)</p> <p>B4 Introduction to Solarize: Stimulating Local Solar Market Growth. Justin Strachan, NYS Solar Ombudsman. Programs simplify solar processes, educate the public, reduce costs by up to 30%, and promote a strong sense of community in this session, experts in the field will guide regions through the process of creating a Solarize campaign; and will discuss key elements of campaigns, lessons learned, and planning templates. (1 AICP credit, pending)</p>
10:00-11:00 11:00-12:00	<p>C1 Millennial Generation's Impact on Land Use. Felipe Othmani, Derek Kane, Genesee County Planning Department. By the year 2030, Millennials will outnumber Baby Boomers by 22 million, and will change the way they live, work, and play. The presentation profiles this generation and explains how zoning reform can help your municipality compete for the largest population cohort in U.S. history. (1 AICP credit, pending)</p> <p>C2 Better Living Through Zoning! Jason Harman, Public Square. Good design and zoning can maintain their character by making sure their zoning code is working for them. This session will look at ways to revise and utilize their zoning code to ensure better development. The focus will be on hamlet and village Main Streets, edge-of-town "strip" development, new mixed use districts, and city avenues. (2 AICP credits, pending)</p>	<p>B5 Accessing and Working with US Census Data and the Life Cycle of a Piece of Census Data. David Krakel, U.S. Census Bureau. Accessing and working with US Census Data describes in detail how the process of downloading and working with the Census on-line interface and Census data works. The Life Cycle of a Piece of Census Data traces an American Community Survey question from its inception, through the respondent, to the National Processing Center, to Census Bureau HQ (where the data is turned into statistics), and finally to its end use. (2 AICP credits, pending)</p>
12:00-1:00 1:00-2:00	<p>Lunch & Vendor Exhibits</p>	
2:00-2:45	<p>C3 The 'Devil in the Details' or Better Site Plan Review. Jason Haremska, Public Square. Often it's the small details that make the difference between a site plan that's "just okay" and a great site plan. Learn how municipal review of site plans, and careful attention to details such as building siting, entrance location, parking layout, and pedestrian circulation, can result in better development.</p> <p>C4 Funding Opportunities for Water and Wastewater Infrastructure. J.C. Smith, EFC. The EFC administers a nation's largest and most-wastewater infrastructure, providing more than \$17 billion in low-cost financing to thousands of infrastructure projects across the state. This session will provide an overview of the State Revolving Fund programs and the financing available for sewer, stormwater, and drinking water infrastructure and detail new SRF requirements for the 2015 federal fiscal year, along with application rules and guidelines that are helping more municipalities than ever before to receive infrastructure loans at subsidized interest rates as low as zero percent. (1.75 AICP credits, pending)</p>	<p>B5 Accessing and Working with US Census Data and the Life Cycle of a Piece of Census Data. David Krakel, U.S. Census Bureau. Accessing and working with US Census Data describes in detail how the process of downloading and working with the Census on-line interface and Census data works. The Life Cycle of a Piece of Census Data traces an American Community Survey question from its inception, through the respondent, to the National Processing Center, to Census Bureau HQ (where the data is turned into statistics), and finally to its end use. (2 AICP credits, pending)</p>
2:45-3:00 3:00-4:00	<p>Break</p>	
4:00-5:00	<p>C5 Demystifying Viewsheds: How to Apply the Latest Tools and Research to Development Projects. CJ Randall, Roy Kasard, G/FLRPC. This session will explain the purpose of viewshed analysis as applied to local land use controls. We explain the process of identifying sites, characterization and evaluation of the sites, how to work with data and mapping in tools, and how G/FLRPC applied this methodology in the region. Our objective is to present tools for municipal viewshed analysis that may be used in EORA review and site plan review criteria. (2 AICP credits, pending)</p>	

RESOLVED, that Norman Druschel, Building Inspector, attend the Genesee/Finger Lakes Regional Planning Council Spring 2015 Regional Local Government Workshop on May 14, 2015, Pittsford, NY, Using the Town Vehicle, from A3620.41 - \$80.00, prepay.

Adopted this 7th day of May, 2015 at the meeting of the Town Board.

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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RESOLUTION 104-15 – AUTHORIZING THE RECREATION DIRECTOR TO PURCHASE FROM MOST DEPENDABLE FOUNTAINS QUOTE#QTE30864 PARK WATER FOUNTAIN FROM CM1-7110.25, NON-BUDGETED ITEM, FOR AN AMOUNT NOT TO EXCEED \$3,305.00:

Councilwoman Hawkins-Mance offered the following Resolution 104-15 and moved its adoption. Seconded by Councilwoman Markowski to wit:

WHEREAS, the following quotes were received:

Grainger	\$6,958.00
Elkay	\$4,850.00
Most Dependable	\$3,305.00

The following was submitted:



TOWN OF WALWORTH
PARKS & RECREATION DEPARTMENT
3600 Lorraine Drive
Walworth NY 14568

Jacqueline VanLare, Director of Parks and Recreation
walrec@townofwalworthny.gov

315-986-1400 PHONE
315-986-1440 FAX

May 7, 2015

Attention:
Patricia Marini, Walworth Town Supervisor
Walworth Town Board Members

I am requesting Town Board approval to purchase the following item:

- Outdoor Water Fountain from Most Dependable Fountains for the amount not to exceed \$3,305.00, to be expended from line CM1-7110.25

If you should have any questions please do not hesitate to contact me.

Respectfully submitted,

Jacqueline VanLare,
Director of Parks & Recreation

RESOLVED, that Jacqueline VanLare, Recreation Director, is authorized to purchase a water fountain from Most Dependable per Quote #QTE30864 from CM1-7110.25, non-budgeted item, for an amount not to exceed \$3,305.00. Procurement form submitted.

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Adopted this 7th day of May, 2015 at the meeting of the Town Board.

Discussion ensued.

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

Resolution carried.

RESOLUTION 105-15 – COMMITTEE APPOINTMENT – NYS TROOPERS:

Councilman Ruth offered the following Resolution 105-15 and moved its adoption. Seconded by Councilwoman Markowski to wit:

BE IT RESOLVED, Supervisor Marini appointed Councilwoman Hawkins-Mance as Liaison to the NYS Troopers.

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

Resolution carried.

SAFETY COMMITTEE - RESOLUTION 106-15 – SAFETY COMMITTEE RECOMMENDATIONS ACCEPT AND FILE AND AUTHORIZE THE SAFETY COMMITTEE TO RESEARCH PROJECTS AND EXPENSES:

Councilman Ruth offered the following Resolution 106-15 and moved its adoption. Seconded by Councilman Pembroke to wit:

The following was submitted:

The Safety Committee met on Tuesday, May 5, 2015, at the Walworth Highway Department. The Committee would like to make the following recommendations for Town Board Approval:

1. Town complex sidewalks were reviewed, because of weather they have shifted and cracked. Possibly remove concrete and put in pavement. Requesting authorization to research this and obtain quotes.
2. Discussed with craftsman, do not recommend replacement of the Town Hall floor tiles.
3. Authorization to research the purchase or a contract agreement with a company for area rug runners for the Town Hall and the Ginegaw lodge. Supervisor Marini will follow up.
4. Replacement of Bull Ring in the NYS Troopers barracks and installation of an additional one within the department. Councilwoman Hawkins-Mance will follow up.
5. Replacement of ceramic floor tiles in the NYS Troopers barracks. Safety committee will follow up.

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BE IT RESOLVED, that the Safety Committee Recommendations are accepted and file and authorize the committee to research projects and expenses as per the request.

Adopted this 7th day of May 2015 at a 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.

Councilman Pembroke stated the safety committee did a walk-through of the highway barns and everything is up to date.

OTHER BUSINESS:

RESOLUTION 100-15 – AUTHORIZING AN ACKNOWLEDGEMENT AND CONSENT TO THE ASSIGNMENT OF THE PPA AND SITE LEASE RELATING TO THE IMPLEMENTATION OF A SOLAR PROJECT FOR THE TOWN OF WALWORTH, NY:

Councilwoman Hawkins-Mance offered the following Resolution 101-15 and moved its adoption. Seconded by Councilman Ruth to wit:
The following was submitted:

WHEREAS, on March 19, 2015, by Resolution No. 65-15, the Town Board of the Town of Walworth ratified and approved a Power Purchase Agreement (“PPA”) and System Site Lease Agreement (“Lease”) with New Energy Equity, LLC or its affiliate (“NEE”), in final form as negotiated and executed by the Supervisor, in connection with a solar energy project (“Solar Project”) to be developed on behalf of the Town; and

WHEREAS, NEE has assigned its interest in the PPA and Lease to WGL Energy Systems, Incorporated (which has agreed to provide necessary financing for the Solar Project) pursuant to an Assignment And Assumption Agreement, effective as of March 12, 2015, a copy of which has been provided to the Supervisor on behalf of the Town; and

WHEREAS, NEE has requested that the Town acknowledge such assignment and consent to such assignment pursuant to Section 15.1 of the Lease and Section 17.1 of the PPA, respectively; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute and deliver the Acknowledgement And Consent in the form attached hereto on behalf of the Town in connection with the Solar Project.

The following was submitted:

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COPY

ACKNOWLEDGEMENT AND CONSENT

Town of Walworth, New York, as party to that certain Power Purchase Agreement (“PPA”) and System Site Lease Agreement (“Lease”), each dated as of January 15, 2015, with NEE Solar 7 LLC, a New York Limited Liability Company, hereby acknowledges that certain Assignment And Assumption Agreement (“Agreement”), dated as of March 12, 2015, entered into by and between NEE Solar 7 LLC (“Assignor”) and WGL Energy Systems, Incorporated, a Delaware corporation (“Assignee”), a copy of which Agreement is attached hereto, and hereby consents to the assignment of the rights contained therein from Assignor to Assignee, provided that WGL Energy Systems Incorporated, as Assignee, expressly assumes each of the obligations of Assignor under the PPA and Lease pursuant to the Agreement.

Town of Walworth
By: *Patricia Marini*
Patricia Marini, Supervisor

Adopted this 7th day of May, 2015 at a 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.

**RESOLUTION 101-15 – AUTHORIZING THE WAIVER OF CERTAIN
CONDITIONS PRECEDENT IN THE PPA AND SITE LEASE RELATING TO
THE IMPLEMENTATION OF A SOLAR PROJECT FOR THE TOWN OF
WALWORTH, NY:**

Councilwoman Hawkins-Mance offered the following Resolution 101-15 and moved its adoption. Seconded by Councilman Ruth to wit:

The following was submitted:

WHEREAS, on March 19, 2015, by Resolution No. 65-15, the Town Board of the Town of Walworth ratified and approved a Power Purchase Agreement (“PPA”) and System Site Lease Agreement (“Lease”) with New Energy Equity, LLC or its affiliate (“NEE”), in final form as negotiated and executed by the Supervisor, in connection with a solar energy project (“Solar Project”) to be developed on behalf of the Town; and

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WHEREAS, NEE has assigned its interest in the PPA and Lease to WGL Energy Systems, Incorporated (which has agreed to provide necessary financing for the Solar Project) pursuant to an Assignment And Assumption Agreement, effective as of March 12, 2015, a copy of which has been provided to the Supervisor on behalf of the Town; and

WHEREAS, the Lease and PPA each contain certain conditions precedent that are more particularly described in Section 15.13 of the Lease and Section 8.4 of the PPA, respectively; and

WHEREAS, NEE has made significant progress in addressing such conditions and has requested that the Town and WGL Energy Systems, Incorporated waive certain of those conditions precedent pursuant to the execution of waiver letters (“Waiver Letters”), dated as of May 1, 2015, copies of which are attached hereto; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute and deliver the Waiver Letters on behalf of the Town in connection with the Solar Project.

The following was submitted:

WAIVER LETTER

WAIVER LETTER, dated as of April 24 2015 (this “Waiver”), with respect to the System Site Lease Agreement, dated as of January 15, 2015 (as amended, the “Agreement”), among WGL Energy Systems Incorporated, as assignee for NEE Solar 7 LLC (the “Lessee”), and the Town of Walworth (the “Lessor”). Each of Lessee and Lessor are sometimes referred to as a “Party” and collectively as the “Parties”.

WITNESSETH:

WHEREAS, capitalized terms undefined herein shall have the meaning ascribed to them in the System Site Lease Agreement (“AGREEMENT”);

WHEREAS, pursuant to the AGREEMENT, the Parties obligations thereunder was subject to and conditional upon certain Conditions Precedents contain in Section 15.13 having been met to the satisfaction of both Parties;

WHEREAS, with the passage of time, certain Conditions Precedents have been satisfied and others shall be waived;

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and in consideration of the premises contained herein, the parties hereto hereby agree as follows:

**SECTION I
WAIVER**

1.1 Waiver. Commencing on the Effective Date and subject to the terms and conditions set forth below, the Parties hereby agree to waive the following Condition Precedents contained in Section 15.13 of the AGREEMENT:

- a) Successful completion of geotechnical and Phase I Analysis without any additional construction cost concerns. Successful completion will be at the sole discretion of the Lessee.
- c) Lessor and Lessee approval of this Agreement by their respective governing authorities.

**SECTION II
MISCELLANEOUS**

2.1 Representations and Warranties. The Parties represents and warrants that, as of the Effective Date and after giving effect to this Waiver:

- (a) This Waiver has been duly authorized, executed and delivered by an authorized signer and constitutes a legal, valid and binding obligation of the respective Party hereto.
- (b) The representations and warranties set forth in Article 9 of the AGREEMENT are true and correct in all material respects on and as of the Effective Date or as to any such representations and warranties that refer to a specific date, as of such specific date, with the same effect as though made on and as of the Effective Date.

Adopted this 7th day of May, 2015 at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 102-15 – AUTHORIZE THE SUPERVISOR TO SIGN QUOTE 0128958 WITH GENESEE GLASS & MIRROR, INC. FOR REPAIRS TO THE SOUTH UPPER LOBBY MAIN ENTRANCE DOORS FROM A1620-42 - \$541.35:

Councilwoman Hawkins-Mance offered the following Resolution 102-15 and moved its adoption. Seconded by Councilman Ruth to wit:

The following was submitted:

A1620.42

GENESEE GLASS & MIRROR, INC.

90 BENNINGTON DRIVE
 ROCHESTER, NY 14616-4708
 Phone: (585) 621-3580 Fax: (585) 621-2665
 WeFixGlass.com

Federal Tax Number: 16-1106007 DATE: 04-22-15 QUOTE: 0128958

QUOTED FOR:
 1116 ...

CUSTOMER/INSURED
 WALWORTH TOWN HALL
 3600 LORRAINE DRIVE
 ATTN: PHIL WILLIAMSON
 WALWORTH, NY 14568

(H) (585) 703-4599 x.CELL (W) (315) 986-1400

WRITTEN BY: BRETT

COMMERCIAL SCHEDULED FOR: _____
 COMMENTS: NEW THRESHOLD, CTS

PO# :

QTY	PART	DESCRIPTION	LIST	PRICE	EXT-PRICE
1	---	SOUTH UPPER LOBBY MAIN ENTRANCE EXTERIOR DOORS RUBBING ON THRESHOLD. INSTALL SMALLER PROFILE THRESHOLD			
1	ORDER	4" X 1/4", 72" NSF 4713 ERB THRESHOLD		68.00	68.00
1	---	SHIPPING		25.00	25.00
1	CAU-16	DOW 795 STRUCTURAL NEUTRAL CURE SILICONE - COLOR SAUSAGE TO RED THRESHOLD		18.25	18.25
6	LABOR	APFX LABOR/TRAVEL		65.00	390.00
1	NOTE	NO GUARANTEE			

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, theft, and vandalism insurance. Our delays are covered by workmans compensation insurance.
ACCEPTANCE OF QUOTE
 The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Prices subject to change if not accepted within 30 days.

SUBTOTAL 501.25
 SALES TAX 40.10
 TOTAL CHGS 541.35

Accepted by: _____ Date _____ TOTAL DUE 541.35

RESOLVED, that Patricia Marini, Town Supervisor, is authorized to sign the Genesee Glass & Mirror, Inc. Quote 0128958 for repairs of the South Upper Lobby Main Entrance doors, from A1620.42 for an amount not to exceed \$541.35.

Adopted this 7th day of May, 2015 at the meeting of the Town Board.

**WALWORTH TOWN BOARD – REGULAR MEETING
MAY 7, 2015**

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

Resolution carried.

COMMUNICATIONS:

TOWN OF MARION – Public Hearing for the purpose of amending the zoning ordinance – June 8, 2015 @ 7:00 PM Marion Municipal Room. Documents submitted and filed in the Town Clerk's office.

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.

TOWN OF WILLIAMSON – Requesting to be designated as the Lead Agency for the Environmental Review and Determination of Significance of the proposed project; updating the Town of Williamson Zoning Ordinance Type I Action. Documents submitted and filed in the Town Clerk's office.

Motion by Councilman Pembroke to accept and file. 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.

**CERTIFICATE OF ATTENDANCE BOARD OF ASSESSMENT REVIEW
TRAINING – MICHAEL KUNZER:**

The following was submitted:

Continued on next page.

**WALWORTH TOWN BOARD – REGULAR MEETING
MAY 7, 2015**



STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES
EDUCATIONAL SERVICES
W.A. HARRIMAN CAMPUS
ALBANY, NY 12227

**CERTIFICATE OF ATTENDANCE
BOARD OF ASSESSMENT REVIEW TRAINING**

Member's Name: **Michael Kunzer**

Town: Walworth

County: Wayne

Date of Training: April 23, 2015

This is to certify that, pursuant to Section 523 of the Real Property Tax Law and Section 188-6.1(c) of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York, you attended a board of assessment review member training session on the above date. As a result, you are now authorized to participate in the forthcoming meeting(s) of the Board of Assessment Review.



 County Director of Real Property Tax Service

April 23, 2015
 Date

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

WALWORTH PLAZA, LLC. (TOPS MARKETS) – UPDATE:

The following was submitted:

**WALWORTH TOWN BOARD – REGULAR MEETING
MAY 7, 2015**



300 State Street, Suite 201 | Rochester, NY 14614 | p 585.454.6110 | f 585.454.3066 | www.labellapc.com

May 7, 2015

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

RE: Town of Walworth, Town Board
TOPS Supermarket
LaBella Project Number 212141.018

Dear Supervisor Marini:

LaBella Associates has been working Town Staff, the developer (applicant) and the developer's engineer. At this time, we are providing notification to the Town Board that the improvements for TOPS Supermarket are substantially complete in accordance with the approved final drawings and Town Construction Specification and Design Standards, Town Code §151-27 A.

We offer the following summary of our comments and findings for your consideration:

- Completed Works Certificates have been received from the NYSDOH for the water main and backflow prevention device for the TOPS Building.
- Sanitary Sewers have been tested, video submitted, and punch list items completed on the sewers to be dedicated. Rob Burns continues to address final punch list items on the private laterals with the developer and their contractor.
- Norm Druschel is working out the oil/water separator issue at the fuel island with applicant and their engineer to ensure MS4 compliance for the fueling area.
- Norm and Rob are also addressing the grit separator requirements within the building with the developer and TOPS.
- Balance on Letter of Credit remains at \$101,953.
- The Stormwater Control Measures Maintenance Agreement, provided by Boylan & Code, has been sent to Jeff Saeger on April 23, 2015.
- Final edits are being made to the Record Drawings. Drawings are essentially complete §151-27 B.
- The easements have been filed in the Wayne County Clerk's Office for the Sanitary and water mains to be dedicated to the Town of Walworth, §151-27 C (1) and C (2).
 - o 30' Sanitary Sewer Easement, Instrument #R9161580
 - o 20' Water main Easement, Instrument #R9161581
- The Developer has been asked to provide the "Lien Release" for the utilities to be dedicated, §151-27 C (3)

We are working on these final items with the developer and support the dedication of the sanitary sewer and water main installed for the TOPS project. We will approve the letter of credit release once the final signed shop drawings have been submitted, signed stormwater maintenance agreement is submitted, lien release, and final punchlist items addressed with town staff and county highway.

Sincerely,
LABELLA ASSOCIATES, D.P.C.

Brendan Bystrak
Brendan Bystrak, PE
Civil Engineer

BSB/bsb
cc: LaBella Project File 212141.018
Applicant
Town Staff
County Highway

Relationships. Resources. Results.

Motion by Councilman Ruth to accept and file. 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.

VETERAN'S HOLDERS AND FLAGS WILL BE INSTALLED AT THE TOWN CEMETERIES – Wednesday, May 20, 2015 at 1:00pm.

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.
Seconded by Councilman Pembroke.

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

Resolution carried.

Time: 7:54PM.

Respectfully Submitted,
Susie C. Jacobs, MMC, RMC