

**WALWORTH TOWN BOARD – ORGANIZATIONAL MEETING  
3 JANUARY 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

**OTHERS PRESENT:** Rob Burns, Sewer Superintendent; Jacqueline VanLare, Recreation Director; Brendan Bystrak, Labella Associates, P.C. Engineer for the Town; Town Newspaper Reporter, and five (5) attendees.

**RESOLUTION 01-13 - TOWN BOARD APPOINTMENTS:**

Councilwoman Marini offered the following Resolution 01-13 to appoint the following:

Seconded by Councilman Yale to wit:

Zoning Board 12/31/2017	Pam Knapp	term expires
Zoning Board Counsel: 12/31/2013	Denise Munson	term expires
Planning Board: 12/31/2017	Karel Ambroz	term expires
Planning Board Counsel: 12/31/2013	Denise Munson	term expires
Parks Committee 12/31/2015	Steve Gallaher	term expires
Town Historian 12/31/2013	Eugene Bavis	term expires
Dog Control Officer 12/31/2013	Lea Dill	term expires
Attorney for the Town: 12/31/2013	Denise Munson	term expires
Engineer for the Town 12/31/2013	LaBella Associates PC	term expires
Sewer Superintendent: 12/31/2013	Robert Burns	term expires
Budget Officer 12/31/2013	Robert Plant	term expires

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Fire Marshall: Norman Druschel term expires  
12/31/2013

Code Enforcement Officer: Philip Williamson term expires  
12/31/2013

Recreation Committee term expires  
12/31/2014

Adopted this 3<sup>rd</sup> day of January 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.

**SUPERVISOR APPOINTMENTS:**

Supervisor Plant made the following appointments for 2013:

Patricia Marini	Deputy Town Supervisor
Barbara Kuelling	Clerk to the Supervisor

**COMMITTEE APPOINTMENTS:**

Supervisor Plant stated the Committee appointments for 2013 will remain the same as 2012; and submitted the following:

**Committees 2013**

Tom Yale H 986-1127  
E-mail [tyale@townofwalworthny.gov](mailto:tyale@townofwalworthny.gov)

Assessment

Building

Planning

Highway (Ch)

Personnel

Patti Marini H 524-7943 (Deputy Supervisor)

E-mail [pmarrini@townofwalworthny.gov](mailto:pmarrini@townofwalworthny.gov)

Recreation

Zoning

Town Clerk

Historical Society

Personnel (Ch)

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Larry Ruth H 315-524-7936

E-mail [lruth@townofwalworthny.gov](mailto:lruth@townofwalworthny.gov)

Drainage & MS4 (Ch)

Justice Court

Library

Animals

Cemetery

Sewer

Vaughn Pembroke C 585-781-4317

E-mail [vpembroke@townofwalworthny.gov](mailto:vpembroke@townofwalworthny.gov)

Insurance

Sewer (Ch)

Cable TV

Safety

Drainage

Highway

**RESOLUTION 02 -13 - JUSTICE COURT:**

Councilman Ruth offered the following Resolution 02-13 and moved its adoption.  
Seconded by Councilwoman Marini to wit:

**BE IT RESOLVED** that the Justice Court will be held at the Walworth Town  
Offices as follows:

1 <sup>st</sup> & 3 <sup>rd</sup> Wednesday	- Regular Court at 7:30 PM
2 <sup>nd</sup> & 4 <sup>th</sup> Tuesday	- Regular Court at 7:30 PM
1 <sup>st</sup> Tuesday	- A.D.A. Court at 6:00 PM
4 <sup>th</sup> Tuesday	- A.D.A. Court at 1:00 PM
5 <sup>th</sup> Tuesday	- No Court

Dated this 3<sup>rd</sup> Day of January, 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 03 -13 - LEGAL PAPER DESIGNATION:**

Councilman Yale offered the following Resolution 03-13 and moved its adoption.  
Seconded by Councilwoman Marini to wit:

**BE IT RESOLVED** that the *Times of Wayne County shall remain* the legal  
newspaper for the Town of Walworth for 2013.

Adopted this 3rd day of January 2013 at a meeting of the Town Board.



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**BE IT RESOLVED** that the following banks be declared official depositories for Town Officials:

SUPERVISOR:	HSBC, JP Morgan Chase, KeyBank
JUDGE YOUNG:	Citizens Bank (Charter One)
JUDGE MAJCHRZAK:	Citizens Bank (Charter One)
TOWN CLERK:	JP Morgan Chase
RECEIVER OF TAXES:	JP Morgan Chase
SEWER SUPERINTENDENT:	JP Morgan Chase

Dated this 3<sup>rd</sup> day of January, 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.

**RESOLUTION 07-13 – ARTICLE 11 BRUSH, GRASS AND WEEDS:**

Councilman Yale offered the following resolution 07-13, and moved its adoption. Seconded by Councilwoman Marini to wit:

**BE IT RESOLVED** per Article 11 Brush, Grass and Weeds §128-3, regulation by Town Board: The Town Board may, by resolution, require a notice to be served upon owners ordering them to cut, trim or remove from the land owned by them brush, grass, rubbish or weeds, or to spray poisonous shrubs or weeds on such land pursuant to §64, Subdivision 5-a and §130, Subdivision 5, of Town Law.

**BE IT FURTHER RESOLVED** the Code Enforcement Official be authorized to serve notice, when required, on property owners in violation of Article 11 Brush, Grass and Weeds per §128 – 3. However, prior authorization of mowing (which must be paid by the Town until collected with tax payment by the property owner of purchaser in the case of sale) by the Code Enforcement Official with approval by the Town Supervisor would be required.

Adopted this 3<sup>rd</sup> day of January, 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 08-13 - CHECK-SIGNING:**

Councilwoman Marini offered the following Resolution 08-13 and moved its adoption.

Seconded by Councilman Yale to wit:

**BE IT RESOLVED** that Supervisor Plant and Deputy Supervisor Marini be authorized to sign checks for monies deposited in the Official depositories Banks.

Dated this 3<sup>rd</sup> day of January, 2013 at a meeting of the Town Board.

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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 09-13 OFFICIAL UNDERTAKING OF MUNICIPAL OFFICIALS:**

Councilman Ruth offered the following Resolution 09-13 and moved its adoption. Seconded by Councilman Pembroke to wit:

**WHEREAS**, various sections of New York State Town Law and Public Officers Law require that certain officials execute and Official Undertaking; and

**WHEREAS**, we the Town Board of the Town of Walworth hereby require the Supervisor, Town Clerk, Receiver of Taxes, Town Justice(s), and Highway Superintendent to execute said Official Undertaking as required by said law;

**NOW, THEREFORE BE IT RESOVED** that we, the Town Board of the Town of Walworth approve the document entitled “Town of Walworth Official Undertaking of Municipal Officers” as to its form and manner of execution and the sufficiency of the insurance, and

**BE IT FURTHER RESOVED** that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

Adopted this 3<sup>rd</sup> day of January, 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.

**RESOLUTION 10-13 CAREY LAKE, LLC FIREWORKS:**

Councilman Yale offered the following Resolution 10-13 and moved its adoption. Seconded by Councilwoman Marini to wit:

**WHEREAS**, that the Town of Walworth recognizes the need to encourage and foster existing businesses within the Town. As such, the Town recognizes that Carey Lake, LLC, operates a party and banquet facility located within the Town; and

**WHEREAS**, the property on which the business is located has very unique characteristics not found on other properties within the Town; and

**WHEREAS**, the property is 210 acres of mostly undeveloped land with a large body of water; and

**WHEREAS**, the property is located in a relatively low developed portion of the Town on Route 441 and is readily accessible and open to the public at large; and

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**WHEREAS**, Carey Lake, LLC has contracted with Young Explosives Corporation for fireworks displays for the past 10 years. The displays are requested/contracted for activities such as wedding parties being held at the banquet house but have been available for general public enjoyment by anyone in the public wishing to view; and

**WHEREAS**, Carey lake, LLC has applied for a Fire Works Permit for a period not to exceed ONE YEAR, commencing the 1<sup>st</sup> day of January, 2013 and terminating on the 31<sup>st</sup> day of December, 2013, and

**WHEREAS**, the unique nature of the property affords public safety not readily available at other properties within the Town during the displays, and

**WHEREAS**, the Town requires notification to the Town Clerk of any potential Fireworks Displays; and that no Fireworks Displays should occur until notification has been completed;

**NOW, THEREFORE, BE IT RESOLVED**, that both parties have made it known to the Town Board that they wish to continue the contractual relationship;

**BE IT RESOLVED**, that given the unique property characteristics, its location available for general public enjoyment, the willingness of Carey Lake, LLC to publicly post notice in its restaurant and Town Hall regarding dates and times of displays, and provide copies of appropriate insurances to the Town Clerk, it is resolved that the Town of Walworth acknowledges the existence of and generally approves of such contractual relationship between these two parties in the year 2013.

Adopted this 3<sup>rd</sup> day of January 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 11-13 PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2013:**

Councilwoman Marini offered the following Resolution 11-13 and moved its adoption. Seconded by Councilman Ruth to wit:

**BE IT RESOLVED**, that proposed Local Law No. 1 of the year 2013, A LOCAL LAW ADDING CHAPTER 33 titled “Planning Board; Zoning Board of Appeals” OF THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY adding Article I Alternate Board Members, said proposed Local Law No. 1 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 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 **7:45PM** on **Thursday, January 17, 2013;** and

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**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.

Adopted this 3<sup>rd</sup> day of January, 2013.

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

Resolution carried.

**RESOLUTION 12-13 TO ESTABLISH EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND A231EB IN THE AMOUNT OF \$4,000.00:**

Councilwoman Marini offered the following Resolution 12-13 and moved its adoption. Seconded by Councilman Ruth to wit:

**WHEREAS**, the Town Board of the Town of Walworth desires to establish an Employee Benefit Accrued Liability Reserve Fund A231EB; and

**WHEREAS**, the Town Board in the 2013 Budget has budgeted \$4,000.00 to establish this fund,

**RESOLVED**, that pursuant to Section 6-p of the General Municipal Law, as amended, the Walworth Town Board does hereby established a Fund to pay for any accrued “employee benefit” due an employee on termination of the employee’s service (§6-p){2}).

The Chief Fiscal Officer is hereby directed to deposit moneys of this reserve fund to be known as the “Employee Benefit Accrued Liability Reserve Fund” number A231EB.

The amount to establish this fund is not to exceed four thousand dollars and no cents (\$4,000.00).

No expenditure shall be made from this fund for any employee benefit for which a reserve fund has already been established under any other provision of law §6-p[2] [a]) of the General Municipal Law.

**THEREFORE, BE IT RESOLVED**, that the Employee Benefit Accrued Liability Reserve Fund be established,

**THEREFORE, BE IT FURTHER RESOLVED** that the Town Board of the Town of Walworth adopt Resolution 12-13.

Adopted this 3<sup>rd</sup> day of January, 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.

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**RESOLUTION 13-13 TO ESTABLISH EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND DA231EB IN THE AMOUNT OF \$4,000.00:**

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

**WHEREAS**, the Town Board of the Town of Walworth desires to establish an Employee Benefit Accrued Liability Reserve Fund DA231EB; and

**WHEREAS**, the Town Board in the 2013 Budget has budgeted \$4,000.00 to establish this fund,

**RESOLVED**, that pursuant to Section 6-p of the General Municipal Law, as amended, the Walworth Town Board does hereby established a Fund to pay for any accrued “employee benefit” due an employee on termination of the employee’s service (§6-p){2}).

The Chief Fiscal Officer is hereby directed to deposit moneys of this reserve fund to be known as the “Employee Benefit Accrued Liability Reserve Fund” number DA231EB.

The amount to establish this fund is not to exceed four thousand dollars and no cents (\$4,000.00).

No expenditure shall be made from this fund for any employee benefit for which a reserve fund has already been established under any other provision of law §6-p [2] [a]) of the General Municipal Law.

**THEREFORE, BE IT RESOLVED**, that the Employee Benefit Accrued Liability Reserve Fund be established,

**THEREFORE, BE IT FURTHER RESOLVED** that the Town Board of the Town of Walworth adopt Resolution 13-13.

Adopted this 3<sup>rd</sup> day of January, 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 14-13 COMBINING THE PARKS AND RECREATION COMMITTEES:**

Councilman Ruth offered the following Resolution 14-13 and moved its adoption. Seconded by Councilwoman Marini to wit:

**WHEREAS**, The Walworth Parks Committee was established on January 3, 1991, and

**WHEREAS**, The Walworth Recreation Committee was established on January 3, 1991, and

**WHEREAS**, The Walworth Town Board has agreed to combine the Walworth Parks Committee and the Walworth Recreation Committee into one committee to be known as the Walworth Parks and Recreation Committee, and

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**WHEREAS**, this combined committee will have a total of seven (7) members who shall be residents of Walworth and shall be appointed by the Town Board for a term of five (5) years, and

**BE IT RESOLVED**, that the Town Board of the Town of Walworth adopt Resolution 14-13.

Adopted this 3<sup>rd</sup> day of January, 2013.

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

Resolution carried.

**MINUTES:**

Motion by Councilwoman Marini to approve the Minutes of December 20, 2012 as presented.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

**PUBLIC PARTICIPATION:**

Library Board of Trustee member and Resident from West Walworth Road inquired if the Town Board was going to take action on the Library Board Appointments. Councilman Ruth replied “yes” they would be. She was thanked.

**COMMITTEE REPORTS:**

LIBRARY – BOARD OF TRUSTEE APPOINTMENT – WENDY COLEMAN:

Motion by Councilman Ruth approving Ms. Wendy Coleman as Library Board of Trustee Appointment for a term ending 12/31/2014.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

TOWN CLERK – TOWN CLERK APPOINTMENT – BETH HART, DEPUTY CLERK I:

Councilwoman acknowledged the Town Clerk appointment of Ms. Beth Hart as Deputy Clerk I for 2013.

**APPROVAL OF ABSTRACT #13:**

The following was submitted by the Town Comptroller:

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To: Walworth Town Board  
 From: Jean Johnson, Town Comptroller  
 Date: 31-Dec-12  
 Re: Abstract #13

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 #1910 to #1958

General Fund	\$20,093.65
Highway Fund	\$29,399.95
Sewer Fund	\$7,207.28
Parks Special Revenue Fund	\$156.26
Gananda Light District	\$1,024.56
<b>Total Abstract #13 Payments</b>	<b>\$57,881.70</b>

Voucher Numbers #198 to #209

Trust & Payroll	\$21,895.02
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Checks will be issued on January 4, 2013

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Motion by Councilwoman Marini to approve Abstract #13 as submitted.  
 Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0  
 Motion carried.

**AUTHORIZATION TO SIGN ASCAP LICENSE AGREEMENT AND PAY BILL:**

Motion by Councilman Yale authorizing Town Supervisor to sign American Society of Composers, Authors and Publishers (ASCAP) Lease Agreement for Local Governmental Entities. For an amount not to exceed \$ 327.00 for January 1, 2013 thru December 31, 2013. The motion was made to bring forth a discussion.

Seconded by Councilman Ruth.

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Discussion: Council members stated their reasons for not supporting a License Agreement and payment to ASCP.

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

Motion defeated.

**RESOLUTION 15-13 –TOWN BOARD APPOINTMENT - LIBRARY BOARD OF TRUSTEES:**

Supervisor Plant offered the following Resolution 15-13 and moved its adoption, seconded by Councilwoman Marini to wit.

The Town Board appointed the following:

Board of Trustee	Karel Ambroz	term expiring 12/31/2017
Board of Trustee	Ken Cigna	term expiring 12/31/2017

Adopted this 3<sup>rd</sup> day of January 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.

**MASTER PLAN COMMITTEE SEEKING RESIDENTS TO SERVE:**

Supervisor Plant stated there is a need to re-establish the Master Plan Committee to begin working on items brought to the town's attention. Councilman Yale will Chair this committee along with Councilman Ruth. Residents interested in serving on this committee should be committed to a long term assignment and contact Supervisor Plant on or before February 1, 2013.

**DEPUTY SUPERVISOR YALE THANKED FOR SERVICE:**

Supervisor Plant Thanked Councilman / Deputy Supervisor Yale for serving for the past seven (7) years as Deputy Supervisor.

**ADJOURNMENT:**

Motion by Councilwoman Marini to adjourn.  
Seconded by Councilman Pembroke and unanimously carried.  
Time: 8:05 PM.

Respectfully Submitted,

Susie C. Jacobs, CMC, RMC  
Town Clerk