

**WALWORTH TOWN BOARD – REGULAR MEETING
7 FEBRUARY 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
Larry Ruth	Councilman
Tom Yale	Councilman
Michael Frederes	Highway Superintendent
Susie Jacobs	Town Clerk

ABSENT:

Vaughn Pembroke Councilman

OTHERS PRESENT: Rob Burns, Sewer Superintendent; Jacqueline VanLare, Recreation Director; Denise Munson, Attorney for the Town; Town Newspaper Reporter.

MINUTES:

Motion by Councilwoman Marini to approve the Minutes of January 17, 2013 as presented.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

PUBLIC PARTICIPATION:

No one present

SUPERVISOR'S REPORT:

Motion by Councilwoman Marini to accept as presented the Supervisor's Report for December 2012.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

COMMITTEE REPORTS:

PARKS & RECREATION – AUTHORIZATION TO ATTEND ANNUAL NYS RECREATION AND PARK CONFERENCE:

Motion by Councilwoman Marini authorizing Jacqueline VanLare and Kevin Weiss attend the 73rd Annual New York State Recreation and Park Society Conference on March 19th in Rochester, NY. This is a budgeted item not to exceed \$295.00 to be expended from A7310.11.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

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**PARKS & RECREATION – CONTRACT FOR ANNUAL SENIOR CITIZENS
PICNIC MUSICAL ENTERTAINMENT:**

Motion by Councilwoman Marini authorizing the Town Supervisor to sign the contract with Group Therapy Country Grass Band for the musical entertainment for the annual Senior Citizen Picnic to be held on August 13, 2013. Seconded by Councilman Ruth.

Discussion: Supervisor Plant stated concern regarding ASCAP License.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

"SIGN & RETURN"

Group Therapy

COUNTRY GRASS BAND

Jim & Lynne Allis
1485 Sweets Corners Road
Penfield, NY 14526

This CONTRACT is for the services of **Group Therapy** on the engagement described below:

The Leader represents that the band members have agreed and are bound by said terms and conditions listed below. With the signature below, the Purchaser is also bound by said terms.

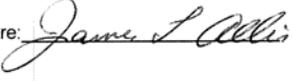
Purchaser cancellation of performance within 30 days in advance of performance will be responsible for paying a penalty of 50% of the agreed to wage.

- 1) Name and address of Place of engagement: **Ginegaw Park
Route 441, Walworth, NY**
- 2) Type of engagement: **Walworth Seniors Picnic**
- 3) DATE(S): **8/13/2013**
- 4) Start/Finish Time: **7:00 - 8:00 PM**
- 5) Wage Agreed upon: **\$ 200**
- 7) Other Comments: **You invited us to eat with you at 5:30, Thank you**

8) The Purchaser will provide for a suitable performance area and for adequate electrical service which will consist of at least 2 grounded outlets.

- | | |
|---|--|
| 9) PURCHASER: | 10) BAND LEADER |
| Name Linda Kleman | Jim Allis |
| Address 3600 Lorraine Drive
Walworth, NY 14568 | 1485 Sweets Corners Road
Penfield, NY 14526 |
| Phone 315-986-1400 X 311 | (585) 377-3541
Cell (585) 705-3640 |
| E-mail Linda@TownOfWalworthNY.gov | JTALLIS41@Hotmail.com |

Signature: 

Signature: 

**HIGHWAY – AUTHORIZATION FOR ENGINEER FOR THE TOWN TO
PREPARE BID DOCUMENTS FOR TOWN SALT BARN:**

Motion by Councilman Yale authorizing LaBella Associates, P.C.; Engineer for the Town, prepare bid documents and plans to go to bid for a Town salt barn, budgeted item A5132.22.

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Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

BUILDING - AUTHORIZATION FOR MEMBERSHIP FEE AND ATTENDANCE TO FLBOA CONFERENCE:

Motion by Councilman Yale authorizing Norm Druschel, Building Inspector, attend The Finger Lakes Building Officials Educational Conference, March 18-21, 2013, for membership fee of \$55.00 and conference fee of \$390.00 for a total amount not to exceed \$445.00, from budget A3620.41.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

**RESOLUTION 23-13 PROPOSED LOCAL LAW NO. 3 OF THE YEAR 2013
CHAPTER 168 “VEHICLES, JUNKED AND ABANDONED”:**

Councilwoman Marini offered the following Resolution 23-13 and moved its adoption. Seconded by Councilman Ruth to wit:

BE IT RESOLVED, that proposed Local Law No. 3 of the year 2013, A LOCAL LAW AMENDING CHAPTER 168 titled “VEHICLES, JUNKED AND ABANDONED” OF THE TOWN OF WALWORTH MUNICIPAL CODE, said proposed Local Law No. 3 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 **7:45PM** on **Thursday, February 21, 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.

Adopted this 7th day of February, 2013.

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

Resolution carried.

RESOLUTION 25-13 OPPOSING THE PROCESS OF ENACTMENT AND CERTAIN PROVISIONS CONTAINED IN THE NY SAFE ACT:

Discussion ensued.

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Councilman Ruth offered the following Resolution 25-13 and moved its adoption. Seconded by Councilman Yale to wit:

WHEREAS, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution, as well as New York State Civil Rights Law; and

WHEREAS, the right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right by the people of Town of Walworth; and

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in the Town of Walworth, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and

WHEREAS, the people of the Town of Walworth derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and

WHEREAS, this legislation creates an environment in the state which is hostile to gun manufactures and ownership and Remington Arms Company is a major employer in Upstate New York and a significant manufacturing success story in recent years; and

WHEREAS, manufacturers such as Charter Arms, Mossberg, Kahn, Urge, Springfield, Savage, Thompson Center, Limber, Taurus, Colt, Stoger, Beretta, Franchi, Smith & Wesson, Glock, Winchester, CCI, Hornady, Federal, Speer and many other companies that either produce arms and/or ammunition or have assembly plants in the United States will suffer significant financial losses as a result of this inequitable and unscrupulous legislation; and

WHEREAS, members of the Town Board of the Town of Walworth, being elected to represent the people of Walworth, New York in the County of Wayne, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, the enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS, our State Legislators most certainly could not have had the time to request, and receive, the input of their constituents regarding this matter; and

WHEREAS, in our opinion, there was no reason for the Governor to use a message of necessity to bring this bill to vote immediately and bypass the three day maturing process for all legislation; and

WHEREAS, the mishandling of the process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation, and are confusing and inconsistent even to the State Legislators who voted on them, and the State Police officials who are assigned with the interpretation and required to enforce and explain them; and

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WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every five years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS, this legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

WHEREAS, those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus consisting of a seizure of legally owned personal property with no provision for compensation; and

WHEREAS, few or no low capacity (seven rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

WHEREAS, limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS, the only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

WHEREAS, requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is a significant unfunded mandate on business; and

WHEREAS, Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and

WHEREAS, while there are some areas of the legislation that the Walworth Town Board finds encouraging, such as the strengthening of Kendra's Law and Mark's law, as well as privacy protections for certain pistol permit holders, by-and-large, we find the legislation does little more than negatively impact lawful gun ownership and the Walworth Town Board opposes the role and involvement of the Wayne County Director of Community Services and opposes any effort to shift responsibility to county government detailed in the Governor's SAFE Act. Such a change would amount to an unfunded mandate on county taxpayers; and

WHEREAS, this legislation fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding citizens; and

WHEREAS, this legislation effectively turns countless New York State law-abiding gun owners into criminals; and

WHEREAS, the manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Town Board of the Town of Walworth; now, therefore, be it

RESOLVED, that the Town Board of the Town of Walworth do hereby oppose, and request the repeal of, any legislation, including the sections within the NY

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SAFE Act (Chapter 1 of the Laws of 2013), which infringe upon the right of the people to keep and bear arms; and further be it

RESOLVED, that the Town Board of the Town of Walworth considers such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives; and further be it

RESOLVED, that the Town Board of the Town of Walworth strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and further be it

RESOLVED, that the Town Board of the Town of Walworth requests the members of the New York State Senate and Assembly who represent the Town of Walworth to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act; and further be it

RESOLVED, that in the event this law is not repealed, the Town Board of the Town of Walworth opposes any effort to make the county government responsible for now statutory five year recertification process. Any shift of this responsibility from the State Police to the county government would amount to an unfunded mandate on county taxpayers; and be it further

RESOLVED, the Town Board of the Town of Walworth opposes any effort to shift responsibility to county government regarding the rifle registry that is detailed in the Governor's SAFE Act. Such a change would amount to an unfunded mandate on county taxpayers; and be it further

RESOLVED, the Town Board of the Town of Walworth opposes the imposition of any fees on New York State gun owners to finance the new provisions of the SAFE Act and any costs associated with the implementation of the SAFE Act must be borne by the State, not the local counties; and be it further

RESOLVED, the Town Board of the Town of Walworth supports the continuation of the Pistol Permit Application, Amendments and files being maintained at a county level; and be it further

RESOLVED, that a copy of this resolution be sent to Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Daniel Maffei, New York State Senator Michael Nozzolio, Assembly Speaker Sheldon Silver and New York State Assembly member Robert Oaks.

Dated this 7th day of February, 2013 at a meeting of the Town Board.

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

Resolution carried.

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RESOLUTION 26-13 SUPPORT FOR NYS – CONTACT INFORMATION FOR VACANT STRUCTURES:

Discussion ensued.

Councilman Ruth offered the following Resolution 26-13 and moved its adoption. Seconded by Councilman Yale to wit:

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Town of Walworth Town Board supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED that the town of Walworth hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Town of Walworth support the passage of said Bills.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Senator Michael F. Nozzolio, Assemblyman Robert C. Oaks. Co-Sponsors of this bill: Senator Nozzolio, Assemblyman Oaks.

I, Susie C. Jacobs, DO HEREBY CERTIFY, that the foregoing is a true copy of a Resolution passed by the Town Board of the Town of Walworth at its regular meeting held on February 7, 2013, and members of the Town Board had due notice of said meeting, and further that such resolution has been fully recorded in the Town Clerks books.

In Witness thereof, I have hereunto set my hand the 7th day of February, 2013.

Dated this 7th day of February, 2013 at a meeting of the Town Board.

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

Resolution carried.

APPROVAL OF 2012 SERVICE AWARD POINTS LISTING – LINCOLN FIRE DEPARTMENT:

Motion by Councilman Ruth to accept the 2012 Service Award Points Listing from the Lincoln Fire Department as presented and returned to the Fire Department for required posting.

Seconded by Councilman Yale.

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Adopted: Vote Ayes 4 Nays 0
Motion carried.

**APPROVAL OF 2012 SERVICE AWARD POINTS LISTING – WEST
WALWORTH FIRE DEPARTMENT:**

Motion by Councilman Yale to accept the 2012 Service Award Points Listing from the West Walworth Fire Department as presented and return to the Fire Department for required posting.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

**TOWN COMPLEX LOBBY – THE USE OF A TELEVISION SCREEN TO
DISPLAY TOWN EVENTS AND ESTABLISH CONTROLS:**

Discussion ensued.

Motion by Councilman Yale agreeing to the concept of the use of a television screen in the Town Complex lobby promoting Town events. The Town Board has given the Recreation Director the authority to qualify what will be posted / displayed on the television screen. If the Recreation Director has a conflict / concern with the items to be posted, the director will bring it to the attention of the Town Supervisor.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

EXECUTIVE SESSION:

Motion by Councilman Ruth to enter into executive session to discuss current litigation and contract negotiations.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0
Time: 7:53 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 8:32 PM.

ADJOURNMENT:

Motion by Councilwoman Marini to adjourn.

Seconded by Councilman Yale and unanimously carried.

Time: 8:32 PM.

Respectfully Submitted,

Susie C. Jacobs, CMC, RMC
Town Clerk