

**WALWORTH TOWN BOARD – REGULAR MEETING
16 AUGUST 2012**

Presiding Supervisor Plant called the regularly scheduled Town Board Meeting, County of Wayne, State of New York, held at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY to order at 7:30 PM with the Pledge to the Flag.

PRESENT:

Robert Plant	Supervisor
Patricia Marini	Councilwoman

Vaughn Pembroke	Councilman
Larry Ruth	Councilman
Tom Yale	Councilman
Michael Frederes	Highway Superintendent
Susie Jacobs	Town Clerk

ABSENT:

OTHERS PRESENT: Jacqueline VanLare, Recreation Director; Brendan Bystrak, Labella Associates, P.C. Engineer for the Town; Denise Munson, Attorney for the Town; Beth Hart, Deputy Town Clerk; Lea Dill, Dog Control Officer; Town Newspaper Reporter, and four (4) attendees.

MINUTES:

Motion by Councilman Ruth to approve the Minutes of August 2, 2012 as presented.

Seconded by Councilman Pembroke.

Adopted: Vote Ayes 5 Nays 0
Motion carried.

SUPERVISOR'S REPORT:

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

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0
Motion carried.

PUBLIC PARTICIPATION:

The following three (3) residents addressed the Board.

- Resident from Jacobs Road spoke saying, on July 24, 2012, three weeks and two days ago, her daughter was attacked, as a minor, walking down the road while walking another dog. As of yesterday, she would like to acknowledge and let the Town Council know that to her knowledge there has been no ticket(s) issued, no disposition or resolution to this ongoing problem. Her child is unwilling to walk down the road and she is pretty disappointed that after three weeks and two days, the Town still has dogs that have attacked on our road with nothing being done. She also finds it interesting (that of all weeks) the Town has a raise for our Animal Control

- Officer; especially when she brought this too everyone's attention with no conclusion or resolution. Supervisor Plant asked if she had anything else to say – the resident stated she would answer any questions the Board has. She was thanked.
- Resident from Jacobs Road stated she is the Sheltie dog owner of the dog that was attacked along with her friend who was bitten. The resident commented that every vet and assist, that has seen the Sheltie, has said she is very lucky her dog is alive. She has a \$1,500 vet bill waiting on the resolution, on the fact, if these dogs are labeled "dangerous". She also stated she is unable to walk down the street with her dog for fear of being attacked. The resident stated she is here tonight to let it be known and to ask that something be done. She was thanked.
 - Resident from Jacobs Road has lived here over two years. The dog in question that did the attacking has had problems with a lot of the neighbors. This apparently is the first bite, but the dog has challenged a lot of the neighbors. One being an older gentleman who was terminal using a walker and was charged in his back yard. Another resident had his cat killed. She too was out by her mailbox, turned around to see three (3) 80 lb. dogs charging across the road toward her; pretty scary. The resident stood her ground and the dogs did not do anything. That was not the only time she was charged by these dogs. Another time she was also working in her front yard garden talking to a neighbor, this time they charged on to her property. She had weed killer spray or something she could spray them with and they turned around and went home. The Dog Control Officer was called at least the first time and not sure about the second time. Two of the dogs follow the lead of the first dog, they are just terrorizing the neighborhood. What's most interesting about this situation is the dog is not owned by the people who are in the home. This dog has been terrorizing various neighbors for more than 3 years. The Dog Control Officer has been called out more than a couple of times. The resident goes out to her mailbox with a can of hornet spray so that if she gets attacked, she can spray them. It's not fun worrying every time you walk down your drive way if you are going to have 3 – 80lb beasts attack you. She wanted to share this information with the Board. She too is surprised that there is a pay increase for someone who has not resolved their problem that has been ongoing for 3 years with these particular dogs. She too was thanked.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into executive session to discuss potential litigation.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Time: 7:37 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 7:53 PM.

COMMITTEE REPORTS:

Council members reported on their respective committees. Following were the Town Board actions. Discussion ensued.

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RESOLUTION 82-12 DOG ENUMERATION - REMAINDER OF TOWN:

Councilman Ruth offered the following Resolution 82-12 and moved its adoption. Seconded by Councilman Yale to wit:

WHEREAS, Article 7, Section 113 (6) of the Agriculture and Markets Law provides that the governing body of any municipality may require its Dog Control Officer or any other authorized agent to ascertain and list the names of all persons in the municipality owning or harboring dogs, or in lieu thereof, any municipality may contract to have the same done; and

WHEREAS, Article 7, Section 110 (4) License fees, of the Agriculture and Markets Law states in part; In addition to the fee charged pursuant to subdivision one of this section, any municipality issuing dog licenses pursuant to this article is hereby authorized to provide for the assessment of additional surcharges for the purpose of: Recovering costs associated with enumeration conducted pursuant to subdivision six of section one hundred thirteen of this article, should a dog be identified as unlicensed during such enumeration...; and

WHEREAS, The Code of the Town of Walworth Chapter 56-5 (1) Licensing Requirements states in part; Enumeration. Upon determination by the Walworth Town Board, the Town Board shall by resolution establish enumeration procedures and fees. Should a dog be identified as unlicensed during enumeration, the enumeration fees collected shall be used to pay the expenses incurred by the municipality; and

AND WHEREAS, the Town of Walworth has begun the Dog Enumeration with Resolution 74-12 adopted July 19, 2012, and desires to continue the remaining residence in the Town of Walworth to conclude the Dog Mail-in Enumeration by October 1, 2012.

NOW BE IT RESOLVED, that the Town Board of the Town of Walworth authorizes the Town Clerk to continue the Dog Mail-in Enumeration for the remainder of the Town of Walworth that began August 1, 2012 through September 30, 2012. *An additional* charge of \$10.00 to be applied to those dogs identified as unlicensed as per Article 7 and Town of Walworth Code beginning October 1, 2012.

FURTHER RESOLVED, that the Town Board of the Town of Walworth adopt Resolution 82-12.

Adopted this 16th day of August, 2012, 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.

**JUSTICE COURT – AUTHORIZATION TO ATTEND NYS ASSOCIATION OF
MAGISTRATES COURT CLERKS 2012 ANNUAL CONFERENCE:**

Motion by Councilman Ruth authorizing Laurie Waltermeyer to attend the NYS Association of Magistrates Court Clerk 2012 Annual Conference held in Albany,

NY, September 30, 2012 – October 3, 2012 to be expended from A1110.21 in the amount of \$420.00 and remainder from A1110.41; plus mileage.
Seconded by Councilman Yale.

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Discussion: Supervisor Plant indicated there are sufficient funds at this time.

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

Motion carried.

PARKS & RECREATION – AUTHORIZE GANANDA YOUTH FOOTBALL AND CHEERLEADING THE USE OF DOLOMITE PARK:

Motion by Councilwoman Marini authorizing Gananda Youth Football and Cheerleading the use of Dolomite Park from August through November 4th, 2012. Practices will be held Monday – Saturday with games planned on Sunday. There are no conflicts with any recreation programs.
Seconded by Councilman Ruth.

Adopted: Vote Ayes 5 Nays 0
Motion carried.

PARKS & RECREATION – AUTHORIZE HARVEST MOON FESTIVAL:

Motion by Councilwoman Marini authorizing the 3rd Annual Harvest Moon Festival on Saturday, October 20, 2012 from 1 – 4 pm in Ginegaw Park.
Seconded by Councilman Pembroke.

Adopted: Vote Ayes 5 Nays 0
Motion carried.

CHICKEN THERAPY ANIMAL OR EXOTIC ANIMAL DISCUSSION:

Discussion ensued.
Motion by Councilman Ruth to table discussion until the Town has researched / heard from Cornell.
Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 1
Motion carried.

RESOLUTION 81-12 FINANCIAL TRANSFERS:

Councilman Ruth offered the following Resolution 82-12 and moved its adoption.
Seconded by Councilman Yale to wit:

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

\$823.72 from A3510.12 Animal Control Rabies Responder to A3510.11 Animal Control

Officer. To cover salary adjustment.

\$640.79 from A5132.43 Highway Garage Tel/Water/Dumpster to A5132.44 Highway

Garage Maintenance. To cover repair of overhead door Highway Bay Area.

\$717.20 from A1990.41 Contingent Account to A1355.41 Assessment Continuing Ed.

To cover cost of new Assessor required training.

\$500.00 from A1990.41 Contingent Account to A1620.45 Town Office Audit. To cover

final cost of Audit Raymond Wager CPA.

\$1,000.00 from General Fund Balance to A8020.43 Planning Board Engineering Fees.

To cover current expenditures. Funds to cover this transfer were credited to A2770R

Reimbursement Review Fees.

\$1,000.00 from Park Special Revenue Fund Balance to CM1-7110.21 Parks Capital

Expenses/Shelter. To cover cost of installation of park water fountain.

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

Resolution carried.

The following was submitted:

To: Walworth Town Board

From: Jean Johnson, Town Comptroller

Date: 16-Aug-12

Re: Abstract #8

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 #1073 to #1250

General Fund	\$50,661.71
Highway Fund	\$102,128.61
Sewer Fund	\$39,171.00
Parks Special Revenue Fund	\$4,383.24
Walworth Consolidated Drainage	\$1,107.50
Walworth Light District	\$481.58
Harvest Hill Light District	\$1,412.25
Gananda Light District	\$975.24
Brookside Light District	\$7.89

Orchard View Light District	\$71.31
Total Abstract #5 Payments	\$200,400.33

Voucher Numbers #119 to #137

Trust & Payroll	\$21,248.16
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Checks will be issued on August 17, 2012.

ABSTRACT 8:

Motion by Councilwoman Marini to accept Abstract 8 as presented.
Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0
Motion carried.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into executive session for medical, financial, credit, or employment history of a particular person/corp, or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension.
Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0
Time: 8:16 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.
Time: 8:39 PM.

AUTHORIZATION TO CONTACT BOBBI DILLON:

Motion by Councilwoman Marini to authorize the Town Supervisor to contact Ms. Dillon.
Seconded by Councilman Ruth.

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

Motion carried.

ADJOURNMENT:

Motion by Councilwoman Marini to adjourn.
Seconded by Councilman Yale and unanimously carried.
Time: 8:42 PM.

Respectfully Submitted,

Susie C. Jacobs, CMC, RMC
Town Clerk