

**WALWORTH TOWN BOARD – REGULAR MEETING  
2 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
Michael Frederes	Highway Superintendent
Susie Jacobs	Town Clerk

**ABSENT:** Tom Yale Councilman

**OTHERS PRESENT:** Rob Burns, Sewer Superintendent; Jacqueline VanLare, Recreation Director; Denise Munson, Attorney for the Town; Town Newspaper Reporter, and nine (9) attendees.

**CHANGING MEETING ORDER:**

Motion by Supervisor Plant stating “we have an agenda but he would like to add an Executive Session and move Public Participation to the end.”

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

**MINUTES:**

Motion by Councilman Ruth to approve the Minutes of July 19<sup>th</sup>, 2012 as presented.

Seconded was not provided.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

Motion by Councilwoman Marini to approve the Minutes of May 17<sup>th</sup>, 2012 as presented.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

**COMMITTEE REPORTS:**

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

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

The following was read and submitted.

August 2, 2012

RESPONSE TO TOWN CLERK, SUSIE JACOB'S LETTER

I apologize for the length of this response, but in order to give you facts that Susie Jacob's failed to include in her letter and provide more complete information, please consider the following:

Susie Jacob's is an elected official and, therefore she has the responsibility of managing her own department and her budget.

The Town Board at its meeting July 19, 2012 informed Susie Jacobs that we would meet with her on August 2, 2012 to discuss the staffing of her office. The decision on whether to replace a Town employee in this situation rests solely on action by the Town Board. There are five members on the Board, of which I am one. The Town Board is required to look at all of the laws, rules and regulations for hiring employees, including Wayne County and New York State Civil Service.

Wayne County Civil Service has an allowable number of Deputy Town Clerks which includes the exemption of 1 Deputy Town Clerk from competitive position. Any other clerical office personnel may hold approved titled positions. The Town Clerk only has the authority to appoint deputies, the hiring of Town personnel rests with the Town Board.

The new position of a 2<sup>nd</sup> Deputy Town Clerk that Susie Jacobs has proposed and advertised for, would require compliance with the appropriate approval process, which is governed by both Wayne County Civil Service and New York State Civil Service rules and regulations. Because all of the facts were not gathered, the taxpayers of Walworth will pay for the unnecessary expense for this advertisement. The retiring employee retired effective June 30, 2012.

Current Staffing – by her own letter, Susie Jacobs indicates that she works an average of 50 hours a week and with an additional deputy town clerk working 20 hours per week, there would be a total of over 70 hours of coverage for an office that is open 37 ½ hours per week. By the information provided by Susie Jacobs, her office is more than adequately staffed.

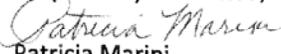
Susie Jacobs has chosen public service and has been elected to serve the people. Susie Jacobs receives compensation of \$40,649.00 as Town Clerk, \$749.00 as Registrar of Vital Statistics and \$1,566 as Records Management Officer for an annual total of \$42,964.00, plus benefits. Susie Jacobs' deputy receives an hourly rate of \$11.91 for an annual total of \$12,386.40 plus benefits.

When I met with Susie Jacobs regarding her proposals for staffing, I did indicate that if her deputy town clerk is working 20 hours per week, that Susie Jacobs would need to work 17 ½ hours per week to have her office open 37 ½ hours per week. Again, based on her own statement that she works an average of 50 hours per week, which she certified to New York State when she submitted the necessary paperwork for 90 consecutive days of the first 150 days in office, it does not seem reasonable to me that any additional staffing is required in the Town Clerk's Office.

The log of work Susie Jacobs provided me was received, reviewed and shared with the Town Board at the time we were preparing the budget for the 2012 year. Susie Jacobs makes an assumption which is not a fact.

Fiscal responsibility to the residents of the Town of Walworth along with providing the necessary services the residents require is something the Town Board and I look at continuously. The Town Board is charged with not only looking at the present situation, but also with the future ramifications of those decisions.

I reached my decision based on information that I have gathered. Each of the four other Town Board members will reach their own decision. If any resident would like to discuss this matter, please feel free to contact me. And, I will be professional and not respond to the personal attacks contained in Susie Jacobs' letter.

Respectfully submitted,  
  
 Patricia Marini  
 Walworth Town Board Member

Motion Councilwoman Marini to be included in the minutes.  
 Seconded by Councilman Pembroke.

Adopted: Vote Ayes 4 Nays 0  
 Motion carried.

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

The following was read and submitted.

This is in response to the letter from the Walworth Town Clerk

There have been numerous occasions when the Deputy Town Clerk has not been allowed to do the duties of the Town Clerk in her absence or has chosen not to perform the duties. Most recently on Friday July 6<sup>th</sup> the Town Comptroller notified Susie Jacobs that the new Assessor would be in to sign her Oath of Office and other papers on Monday July 9<sup>th</sup>. Susie told her that she would be at a conference that week but that her Deputy, Beth, would do it. On Monday July 9<sup>th</sup> when the Assessor showed up to sign the paper work the Deputy, Beth, said that Susie Jacobs would do it when she got back. There have been multiple times that funeral directors have come in for a burial or death certificate only to be told they need to come back when Susie Jacobs is here. There have been times when I needed information from the Town Clerk's office and was told that I would have to wait for Susie to get there the next day. With the Deputies not being allowed to do the job as required I don't see any reason to have another person who cannot do the job.

Bob Plant

Supervisor, Town of Walworth

---

Motion by Supervisor Plant that it be put into the record.  
Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0  
Motion carried.

Continued on the next page

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

**HIGHWAY DEPARTMENT – AUTHORIZATION TO ATTEND HIGHWAY  
CONFERENCE & EXPO:**

Motion by Councilman Pembroke authorizing Mike Frederes, Highway Superintendent, to attend Town Highway Conference & Expo held in Rochester, NY on September 25-28, 2012 the cost of pre-registration is \$99.00. Parking is \$4.00 per day; from Line A5132.46.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0  
Motion carried.

The following was submitted.

DATE: August 02, 2012  
TO: All Board members  
FROM: Michael J. Frederes – Highway Superintendent  
RE: Fall Conference – Registration

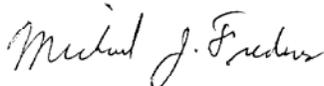
I request permission to attend the 83<sup>rd</sup> Town Highway Conference & Expo to be held this year at the Hyatt Regency Hotel and Rochester Riverside Convention Center Rochester New York on the following dates: September 25-28, 2012.

The cost of Pre-Registration is \$ 99.00 and must be received no later than August 31, 2012. Parking is \$4.00 a day. The cost will come from Line A 5132.46.

I will be commuting each day and paying any out of the pocket costs on my own.

Thank you for your consideration.

Sincerely,



Michael J. Frederes  
Town of Walworth Highway Superintendent

Continued on the next page

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

**ASSESSOR – AUTHORIZATION TO ATTEND TRAINING:**

Motion by Councilwoman Marini authorizing Dennine Leeson, Sole Assessor, attend a required training in Lockport, NY on December 7<sup>th</sup>, 2012 for an amount of \$95.00 plus mileage.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

**RESOLUTION 79-12 WAYNE CENTRAL SCHOOL DISTRICT TAX COLLECTOR APPOINTMENT FOR 2012-2013 SCHOOL YEAR:**

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

**WHEREAS**, an organizational meeting of Wayne Central Board of Education appointed Mrs. Cathy Herzog as School Tax Collector for the 2012-2013 school year; and

**WHEREAS**, the Town of Walworth acknowledges §37 of Town Law, collection of school taxes in first class towns is the duty of the Town Receiver of Taxes and Assessments unless it's conveyed by Town Board resolution to the Tax Collector appointed by the Board of Education; and

**THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Walworth designates Ms. Cathy Herzog as School Tax Collector the portion of Walworth within the Wayne Central School District;

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

Adopted this 2nd 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	Absent

Resolution carried.

**RESOLUTION 80-12 FINANCIAL TRANSFERS:**

Councilwoman Marini offered the following Resolution 80-12 and moved its adoption.

Seconded by Councilman Pembroke to wit:

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

\$767.66 from SS8110.24 Force Main Project to SS8130.14 Overtime Line. To Reimburse Overtime Line for overtime charged to Force Main Project.

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

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

Resolution carried.

**EXECUTIVE SESSION:**

Motion by Councilwoman Marini to enter into executive session to discuss 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 Pembroke.

Adopted: Vote Ayes 4 Nays 0

Time: 7:53 PM.

Motion carried.

**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 9:05 PM.

**TOWN BOARD STATEMENT AFTER EXECUTIVE SESSION – TOWN CLERKS OFFICE:**

Based on discussions in Executive Session with the Town Clerk, the Town Board has requested written documentation supporting the justification of her request for the staffing of her office to be submitted to the Town Board by next Thursday. This will allow the Town Board one (1) week to review for action at our meeting on August 16, 2011.

**AUTHORIZATION FOR ATTORNEY FOR THE TOWN TO RESPOND IN A LETTER - MR. SCOTT COPP:**

Motion by Councilwoman Marini authorizing the Attorney for the Town to responded in a letter to Mr. Scott Copp.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

**PUBLIC PARTICIPATION:**

The following two residents spoke.

- Resident from Jacobs Road addressed the Board asking to meet privately face –to-face with each of the Board members to talk about what is really taking place in Walworth? Why so much dissention among the Board?

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

- Resident from Whitney Road addressed the Board and commented on the letter Susie Jacobs wrote in the paper. The resident takes everything she reads with a grain of salt.” “She said she knows Susie Jacobs writes from the heart and says it from the heart. “She is an honest person and if she says she is working 50 hours a week, then she is working 50 hours a week. If she says she needs extra help then she needs extra help.” Also, would like to comment on Patti Marini not responding to Susie Jacobs; Susie also asked her to come into the office to verify the amount of work that she is doing, and that did not happen. The resident is suggesting to other Board members, perhaps they should come in and visit the office to see what she does and how hard she works. The resident questioned if the Town has had a Deputy Clerk part-time position for several years why is it being eliminated now? With more people in the Town, more things going on in Town; it does not make sense to her why cut the position.

**ADJOURNMENT:**

Motion by Councilwoman Marini to adjourn.

Seconded by Councilman Pembroke and unanimously carried.

Time: 9:14 PM.

Motion carried.

Respectfully Submitted,

Susie C. Jacobs, CMC, RMC  
Walworth Town Clerk