

**WALWORTH TOWN BOARD – REGULAR MEETING
18 AUGUST 2011**

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
Thomas Yale	Councilman
Suzi Hawkins-Mance	Councilwoman
Patricia Marini	Councilwoman
Susie Jacobs	Town Clerk
Mike Frederes	Highway Superintendent

ABSENT: Frank Maciuska Councilman

OTHERS PRESENT: Rob Burns, Sewer Superintendent; Jacqueline VanLare, Recreation Director; Carl Hewings, Parrone Engineering, Engineer for the Town; Denise Munson, Attorney for the Town; Mary Zingerella, Library Director; Town Newspaper Reporter, five (5) attendees.

MINUTES:
Motion by Councilwoman Marini to approve the Minutes of August 4, 2011 as presented.
Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

CORRESPONDENCE:
Susie C. Jacobs, Town Clerk, read the following three (3) items:

WALWORTH TOWN BOARD – REGULAR MEETING 18 AUGUST 2011

Planning & Management
Grant Consultants
Economic Development
Environmental Review

Stuart I. Brown
A LaBella Company

300 State Street, Suite 201, Rochester, NY 14614

Phone (585) 454-6110
Fax (585) 454-3066
www.labellapc.com

MEMORANDUM

TO: Clerks, Fire Departments, EMS Organizations
From: Edward Flynn, Senior Planner
Date: August 11, 2011
Subject: Assistance to Firefighters Grant Program

The Department of Homeland Security, Federal Emergency Management Agency, has issued a notice of funding availability for the Assistance to Firefighters Grant Program. The funding provides grants to fire departments and non-affiliated EMS organizations to enhance their abilities associated with fire related hazards.

Information on eligible activities, eligible areas and priorities is enclosed. Grants are due on or before September 9, 2011. Please share this with fire department members and contact us if you would like to discuss the program and if we can be of any assistance.

Assistance to Firefighters Grants Funding Opportunity

Summary

The Assistance to Firefighter Grants program provides funding through the Department of Homeland Security, Federal Emergency Management Agency, to fire departments and non-affiliated EMS organizations to enhance their capabilities with respect to fire and fire-related hazards.



Eligible Applicants/Areas

- Fire Departments* that have a formally recognized arrangement with a State, territory, local or tribal authority to provide fire suppression on a first responder basis.
- Non-affiliated EMS organizations* defined as a public or private nonprofit emergency medical emergency medical services organization that provides direct emergency medical services, including medical transport, on a first responder basis, not affiliated with a hospital and not serving a geographic area where emergency medical services are adequately provided by a fire department.

Eligible Activities - Fire Departments

- Fire Operations and Firefighter Safety* - training, equipment, personal protective equipment (PPE), wellness and fitness, and modifications to fire stations and facilities.
- Firefighter Vehicle Acquisition* - pumpers, brush trucks, tankers/tenders, rescue vehicles, ambulances, quints, aerials, foam trucks, and fire boats.

Eligible Activities - Nonaffiliated EMS organizations

- EMS Operations and Safety* - EMS training, EMS equipment, PPE, wellness and fitness, and modifications to stations and facilities.
- EMS Vehicle Acquisition* - ambulances, transport units and rescue squads

Match: Cash match based on population served: five (5) percent for populations of 20,000 or fewer, 10 percent for populations of between 20,001 and 50,000 and 20 percent for populations of over 50,000.

Due Date: September 9, 2011, 5:00 p.m.

Priorities: Generally, program priorities include projects with the greatest need and impact such as the replacement of obsolete equipment or vehicles, the purchase of equipment for the first time or to meet regulatory compliance, building repairs to make older stations safer, and training that leads to certification or proper use of equipment.

Contact us if you would like to discuss the program:

Stuart I. Brown Associates
300 State Street, Suite 201
Rochester, NY 14614
Phone (585) 223-3430 • Fax (585) 454-3066
efflynn@labellapc.com

Stuart I. Brown
A LaBella Company

**WALWORTH TOWN BOARD – REGULAR MEETING
18 AUGUST 2011**

Motion by Councilman Yale to accept and file.
Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0
Motion carried.



Rebecca A. Connolly, MMC

Town Clerk/Registrar
Town of Somerset
8700 Haight Road • P.O. Box 368
Barker, NY 14012 - 0368

Phone: (716) 795-3575 Fax: (716) 795-9041

August 3, 2011

Hon. Susie Jacobs, CMC/RMC
Walworth Town Clerk
3600 Lorraine Drive
Walworth, NY 14568

Dear Susie,

Congratulations on being awarded the prestigious designation of Certified Municipal Clerk. What an accomplishment! Your hard work and dedication to gain this recognition is to be commended.

I am sure the Town of Walworth is proud of your accomplishments, as you should be also. The commitment which you made to achieve this designation exemplifies your desire to do the best job for your profession and your community. I sincerely hope you will continue to pursue your educational opportunities to apply towards the Master Municipal Clerk program.

Again, congratulations on your achievement. I am very proud to be associated with you not only as a professional but as a friend. It is performance like yours that inspires our fellow Clerks to continue their professional growth.

Very truly,

Rebecca A. Connolly, MMC
Past President, NYSTCA
Somerset Town Clerk

Comment [SJ1]: Motion by Councilwoman Marini, seconded by Councilman Yale 9.15.2011.

**WALWORTH TOWN BOARD – REGULAR MEETING
18 AUGUST 2011**

Comment [SJ2]: Motion by Councilwoman Marini, Seconded by Councilman Yale. September 15, 2011.

Deleted: Motion by Councilwoman Marini to file.¶
Seconded by Councilwoman Hawkins-Mance.
¶
Adopted: Vote Ayes 4 Nays 0¶
Motion carried.

¹ The Town Boards request of 8.15.2011 “stricken in its entirety”, if removed would alter Town History.



STATE OF NEW YORK
DEPARTMENT OF STATE
COMMITTEE ON OPEN GOVERNMENT

Committee Members

RoAnn M. Dentino
Robert J. Duffy
Robert L. McGin
Cesar A. Penlez
Clifford Rickard
David A. Schulz
Robert T. Stummelkjer II, Chair
Franklin H. Stone

One Commerce Plaza, 99 Washington Ave., Suite 650
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Executive Director

Robert J. Freeman

July 29, 2011

Rick Nudd
4897 Arbor Rd.
Walworth, NY 14568-9708

The staff of the Committee on Open Government is authorized to issue advisory opinions. The ensuing staff advisory opinion is based solely upon the facts presented in your correspondence.

Dear Mr. Nudd:

We have received your letter which pertains to several actions involving the Town of Walworth that you believe to be contrary to the Open Meetings Law. We note that this office has the authority to render advisory opinions regarding the Freedom of Information and the Open Meetings Laws. The opinions are intended to be informative and educational, but they are not binding. In this regard, we offer the following comments.

First, the portion of the Open Meetings Law, §105, which pertains to executive sessions states that:

1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:
 - a. matters which will imperil the public safety if disclosed;
 - b. any matter which may disclose the identity of a law enforcement agent or informer;
 - c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 - d. discussions regarding proposed, pending or current litigation;
 - e. collective negotiations pursuant to article fourteen of the civil service law;

sm/ty

July 29, 2011
Page 2

- f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- g. the preparation, grading or administration of examinations; and
- h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

Based on the foregoing, the Open Meetings Law specifies and limits the subjects that may properly be considered during an executive session. In our view, a discussion involving "forcing the resignation" of a Town official likely would be proper in accordance with the language of §105(f).

Second, in regard to your statement that no minutes were taken at executive sessions, the Open Meetings Law §106(2), states that:

"Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the freedom of information law as added by article six of this chapter."

As a general rule, a public body may take action during a properly convened executive session [see Open Meetings Law, §105(1)]. In the case of most public bodies, if action is taken during an executive session, minutes reflective of the action, the date and the vote must be recorded in minutes pursuant to §106(2). If no action is taken, there is no requirement that minutes of the executive session be prepared.

Third, as it pertains to your contention that meetings were held without notice, the Open Meetings Law §104 states that:

1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.
2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.
3. The public notice provided for by this section shall not be construed to require publication as a legal notice.
4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

July 29, 2011
Page 3

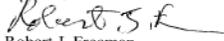
5. When a public body has the ability to do so, notice of the time and place of a meeting given in accordance with subdivision one or two of this section, shall also be conspicuously posted on the public body's internet website."

Section 104 now imposes a three-fold requirement: notice must be posted in one or more conspicuous, public locations; it must be given to the news media; and finally, notice must be conspicuously posted on the body's website, when there is an ability to do so. The requirement that notice of a meeting be "posted" in one or more "designated" locations, in our opinion, mandates that a public body, by resolution or through the adoption of policy or a directive, select one or more specific locations where notice of meetings will consistently and regularly be posted. If, for instance, a bulletin board located at the entrance of a town hall's offices has been designated as a location for posting notices of meetings, the public has the ability to know where to ascertain whether and when meetings of a school board will be held. Similarly, every public body with the ability to do so must post notice of the time and place of every meeting online.

Lastly, in regard to your questions concerning the Freedom of Information Law, when an agency indicates that it does not maintain or cannot locate a record, an applicant for the record may seek a certification to that effect. Section 89(3)(a) provides in part that, in such a situation, on request, an agency "shall certify that it does not have possession of such record or that such record cannot be found after diligent search."

We hope that we have been of assistance.

Sincerely,


Robert J. Freeman
Executive Director

BY: Richard Caister
Legal Intern

RJF:RC
cc: Town Board of Walworth

Motion by Councilwoman Hawkins-Mance to accept and file.
Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

SUPERVISOR'S REPORT:

Motion by Councilwoman Marini to accept the Supervisor's Report for the month of July 2011.
Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

PUBLIC PARTICIPATION:

The following three (3) residents spoke:

A resident from Downs Road stated she was here to talk about the "Amplified Sound" section of the "Seasonal Public Assembly Permit" issued to Greystone Golf Club for 2011.

1. As you know, this permit allows Greystone to go past the Walworth amplified sound ordinance by 1 hour, from 10:00 p.m. until 11 p.m.

2. Since I spoke at the July 7th meeting, Greystone has not complied with this section of the permit on 3 additional occasions: Friday July 29th, Saturday July 30th, and Friday August 5th.
3. The reason I'm telling you this is that you won't know that Greystone is not complying with the permit that the Town Board has issued to them, unless someone tells you, so I am speaking up.
4. On Friday July 29th, amplified sound continued until 11:35 at full volume.
5. On Saturday July 30th, amplified sound was quieted at 11:00 but was cranked back up at 11:37 until midnight.
6. On Friday, August 5th, amplified sound continued until midnight at full volume.
7. The disturbance on Friday August 5th is documented on an incident report by the Wayne County Sheriff's office. The deputy sheriff went to Greystone to investigate when she finished the incident report. I followed up with her and she verified that she did go to Greystone that evening and did speak with Ryan Kunzer.
8. I also want you to know that I have tried working directly with Greystone and have been unsuccessful.
9. I would like to strongly urge the Town Board to not grant the amplified sound time extension from 10:00 p.m. to 11 p.m. for 2012.

The second to speak is a resident from Johnny Lane who had some concerns to share with the Board. He stated he has spoken with Supervisor Plant to address some of his questions. Also noted he was very concerned after reading the letter of August 3, 2011 from the Sewer Superintendent, Rob Burns, where he explained the proposed rate increase, his reasons for the rate increase, and explained the reason why he would like to replenish reserve funds that have been used. He asked why the increase in medical and retirement was so large (percentage). Then he did a brief review of the adopted 2010 budget and asked again why the large amounts of money were allocated (\$39,000.00 for utilities and employee benefits). The resident asked if senior citizens could have discounts pertaining to part time residence. He was thanked.

**WALWORTH TOWN BOARD – REGULAR MEETING
18 AUGUST 2011**

A third to speak is a resident from Teresa Drive who stated he was here regarding the sewers at the bottom of the hill where there are two (2) sewer drains. With a large volume of water, these are backing up forming a large puddle. He explained that it's not that the sewers are clogged because they do drain it's that they can't handle a large volume of water. The resident asked if someone would look into this. The Board thanked him and explained they will do a follow-up.

RESOLUTION 70-11 FINANCIAL TRANSACTIONS:

Councilman Yale offered the following Resolution 70-11 and moved its adoption. Councilwoman Marini to wit:

BE IT RESOLVED that the Senior Account Clerk be authorized to modify budget as follows:

\$3.05 from A4020.21 Registrar of Vital Statistics Equipment Line to A1410.44
Town
Clerk Records Management Line. To cover current expenses.

\$1,327.72 from Town Hall Capital Reserve A231CR to A1620.42R Town Hall
Maintenance

& Repair Reserve Line. To cover final costs Retaining Wall/Cooling Tower
Project.

\$100.00 from A8020.41 Planning Board Conference & Training Line to A8020.42
Planning
Board Signs/Genl Expense Line. To cover current expenses.

\$200.00 from CM1Fund Balance to CM1-7110.43 Lodge General Expenses. To
cover
current expenses.

\$53,934.37 from DA5112.22 Equipment Paving/Grinding Line to DA5110.43
General
Repairs - Resurfacing Line. To cover Chip Spreader.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

RESOLUTION 67-11 ABSTRACT OF CLAIMS:

Councilwoman Marini offered the following Resolution 67-11 and moved its adoption. Seconded by Councilman Yale to wit:

WHEREAS, I certify that the vouchers listed below were audited by the Town Board on August 18, 2011 and allowed in the amounts shown:

You are hereby authorized and directed to pay to the claimant the amount opposite his name.

Dated: _____ Town Clerk: _____
Susie c. Jacobs, CMC/ RMC

BE IT RESOLVED that the claims be paid on **Abstract #8**, numbered 1,032 through 1,191 in the following amounts:

GENERAL FUND	\$ 81,643.16
HIGHWAY FUND	\$ 186,709.55
WALWORTH SEWER DISTRICT #1	\$ 86,716.07
WALWORTH LIGHT DISTRICT	\$ 491.91
HARVEST HILL LIGHT DISTRICT	\$ 593.72
BROOKSIDE LIGHT DISTRICT	\$ 8.42
ORCHARD VIEW LIGHT DISTRICT	\$ 77.33
GANANDA LIGHT DISTRICT	\$ 938.45
PARK SPECIAL REVENUE	\$ 1,140.83
WALWORTH CONSOLIDATED DRAINAGE	\$ 160.70

BE IT FURTHER RESOLVED that the claims be paid on **Abstract #8** numbered 133 through 149 in the following amounts:

TRUST & AGENCY \$ 70,890.24

Adopted this 18th day August, 2011 at the meeting of the Town Board.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

PUBLIC HEARING 7:45 PM – PROPOSED LOCAL LAW NO. 2 OF THE YEAR 2011 – SEWER RENTS CHAPTER 139:

Supervisor Plant declared the Public Hearing opened.

Time: 7:45 PM.

Susie C. Jacobs, Town Clerk, stated that the notice of Public Hearing for PROPOSED Local Law No. 2 of the Year 2011 – SEWER RENTS, CHAPTER 139 was duly published two (2) times in the Town's official newspaper on August 7, 2011 and August 14, 2011, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilman Yale to waive the reading of the Legal Notice.
Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

The following person wish to be heard:

Mr. Dennis Muoio from Theresa Drive addressed a concern for the Sewer rate increase because he is one of the Walworth residents that is not here year round but still has to pay the sewer and water bill. Discussion ensued.

Council members and Rob Burns explained that there is a way to stop the bill while he is away and was encouraged to contact Supervisor Plant for follow-up. Resident stated if this could be done then he was **in FAVOR** of the sewer increase.

No one else wished to comment.

Motion by Councilman Yale to close the Public Hearing.
Seconded by Councilwoman Hawkins-Mance to wit:

**WALWORTH TOWN BOARD – REGULAR MEETING
18 AUGUST 2011**

Adopted: Vote Ayes 4 Nays 0
Motion carried.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into Executive Session for two (2) possible litigations and contract negotiations.
Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0
Time: 7:48 PM.
Motion carried.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.
Time: 7:59 PM.

HEARING 8:00 PM - PEDDLERS / SOLICITORS REVOCATION FOR TOMSCHE

Mr. Nicholas James Tomsche was absent.

Motion by Councilman Yale to ratify the Town Clerk's letter of August 5, 2011 Peddlers / Solicitors License for Mr. Nicholas James Tomsche issued on July 25, 2011 is revoked.
Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

EXECUTIVE SESSION:

Motion by Councilwoman Hawkins-Mance to enter into Executive Session for personnel and a potential litigation.
Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0
Time: 8:03 PM.
Motion carried.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.
Time: 8:37 PM.

RESOLUTION 68-11 ADOPTION OF LOCAL LAW NO. 2 OF 2011 – SEWER RATES CHAPTER 139:

Councilwoman Hawkins-Mance offered the following Resolution **68-11** and moved its adoption.
Seconded by Councilwoman Marini to wit:

WHEREAS, the Town Board of the Town of Walworth held a Public Hearing on August 18, 2011, to consider the adoption of proposed Local Law No. 2 of the year 2011, entitled A LOCAL LAW AMENDING THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY AMENDING CHAPTER 139 entitled "SEWERS", pertaining to SEWER RENTS SETTING FORTH RENT CHARGES AND PROVISION FOR MINIMUM SEWER RENT NOT TO BE CHARGED IN CASE OF DISCONNECT FOR MORE THAN 30 CONTINUOUS DAYS said proposed Local Law No. 2 of the year 2011 is hereby introduced before the Town Board of the Town of Walworth in the County of Wayne in the State of New York.

The text of the Proposed Local Law appears as follows:

SECTION 1. Amending Chapter 139-6 of the Town of Walworth Municipal Code is hereby amended as follows:

1. That Subdivision A of 139-6 entitled "Amount; collection; late and additional charges; notification of charges; responsibility of sewer district" is hereby amended to read as follows:
 1. Amount. Each unit shall pay a minimum charge of **\$ 65.00** for each three-month period for sewer rent. In the event that the three months' water consumption exceeds 16,000 gallons, then the unit shall also pay **\$4.25** for each additional 1,000 gallons or part thereof of water consumed as determined above during the three months covered by the water bill.

SECTION 2. **Effective 1st Day of January, 2012.**

This Local Law shall take effect immediately after filing in the Office of the Secretary of State.

BE IT RESOLVED the Town Board of the Town of Walworth does hereby adopt proposed Local Law No. 2 of the year 2011 to the Town of Walworth Municipal Code.

BE IT RESOLVED that the Town Clerk submit the necessary documents pertaining to the adoption of said proposed Local Law No. 2 to the Attorney for the Town for filing with the Secretary of State.

NOW, BE IT FURTHER RESOLVED that the Town Council of the Town of Walworth adopt Resolution **68-11**.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

COMMITTEE REPORTS:

RECREATION – AUTHORIZATION FOR TOWN SUPERVISOR TO SIGN THE CONTRACT WITH MAIN STREET EAST – WALWORTH HARVEST MOON FEST

Motion by Councilwoman Marini authorizing the Town Supervisor to sign the contract with Main Street East to perform at the Walworth Harvest Moon Fest on October 22, 2011 from 1-4 PM.

Seconded by Councilwoman Hawkins-Mance.

**WALWORTH TOWN BOARD – REGULAR MEETING
18 AUGUST 2011**

Adopted: Vote Ayes 4 Nays 0
Motion carried.

**SEWER – NEW YORK RURAL WATER ASSOCIATION TRAINING SESSION –
JOHN PAGLIUSO**

Motion by Councilwoman Hawkins-Mance authorizing John Pagliuso to attend NY Rural Water Association training session on Confined Space on Tuesday, October 18, 2011 from 8:30 AM to 4 PM in Waterloo, NY for a cost not to exceed \$75.00 to be expended from Budgeted line SS8110.41. Credit hours will be given.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

RECESS:

Supervisor Plant took a five minute recess while the Town Clerk made copies of documents.

**RESOLUTION 69-11 – FINDINGS OF NEGATIVE DECLARATION FOR THE
SEQR FOR LOCAL LAW NO. 3 OF 2011 WHICH AMENDS THE WALWORTH
TOWN CODE “ZONING” SECTION 180-10(A) TO ADD PARAGRAPH 3:
USES IN ACCORDANCE WITH CHAPTER 70:**

Councilman Yale offered the following Resolution 69-11 and moved its adoption.
Seconded by Councilwoman Hawkins-Mance to wit:

BE IT RESOLVED that the Town of Walworth findings of Negative Declaration for the SEQR FOR PROPOSED LOCAL LAW NO. 3 OF 2011 which amends the Walworth Town Code “Zoning” Section 180-10(A) TO ADD PARAGRAPH 3: USES IN ACCORDANCE WITH CHAPTER 70.

BE IT RESOLVED that notification is sent to Wayne County Planning Board.

Adopted this 18th day of August 2011 at the meeting of the Town Board.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

**RESOLUTION 72-11 SET PUBLIC HEARING PROPOSED LOCAL LAW NO. 3
OF 2011 AMENDING CHAPTER 180 ENTITLED “ZONING” SECTION 180-10A
IS HEREBY AMENDED TO ADD A PARAGRAPH 3: USES IN ACCORDANCE
WITH CHAPTER 70:**

Councilman Yale offered the following Resolution 72-11 and moved its adoption.
Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, Proposed Local Law No. 3 of the 2011 was submitted to the Town Board and adopted on July 21, 2011 with Resolution 62-11.

BE IT RESOLVED that proposed Local Law No. 3 of the 2011 entitled ; A Local Law amending Chapter 180 of the Walworth Town Code entitled “Zoning”; §180-10 (A) is hereby amended to add a paragraph (3) uses in accordance with Chapter 70 of the Walworth Town Code.

BE IT FURTHER RESOLVED that the Town Board holds a Public Hearing on said Proposed Local Law No. 3 at the Walworth Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at **7:45 PM on Thursday, October 6, 2011.**

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 ten (10) days prior thereto.

BE IT FURTHER RESOLVED that Notification is mailed to Wayne County Planning Board and as a courtesy notification to neighboring municipalities.

Adopted this 18th day of August, 2011.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

RESOLUTION 73-11 PROPOSED LOCAL LAW NO. 4 OF 2011 AMENDING CHAPTER 180 OF THE WALWORTH TOWN CODE ENTITLED "ZONING" EXPANSION OF B ZONE AND EXPANSION OF THE PD DISTRICT:

Councilwoman Hawkins-Mance offered the following Resolution 73-11 and moved its adoption. Seconded by Councilman Yale.

PROPOSED LOCAL LAW # 4

A Local Law amending Chapter 180 of the Walworth Town Code entitled "Zoning"

§180-06 F:

1. Expansion of B Zone:

- A) The B District will be expanded with the addition of a parcel of land located on the east side of Walworth-Ontario Road currently zoned Hamlet and a parcel of land located in the Hamlet of Lincoln at the northeast corner of the intersections of Plank Road and Lincoln Road, currently zoned Hamlet.

Beginning a point in the intersection of the east right-of-way line of Walworth-Ontario Road and the southwest corner of lands of Claire H. VanHaneghem & Deborah J. Williams, tax account no. 63114-15-627487 said point also being the northwest corner of lands of Joseph G. & Marcia P. Englert, tax account no. 63114-15-644496, thence

- a) Easterly, along the aforesaid south line of lands of Claire H. VanHaneghem & Deborah J. Williams to a point in the southeast corner of lands of Claire H. VanHaneghem & Deborah J. Williams, tax account no. 63114-15-627487, thence
- b) Northerly, along the division line of lands of Joseph G. & Marcia P. Englert, tax account no. 63114-15-644496 on the east and lands of Claire H. VanHaneghem & Deborah J. Williams on the west, to a point in the northwest corner of lands of Joseph G. & Marcia P. Englert, thence
- c) Easterly, along the north line of lands of Joseph G. & Marcia P. Englert, tax account no. 63114-15-644496 to a point in the northeast corner of lands of Joseph G. & Marcia P. Englert, thence
- d) Southerly, along the division line between Joseph G. & Marcia P. Englert, tax account no. 63114-15-644496 on the west and lands of Joseph G. & Marcia P. Englert, tax account no. 63114-15-663497 on the east to a point in the north line of lands of Joseph G. & Marcia P. Englert, tax account no.

63114-15-650472, thence

- e) Westerly, southwesterly and westerly, along the aforesaid north line of Joseph G. & Marcia P. Englert, tax account no. 63114-15-650472 and the north line of lands of Rate Properties LLC., tax account no. 63114-15-628473, to a point in the east right-of-way line of Walworth-Ontario Road, thence
- f) Northerly, along the east right-of-way line of Walworth-Ontario Road to the point and place of beginning.

Also all that tract or parcel of land:

Beginning a point in the intersection of the east right-of-way line of Lincoln Road and the north right-of-way line of Plank Road, said point being the southwest corner of lands of the Lincoln Fire Department, tax account no. 61116-00-730102, thence

- a) Easterly, along the aforesaid north right-of-way line of Plank Road to the southeast corner of lands of Gino Affronti, tax account no. 61116-00-767102, thence
- b) Northerly, along the east line of lands of Gino Affronti, tax account no. 61116-00-767102 to a point in the northeast corner of lands of Gino Affronti, tax account no. 61116-00-767102, thence
- c) Westerly, along the north line of lands of Gino Affronti, tax account no. 61116-00-767102 to a point in the east right-of-way line of Lincoln Road said point being the northwest corner of lands of the Lincoln Fire Department, tax account no. 61116-00-730102, thence
- d) Southerly, along the east right-of-way line of Lincoln Road to the point and place of beginning.

Also all that tract or parcel of land:

Beginning a point in the intersection of the north right-of-way line of Plank Road and the east line of lands of Salvatore J. & Danielle Grutadurio, tax account no. 61116-00-795165, said point being the southwest corner of lands formerly of Zientara, tax account no. 61116-00-806098, thence

- a) Northerly, along the division line between Salvatore J. & Danielle Grutadurio, tax account no. 61116-00-795165 on the west and lands formerly of Zientara, tax account no. 61116-00-806098 on the east, to the northwest corner of lands of Zientara, thence
- b) Northeasterly, along the north line of lands formerly of Zientara to a point in the northeast corner of lands formerly of Zientara, tax account no. 61116-00-806098, thence
- c) Southerly, along the division line between lands formerly of Zientara on the west and Phyllis L. Loquasto, tax account no. 61116-00-846153, on the east to a point in the north right-of-way line of Plank Road, said point being the southeast corner of lands formerly of Zientara, thence
- d) Westerly, along the north right-of-way line of Plank Road to the point and place of beginning.

2. Expansion of PD District

- A) The PD Planned Unit Development District will be expanded with the addition of several parcels located on the south side of Walworth-Penfield Road currently zoned B (Business) and R (Residential District).

Beginning a point in the intersection of the east right-of-way line of Canandaigua Road and the south right-of-way line of Penfield-Walworth Road, N.Y.S. Route 441, said point being the northwest corner of lands of Kenneth L. & Donald R. Nortier, tax account no. 62114-00-342301, thence

- a) Easterly, along the south right-of-way line of Penfield-Walworth Road to the intersection formed by the aforesaid south right-of-way line of Penfield Walworth Road and the west right-of-way line of Baker Road, said point being the northeast corner of lands of Robert J. & Kim M. Redden, tax account no. 62114-00-535451, thence
- b) Southerly, along the west right-of-way line of Baker Road to a point in the southeast corner of lands of Carlyle G. & Doris Darron, tax account no. 62114-00-50810, thence
- c) Westerly, along the division line between lands of Blue Heron Hills Country Club Inc., tax account no. 62114-00-468067, on the south, and Carlyle G. & Doris Darron, tax account no. 62114-00-508310, Bruce E. & Mary A. Thorp, tax account no. 62114-00-432321 and Kenneth L. & Donald R. Nortier, tax account no. 62114-00-342301 on the north to a point in the east right-of-way line of Canandaigua Road, said point being the south west corner of lands of Kenneth L. & Donald R. Nortier, thence
- d) Northerly, along the right-of-way line of Canandaigua Road to the point and place of beginning.

3. The official Town Map shall be amended to show the expansions in accordance with Sections 1 and 2 hereinabove.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

RESOLUTION 74-11 ACTION VIA TYPE 1 UNDER SEQR – EXPANSION OF B ZONE AND EXPANSION OF PD DISTRICT:

Councilman Yale offered the following Resolution 74-11 and moved its adoption. Seconded by Councilwoman Hawkins-Mance.

WHEREAS, the Town Board of the Town of Walworth declares action via Type 1 SEQR – Expansion of B Zone and Expansion of PD District.

Adopted this 18th day of August 2011.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

RESOLUTION 75-11 DECLARING THE TOWN BOARD LEAD AGENCY UNDER SEQR FOR UN-COORDINATED REVIEW – DIRECTING ATTORNEY OR ENGINEER, FOR THE TOWN, TO PREPARE A FULL EAF PART 1 AND NOTICES REQUIRED – EXPANSION OF B ZONE AND EXPANSION PD DISTRICT:

Councilman Yale offered the following Resolution 75-11 and moved its adoption. Seconded by Councilwoman Hawkins-Mance.

**WALWORTH TOWN BOARD – REGULAR MEETING
18 AUGUST 2011**

WHEREAS, the Town Board of the Town of Walworth is declaring themselves Lead Agency under SEQR for un-coordinated review and directing the Attorney or Engineer, for the Town, to prepare a full EAF Part 1 and send any notices that are required for Expansion of B Zone and Expansion of PD District.

Adopted this 18th day of August 2011.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

RESOLUTION 76-11 DIRECTING THAT THE OFFICIAL TOWN MAP BE AMENDED:

Councilwoman Hawkins-Mance offered the following Resolution 76-11 and moved its adoption.

Seconded by Councilman Yale.

WHEREAS, the Town Board of the Town of Walworth having passed Local Law No. 1 of 2010, changing the classification of all B-1 and B-2 Districts into a B District,

NOW THERE FOR BE IT RESOLVED that the official Town Map shall be amended to re-label all B-1 and B-2 Districts as B Districts in accordance with Local Law No. 1 of 2010.

Adopted this 18th day of August 2011.

Roll call vote:	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye

Resolution carried.

RESOLUTION 71-11 NYS STANDARD WORK DAY AND REPORTING RESOLUTION:

Councilwoman Marini offered the following Resolution 71-11 and moved its adoption.

Seconded by Councilman Yale.



Office of the New York State Comptroller
New York State and Local Retirement System
Employees Retirement System
Policies and Fee Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution RS 2417-A
(12/10)

BE IT RESOLVED, that the TOWN OF VALWORTH, Location code _____ hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body.

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Thursday)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (Based on Record of Activities)	Ter 1 (Check only if members in Ter 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
Appointed Officials									
COMPTROLLER SECRETARY	BARBARA KILLING				§ 01-01-2011 TO 12-31-2011	Y			

If additional rows are needed, please use form RS2417-B and attach.

On the _____ day of AUGUST, 2011, _____ (Signature of clerk)
I, SUSIE C. JACOBS, _____ (Name of Employer) clerk of the governing board of the TOWN OF VALWORTH, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the _____ day of _____, 20____ on file as part of the minutes of such meeting, and that same is a true copy, hereof and the whole of such original.
I further certify that the full board, consists of _____ members, and that _____ of such members were present at such meeting and that _____ of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the TOWN OF VALWORTH (Name of Employer)
This document consists of _____ page(s) (see additional RS2417-B forms attached).

(seal)

Roll call vote: Councilman Maciuska Absent
Councilwoman Marini Aye
Councilwoman Hawkins-Mance Aye
Councilman Yale Aye
Supervisor Plant Aye

Resolution carried.

NOTE:
Supervisor Plant stated the following:
Mandated NYS Retirement Increases (unfunded):
Amount Due: 2011 \$146,752.00
Amount Due: 2012 \$220,246.00

ADJOURNMENT:
Motion by Councilwoman Hawkins-Mance to adjourn.
Seconded by Councilwoman Marini and unanimously carried.
Time: 8:55 PM.

Respectfully Submitted,

Susie C. Jacobs, CMC/RMC
Town Clerk