

**WALWORTH TOWN BOARD – REGULAR MEETING  
FEBRUARY 2, 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, New York 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

**ABSENT:**            Tom Yale                Councilwoman  
                         Susie Jacobs            Town Clerk\*

*\*Neither the Town Clerk nor the Deputy Town Clerk was present to take minutes of the meeting pursuant to New York Town Law Section 30. The minutes for this meeting were taken by Councilwoman Marini.*

**Comment [SJ1]:** Motion by Councilman Ruth, Seconded by Councilman Pembroke, 2.16.2012.

**Deleted:** *There was no prior notification that neither would not be present*

**OTHERS PRESENT:**

Michael Frederes, Highway Superintendent; Rob Burns, Sewer Superintendent; Karen Ambroz, Sole Assessor; Brendan Bystrak, Labella Associates, P.C. Engineer for the Town; Denise Munson, Attorney for the Town; Jackie VanLare, Parks & Recreation Director, Mary Zingerella, Library Director; Town Newspaper Reporter, and two (2) attendees.

**MINUTES:**

Motion by Councilman Ruth to approve the Minutes of January 19, 2012 as presented.  
Seconded by Councilman Pembroke.

Adopted:    Vote    Ayes    4            Nays    0  
Motion carried.

**PUBLIC PARTICIPATION:**

No one present offered any comments.

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**COMMITTEE REPORTS:**

**PROCLAMATION – WALWORTH PUBLIC LIBRARY**

**PROCLAMATION**

**Walworth-Seely Public Library**

**WHEREAS, the Walworth-Seely Public Library has served as our community’s great equalizer of knowledge by providing free access to all; and**

**WHEREAS, the Walworth-Seely Public Library has played a vital role in supporting the quality of life in the Walworth community; and**

**WHEREAS, the Walworth-Seely Public Library works to meet the changing needs of its users, including building collections, expanding outreach services and increasing programming; and**

**WHEREAS, the Walworth-Seely Public Library provides a forum for diverse ideas and points of view that help us better understand each person; and**

**WHEREAS, the Walworth-Seely Public Library is a crucial technology hub for the residents of the Town of Walworth who are in need of free Web access, computer training, and assistance in finding job resources; and**

**WHEREAS, the Walworth-Seely Public Library is a part of the American dream, a place for education, opportunity and lifelong learning.**

**NOW, THEREFORE, we, the Town Board of the Town of Walworth, do hereby, Proclaim, Sunday, February 12, 2012 is the 50<sup>th</sup> birthday celebration of the Walworth-Seely Public Library and acknowledges the role that the library has played in the past vitality of this community and for future contributions.**

**Proclaimed this 2<sup>nd</sup> day of February, 2012.**

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**Robert J. Plant, Supervisor  
Town of Walworth**

Motion by Councilman Ruth to present the above Proclamation to the Walworth-Seely Public Library. Seconded by Councilman Pembroke.

Adopted:   Vote   Ayes 4       Nays 0  
Motion carried.

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**PRESENTATION OF PROCLAMATION:**

Supervisor Plant asked Mary Zingerella, Library Director, to come forward and presented the Proclamation to her for the Walworth-Seely Public Library on behalf of the Walworth Town Board.

**LETTER FROM DAVE WOODWARD:**

Walworth Town Board 2/17/12  
I would like to acknowledge the drainage work your highway crew has done in 2011 in the Dubois corner - County Line Rd - Knollwood road area. My neighbors and I appreciate their work. Drainage is always an important asset for farmland. You should be proud of your highway employees.  
Thank You  
Dave Woodward

Motion by Councilman Ruth to accept and file the letter. Seconded by Councilman Pembroke.

Adopted: Vote Ayes 4 Nays 0  
Motion carried.

**AUTHORIZATION FOR SUPERVISOR TO SIGN CONTRACT:**

AIC – Movie Contract.

It was moved by Councilman Ruth that the Supervisor be authorized to sign the Contract for the movie to be held in the park in conjunction with the Festival in the Park. Seconded by Councilwoman Marini.

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**DISCUSSION:** It is to be noted that this outdoor movie is a joint project between Walworth Recreation and the Walworth Lions Club in which the cost of the movie is shared.

Adopted: Vote Ayes 4 Nays 0  
Motion carried.

**AUTHORIZATION FOR PUBLIC ASSEMBLY PERMIT:**

Grace Baptist Church has requested the use of the open air pavilion for a bluegrass concert on Saturday, September 1, 2012. The expected sign of the group would be 300. In addition, they would be coordinating a Chicken BBQ during the event which would be done with the Walworth Fire Department.

It was moved by Councilwoman Marini that the Public Assembly Permit be issued with the condition that due to the anticipated size of the participants that the Grace Baptist Church would also have to reserve the Lodge at Ginegaw so that there is adequate parking for both the concert and the Chicken BBQ. Seconded by Councilman Pembroke.

Adopted: Vote Ayes 4 Nays 0  
Motion carried.

**ACCEPT AND FILE:**

Town Clerk's Annual Report for 2011

It was moved by Councilwoman Marini that the Town Clerk's Annual Report for 2011 be accepted and filed. Seconded by Councilman Pembroke.

Adopted: Vote Ayes 4 Nays 0  
Motion carried.

**AUTHORIZATION TO ATTEND TRAINING:**

FLBOA Training, March 2012 for Norm Druschel

It was moved by Councilman Ruth that Norm Druschel be authorized to attend the FLBOA training session for a cost of \$390.00. This training counts towards Norm's continuing education requirements. This is a budgeted item. Seconded by Councilman Pembroke.

Adopted: Vote Ayes 4 Nays 0  
Motion carried.

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**RESOLUTION 19-12 – AMEND OFFICIAL DEPOSITORIES:**

Councilman Ruth offered the following Resolution 19-12 and moved its adoption.  
Seconded by Councilman Pembroke to wit:

**WHEREAS**, the Town Board of the Town of Walworth adopted Resolution 06-12 at a meeting of the Town Board on the 19<sup>th</sup> day of January, 2012, and

**WHEREAS**, Judge Majchrzak, Jr., has changed his banking depositories to Lyons National Bank, and

**WHEREAS**, the Town Board wishes to amend and declare the official depositories for the Town

**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:	Lyons National Bank
TOWN CLERK:	JP Morgan Chase
RECEIVER OF TAXES:	JP Morgan Chase
SEWER SUPERINTENDENT:	JP Morgan Chase

Dated this 2nd day of February, 2012 at a 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.

**DISCUSSION OF HYDROFRACKING:**

Supervisor Plant stated that due to the concerns that have been raised in other areas of the State, he wanted to know if the Board was interested in considering placing a moratorium on Hydrofracking in the Town. There is a State moratorium in place at the present time. Councilman Ruth stated he did not believe that we have the type of shale in this area and Brendan Bystrak also indicated that he did not believe that we had the type of shale needed. Councilman Pembroke and Councilwoman Marini indicated that in the event that the State lifts their moratorium that we may then be interested in discussing this issue again.

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**DEDICATION OF RED FOX CIRCLE – RESOLUTION 20-12**

Councilman Ruth offered the following Resolution 20-12 and moved its adoption.  
Seconded by Councilman Pembroke to wit:

This matter having come before the Walworth Town Board upon application of Dan Lettro dated November 28, 2011 for an Order accepting dedication of a portion of the roadway in Red Fox Circle –West (map of said subdivision filed in the Wayne County Clerk’s Office and designated as Map No. M029565), and described as set forth in the attached Schedule A, and for laying out of the highway; and further, upon the Dedication and Release signed by Dan Lettro dated November 28, 2011; and upon receipt of a Deed of conveyance, conveying the lands described in Schedule A., and reviewing and accepting the same; and upon receiving a policy of Title Insurance through Monroe Title in the face amount of \$5000, title number 201-100952, and accepting the same;

Now therefore, it is hereby Resolved:

1. That the Town Board of the Town of Walworth hereby accepts the Deed of Dedication for a portion of the roadway in Red Fox Circle-West, as more particularly described in Schedule A, attached hereto; and
2. That the Town Board will cause to be executed the Consent of the Town Board to Dedication; and
2. That this acceptance is conditioned upon Dan Lettro paying all costs associated with the recording of the Deed, as well as the cost of the title insurance policy; and
3. The Superintendent of Highways is to cause an Order to be signed laying out the highway as described in Schedule A; and
4. The original Deed of Dedication is to be filed with the Town Clerk after recording with the Wayne County Clerk.

It is so resolved.

The Town Board of the Town of Walworth  
February 2, 2012

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*Schedule A*

All That Tract or Parcel of Land being part of Town Lot 167, Township 13, Range 3, situate in the Town of Walworth, County of Wayne, State of New York, as shown on a map entitled "Final Plan, Red Fox Circle - West." prepared by Shelley Associates, P.E., L.S., P.C., last dated February 16, 2011, Project No. 10-5341, filed at the Wayne County Clerk's Office on March 8, 2011, being Map #M029565 and being more particularly described as follows:

Beginning at a point at the Northeast corner of Lot 21, Whitney Meadows Subd., Sect. 5, said point being the southeasterly corner of the Proposed 60' Right of Way herein described; thence,

1. Westerly along the northerly line of Lot 21, Whitney Meadows Subdivision, Sect. 5, on a curve to the left with a delta angle of  $24^{\circ} 55' 43''$ ; a radius of 110.00 feet and an arc length of 47.86 feet to a point; thence,
2. N  $83^{\circ} 33' 00''$  W, along said northerly line of Lot 21, Whitney Meadows Subd., , a distance of 122.01 feet to the northwesterly corner of said Lot 21, Whitney Meadows Subd.; thence,
3. S  $06^{\circ} 27' 00''$  W, along the westerly line of said Lot 21, Whitney Meadows Subd., a distance of 40.00 feet to a point on the westerly line of Lot 21, Whitney Meadows Subd.; thence
4. N  $83^{\circ} 33' 00''$  W, along the southerly line of the Proposed 60' Right of Way herein described, a distance of 40.00 feet to the southwest corner of said Proposed 60' Right of Way herein described; thence,
5. N  $06^{\circ} 27' 00''$  E, along the westerly line of the Proposed 60' Right of Way herein described, a distance of 140.00 feet to the northwesterly corner of said 60' Right of Way herein described; thence,
6. S  $83^{\circ} 33' 00''$  E, along the northerly line of the said Proposed 60' Right of Way herein described, a distance of 40.00 feet to a point on the westerly line of Lot 16, Whitney Meadows Subd., Sect. 4; thence.
7. S  $06^{\circ} 27' 00''$  W, along the westerly line of said Lot 16, Whitney Meadows Subd., Sect. 4, a distance of 40.00 feet to the southwest corner of Lot 16, Whitney Meadows Subd.; thence.
8. S  $83^{\circ} 33' 00''$  E, along the southerly line of said Lot 16, Whitney Meadows Subd., Sect. 4, a distance of 122.01 feet to a point on the northerly line of the Proposed 60' Right of Way herein described; thence,
9. Easterly along the northerly line of said Proposed 60' Right of Way herein described, on a curve to the right with a delta angle of  $24^{\circ} 55' 43''$ ; a radius of 50.00 feet and an arc length of 21.75 feet to the northeasterly corner of said Proposed 60' Right of Way herein described; thence,
10. S  $18^{\circ} 28' 43''$  E, along the End of the Existing Dedicated 60' Right of Way, a distance of 60.00 feet to the point and place of beginning, comprising an area of 0.345 acre of land.

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Roll Call Vote:	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Pembroke	Aye
	Councilman Ruth	Aye
	Councilman Yale	Absent

Resolution carried.

**AUTHORIZATION TO SIGN SOFTWARE CONTRACT:**

It was moved by Councilwoman Marini that the Supervisor be authorized to sign a contract with Williamson Law Book. Seconded by Councilman Ruth.

Adopted:   Vote   Ayes 4       Nays 0  
Motion carried.

**AUTHORIZATION TO SIGN ELEVATOR CONTRACT:**

It was moved by Councilwoman Marini that the Supervisor be authorized to sign a contract with SCHINDLER ELEVATOR. Seconded by Councilman Ruth.

Discussion: The lowest quote does not provide telephone monitoring, so an additional cost would be incurred to have this done. Schindler provides the 24 hour telephone monitoring as part of their \$708.00 quote. Additional discussion on the length of the contract and the ability to provide 90 days notice to be released from the contract. Additionally, an unsolicited letter was received from Mr. Nudd regarding this matter. Not all information in the letter was applicable.

Adopted:   Vote   Ayes 4       Nays 0  
Motion carried.

**AUTHORIZATION TO SIGN MANDATORY DRUG TESTING CONTRACT:**

It was moved by Councilman Ruth that the Supervisor be authorized to sign a contract with Advanced Occupational Testing. Seconded by Councilman Pembroke.

Adopted:   Vote   Ayes 4       Nays 0  
Motion carried.

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**GREYSTONE PUBLIC ASSEMBLY PERMIT:**

It was moved by Councilman Ruth that the permit application be sent back to have hours modified to reflect what is permitted under the Code. Seconded by Councilman Pembroke.

Adopted:   Vote   Ayes 4       Nays 0  
Motion carried.

**APPROVAL OF 2011 SERVICE AWARD POINTS LISTING – LINCOLN FIRE  
DEPARTMENT:**

It was moved by Councilman Ruth to accept the 2011 Service Awards Points Listing from the Lincoln Fire Department. Seconded by Councilman Pembroke.

Adopted:   Vote   Ayes 4       Nays 0  
Motion carried.

**APPROVAL OF 2011 SERVICE AWARD POINTS LISTING – WEST WALWORTH  
FIRE DEPARTMENT:**

It was moved by Councilwoman Marini to accept the 2011 Service Awards Points Listing from the West Walworth Fire Department. Seconded by Councilman Pembroke.

Adopted:   Vote   Ayes 4       Nays 0  
Motion carried.

**ACCEPT AND FILE:**

Parks and Recreation's Annual Report for 2011

It was moved by Councilwoman Marini that the Town Clerk's Annual Report for 2011 be accepted and filed. Seconded by Councilman Pembroke.

Adopted:   Vote   Ayes 4       Nays 0  
Motion carried.

**ACCEPT AND FILE:**

Abstract #1 of 2012 from the Town Comptroller

It was moved by Councilman Ruth that Abstract #1 of 2012 from the Town Comptroller be accepted and filed. Seconded by Councilman Pembroke.

Adopted:   Vote   Ayes 4       Nays 0

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Motion carried.

**WITHDRAWAL OF PREVIOUS GREYSTONE MOTION:**

**GREYSTONE PUBLIC ASSEMBLY PERMIT:**

It was moved by Councilman Ruth that the action of the Board regarding the Greystone Public Assembly Permit be withdrawn upon future review of the application. Seconded by Councilman Pembroke.

**DISCUSSION:** Supervisor Plant will research the Special Permit regarding hours of operation. The amplified sound portion of the application states that it will end at 10 PM. The hours of operation proposed are until 1 AM.

Adopted: Vote Ayes 4 Nays 0  
Motion carried.

**EXECUTIVE SESSION:**

Motion by Councilwoman Marini to enter into Executive Session for the purpose of: 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. Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0  
Time: 8:05 PM

**RECOVENE:**

Supervisor Plan reconvened the regularly scheduled meeting.  
Time: 8:19 PM

**ACCEPT AND FILE:**

Letter of Dave Woodward requesting the Board consider a reduction of Ambulance and Fire Tax in line with the Agricultural Deduction for farmland properties.

It was moved by Councilman Ruth to accept and file the letter. Seconded by Councilman Pembroke.

**DISCUSSION:** Supervisor Plant indicated that the Town of Walworth Agricultural Exemption for 2011 was \$10,000,000.00. Councilman Ruth indicated that emergency services are still required for agricultural uses within the Town. Councilman Pembroke stated that he agreed with Councilman Ruth. Councilwoman Marini stated that it would be timelier to look request at during budget preparation time for 2012.

Adopted: Vote Ayes 4 Nays 0  
Motion carried.

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**ADJOURNMENT:**

Motion by Councilwoman Marini to adjourn.

Seconded by Councilman Ruth and unanimously carried.

Time: 8:25 PM

Respectfully Submitted in the Absence of the Town Clerk or Deputy Town Clerk,

Patricia Marini  
Town Councilwoman