

**WALWORTH TOWN BOARD – REGULAR MEETING
19 JULY 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 7:31 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; Brendan Bystrak, Labella Associates, P.C. Engineer for the Town and three (3) attendees.

MINUTES:

Motion by Councilman Ruth to approve the Minutes of July 5, 2012 as presented. Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

SUPERVISOR'S REPORT:

Motion by Councilwoman Marini to accept as presented the Supervisor's Report for June 2012. Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

PUBLIC PARTICIPATION:

Mr. Wm. Scott Copp, Senior Project Manager with TYLIN International, Rochester, NY addressed the Board regarding his clients who own property on Plank Road, Walworth, NY. Mr. Copp provided back ground information and asked if the Town and the parties involved would sit down and have a resolution / take corrected action in this matter without going any further.

COMMITTEE REPORTS:

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

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**SEWER - AUTHORIZATION FOR PAYMENT G.P. SMITH EXCAVATING INC.
– FORCE MAIN PROJECT:**

Motion by Councilman Pembroke authorizing payment to G.P. Smith Excavating Inc. for payment on the Stalker Road Force Main Project in the amount not to exceed \$130,150.00, this amount is minus 10% retained from the final amount due, to be expended from budget line SS8110.24.

Seconded by Councilwoman Marini.

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

Motion carried.

The following was submitted:

**G. P. Smith Excavating, Inc.
2072 Walworth Road
Palmyra, New York 14522**

To: LaBella Associates, PC
Brendan Bystrak
300 State Street
Suite 201
Rochester, New York 14614

Re: Town of Walworth
Stalker Road Forcemain

Date: July 11, 2012

Bill for services rendered in regard to the above referenced project:

Total Contract Amount:	\$142,000.00
Less Amount Held for Lawn Restoration:	-\$ 5,000.00
Work Completed:	\$137,000.00
Less Retainage (5%)	<u>-\$ 6,850.00</u>

Amount of Current Pay Request: \$130,150.00

Please remit to the above address.

Sincerely,


GREGORY P. SMITH
President

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TOWN CLERK – AUTHORIZATION FOR SUPPLEMENT NO. 2 TO THE CODE OF THE TOWN OF WALWORTH – GENERAL CODE:

Motion by Councilwoman Marini authorizing General Code to proceed with Supplement No. 2 to the Code of the Town of Walworth for an amount not to exceed \$1,430.00 from budgeted line A1410.43.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

ANIMALS – RESOLUTION 74-12 - DOG ENUMERATION:

Discussion ensued.

Councilman Ruth offered the following Resolution 74-12 and moved its adoption. Seconded by Councilwoman Marini 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

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

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 not conducted a dog enumeration since 2009;

NOW BE IT RESOLVED, that the Town Board of the Town of Walworth authorizes the Town Clerk to conduct a Dog Mail-in Enumeration for properties North of Route 441 for the Town beginning August 1, 2012 through September 30, 2012. *An additional* charge of \$5.00 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 74-12.

Adopted this 19th day of July, 2012, at the meeting of the Town Board.

Discussion: Discussion ensued.

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Motion by Supervisor Plant amending Resolution 74-12 increasing the “Additional Charge of **\$10.00** to be applied to those dogs identified as unlicensed as per Article 7 and The Town of Walworth Code beginning October 1, 2012.”

Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

ANIMALS – RESOLUTION 74-12 WITH AMENDMENT- DOG ENUMERATION:

Councilman Ruth offered the following Resolution 74-12 and moved its adoption. Seconded by Councilwoman Marini 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

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

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 not conducted a dog enumeration since 2009;

NOW BE IT RESOLVED, that the Town Board of the Town of Walworth authorizes the Town Clerk to conduct a Dog Mail-in Enumeration for properties North of Route 441 for the Town beginning 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 74-12.

Adopted this 19th day of July, 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.

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**HIGHWAY - RESOLUTION 75-12 AGREEMENT TO EXTEND INDEXED LUMP
SUM MUNICIPAL SNOW AND ICE AGREEMENT 2013/14 YEAR:**

Councilman Ruth offered the following Resolution 75-12 and moved its adoption.
Seconded by Councilwoman Marini to wit:

WHEREAS the “AGREEMENT TO EXTEND INDEXED LUMP SUM MUNICIPAL SNOW AND ICE AGREEMENT” for 2013/14 has been presented and reviewed,

BE IT RESOLVED that the Supervisor be authorized to sign The New York State Department of Transportation “AGREEMENT TO EXTEND INDEXED LUMP SUM MUNICIPAL SNOW AND ICE AGREEMENT” FOR 2013/14 year.

BE IT FURTHER RESOLVED that the Town Clerk expedite the documents per instructions.

BE IT FURTHER RESOLVED that the Town Board of the Town of Walworth Adopt Resolution 75-12.

Dated this 19th day of July, 2012.

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

Resolution carried.

BUILDING DEPARTMENT – RESOLUTION 77-12 FILL PERMIT FEE:

Discussion ensued.

Councilman Ruth offered the following Resolution 77-12 and moved its adoption.
Seconded by Councilwoman Marini to wit:

WHEREAS, the Town of Walworth has not established a Fill Permit Fee; and

WHEREAS, the Town Board desires to establish a Fill Permit Fee in accordance with the Code of the Town of Walworth Section 180-28(E); and

THEREFORE BE IT RESOLVED, that a Fill Permit Fee be established with a base fee of \$50.00 for administrative expenses and any additional expenses incurred above the base fee will be billed to the applicant.

Adopted this 19th day of July, 2012.

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

Resolution carried.

The following was submitted:



Memo

To: Bob Plant
From: Norman Druschel
CC:
Date: 7/13/2012
Re: Fill Permits

Bob,

We have issued several fill permits this year. On the fill permit a fill permit fee is shown but not specified. This is based on section 180-28(E) Each application should be accompanied by a fee at the time of submission in the amount as set from time to time by the Town Board and kept on file in the Town Offices.

Unfortunately I don't believe a base fee was ever set according to my fee schedule. I think a base fee of 50.00 dollars be set for the administrative expense and a form that is used for reimbursement for expenses incurred above the that base fee, this would enable the Town Board to recoup additional expenses.

I would like to work with Brendon to revamp the fill permit form to make it more compliant with the MS4 regulations and to determine if the insurances are need for filling on private property.

Norman Druschel

RESOLUTION 76 -12 FINANCIAL TRANSFERS:

Councilwoman Marini offered the following Resolution 76-12 and moved its adoption. Seconded by Councilman Ruth to wit:

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

\$8,007.27 from General Fund Balance to A1620.42R Building Maintenance & Repair. To cover cost retaining wall Town Hall. Funds used from this line will be transferred from Capital Reserve A231CR at year end.

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

Resolution carried.

RECOGNITION OF EAGLE SCOUT CERTIFICATE OF ACHIEVEMENT:

Motion by Councilwoman Marini to enter into record the Certificate of Achievement recognition of outstanding accomplishments in attaining the Boy Scout Rank of Eagle, the highest achievement in Boy Scouting to Mr. Ryan William Hunsinger, Mr. Alexander Matthew Kastner and Mr. Phillip Thomas Hartman.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0
 Motion carried.

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ABSTRACT #7

The following was submitted:

To: Walworth Town Board
From: Jean Johnson, Town Comptroller
Date: 19-Jul-12
Re: Abstract #7

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 #916 To #1072

	General Fund	\$61,168.87
	Highway Fund	\$34,462.48
***	Sewer Fund	\$334,789.43
	Parks Special Revenue Fund	\$660.42
	Parkview Green Park District	\$200.00
	Walworth Light District	\$467.66
	Harvest Hill Light District	\$576.28
	Gananda Light District	\$952.55
	Brookside Light District	\$7.43
	Orchard View Light District	\$66.28
	Total Abstract #5 Payments	\$433,351.40

Voucher Numbers #100 to #118

	Trust & Payroll	\$20,835.14
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Checks will be issued on July 20, 2012.

*** Sewer Claims included Sewer debt payment of \$169,808.89 and payment to GP Smith Excavating Inc. of \$130,150.00 for the Force Main Project.

Motion by Councilwoman Marini to accept Abstract #7 as submitted.
Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

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RESOLUTION 78-12 AUTHORIZATION OF FIRST DRAW OF FUNDS TO BE RELEASED FROM THE LETTER OF CREDIT NO. 10273-5 IN THE AMOUNT OF \$53,052.93:

Councilman Ruth offered the following Resolution 78-12 and moved its adoption. Seconded by Councilwoman Marini to wit:

WHEREAS, the Town of Walworth had required Orchard View Development, LLC establish an Irrevocable Letter of Credit established July 13, 2012, with LC#10273-5, and expiring July 13, 2013, with automatic yearly renewals, and

WHEREAS, Labella Associates, P.C. has certified that, to the best of their belief and knowledge the water, sanitary and storm sewers and partial earth work operations has been satisfactorily completed in accordance with approved design drawings,

WHEREAS, Brendan Bystrak, PE, CPESC, LABELLA ASSOCIATES, P.C., Engineer for the Town of Walworth has submitted an email dated July 19, 2012, stating he has reviewed the request for the release and is recommending the Town Board release the letter of credit in the amount of \$53,052.93.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Walworth, release the Irrevocable Letter of Credit for Orchard View Development in the amount of \$53,052.93.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board of the Town of Walworth adopts Resolution 78-12.

Dated this 19th day of July, 2012.

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

Resolution carried.

CORRESPONDENCE - GANANDA CENTRAL SCHOOL DISTRICT - APPOINTMENTS:

The following was submitted and read:

Continued on the next page

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GANANDA
CENTRAL SCHOOL DISTRICT

1500 Dayspring Ridge
Walworth, NY 14568
(Phone) 315-986-3521
(Fax) 315-986-2003
Website: www.gananda.org

SHAWN VAN SCOY, ED. D.
Superintendent of Schools

LISA FINNEGAN
Board of Education President

SCHOOL ADMINISTRATORS

Kelly VanLaeken, Principal
Gananda High School

Matthew C. Mahoney, Principal
Gananda Middle School

Kim Ernstberger, Principal
Tim Page, Assistant Principal
Richard Mann Elementary

**DISTRICT-WIDE
ADMINISTRATORS**

Jeremy Bricks
Supervisor of Transportation

Warren Bushart
Food Service Director

Tracie Douglas
Coordinator of Curriculum, Instruction,
and Staff Development

Brenda Lehman
Director of Technology

Tony Morabito
Director of Buildings and Grounds

Tim Page
Supervisor of Special Education

Jacub Reimer
Director of Finance

John Tichacek
Director of Athletics
Supervisor of Health, PE
and Community Partnership

Ms. Susie Jacobs
Walworth Town Clerk
3600 Lorraine Drive
Walworth, NY 14568

July 13, 2012

Dear Ms. Jacobs:

As provided by §2121 (11) of the State Education Law, I am writing to formally advise you as Town Clerk of the following appointments of school district officers by the Gananda Central School District Board of Education. Both were appointed for terms beginning July 1, 2012 through June 30, 2013.

School District Treasurer: Mr. Mark Socola
WFL BOCES - CBO
131 Drumlin Court
Newark, NY 14513

School Tax Collector: Ms. Renee Lau
Marion CSD
4034 Warner Road
Marion, NY 14505

Please consider this letter as formal and official notification as required by state law.

Should you have further questions, please do not hesitate to call me at 315-986-3521, x4313.

Regards,

Leslie Ferrante
School District Clerk

.cc Larry Driscoll, Interim Business Official

EXECUTIVE SESSION:

Motion by Supervisor Plant 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 personnel.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Time: 8:10 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 9:08 PM.

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ADJOURNMENT:

Motion by Councilwoman Marini to adjourn.

Seconded by Councilman Pembroke and unanimously carried.

Time: 9:10 PM.

Respectfully Submitted,

Susie C. Jacobs, CMC, RMC
Town Clerk