

**WALWORTH TOWN BOARD – REGULAR MEETING
7 JULY 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
Suzi Hawkins-Mance	Councilwoman
Patricia Marini	Councilwoman
Susie Jacobs	Town Clerk

ABSENT:

Frank Maciuska	Councilman
Thomas Yale	Councilman
Mike Frederes	Highway Superintendent

OTHERS PRESENT: Rob Burns, Sewer Superintendent; Jacqueline VanLare, Recreation Director; Karen Ambroz, Sole Assessor; Carl Hews, Parrone Engineering, Engineer for the Town; Denise Munson, Attorney for the Town; Town Newspaper Reporter, twelve (12) attendees.

Comment [SJ1]: Motion by Councilwoman Hawkins-Mance, Seconded by Councilwoman Marini 7.21.2011.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into Executive Session to discuss potential or pending litigation.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

Time: 7:32 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 7:56 PM.

MINUTES:

Motion by Councilwoman Marini to approve the Minutes of June 16, 2011 as presented.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

CORRESPONDENCE:

Susie C. Jacobs, Town Clerk, had nothing to enter into record.

Supervisor Plant stated he had received the following e-mail from a resident of West Walworth Road:

Dated Tuesday, July 5, 2011

Bob,

Why did I not receive a telephone call regarding fireworks at Carey Lake last night? Please advise.

Sue Yara

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Supervisor Plant indicated the Town Clerk had not been notified of the dates for Displays of Fireworks at Carey Lake, LLC. Discussion ensued. Councilwoman Marini stated she understood notification to neighbors was not going to take place but posting would be on the website. It was reiterated notification to the Town Clerk is required for posting in the Town Hall and no notification to neighbors would take place.

CAREY LAKE FIREWORKS DISPLAY NOTIFICATION LETTER:

Motion by Councilwoman Marini authorizing a letter be sent to the owner of Carey Lake, LLC informing him that notification to the Town Clerk of any potential fireworks displays is required and that no fireworks displays should occur until notification has been completed.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

PUBLIC PARTICIPATION:

A resident from Downs Road addressed the Town Board to comment on the Seasonal Public Assembly Permit issued to Greystone Golf Club specifically the amplified sounds. She reiterated what was authorized on the 2010 permit expressing that the Town of Walworth Noise Ordinance is one (1) hour prior to the Seasonal Public Permit for Greystone Golf Club. The resident voiced concerns of noise, loud amplified music, and especially the “DJ” making it difficult to enjoy a nice summer evening and annoying to sleep. All of this directly impacts her life.

She is willing to cooperate with Greystone because they have been a good neighbor and prefers the golf course to tract housing, so she puts up with the noise, but feels that past 10 PM is not necessary. She is asking the Town Board not to consider extending the noise ordinance past 10 PM for 2012 and beyond since Greystone has already scheduled events. Also, requested Greystone be notified soon of the Town Board decision so they have time to react for next year and not be impacted.

Town Board thanked the resident.

COMMITTEE REPORTS:

RECREATION – KEVIN WEISS PROBATIONARY STATUS AUTHORIZED

Motion by Councilwoman Marini authorizing that Mr. Kevin Weiss be changed from provisional to probationary as Recreation Maintenance Worker with 26 weeks probationary period commence from his original appointment on June 2, 2011.

Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

DOLOMITE PARK BACKSTOPS DECLARED SURPLUS

Motion by Councilwoman Marini to declare and dispose of one (1) of the backstops at Dolomite Park surplus; safety issue and Recreation Department no longer uses that field.

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Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 3 Nays 0

EMPLOYEE RECOGNITION – KEVIN WEISS

Motion by Councilwoman Hawkins-Mance to accept and file the following e-mail:

Dated Friday, June 17, 2011

Bob,

I have coached Baseball in your various rec programs for the last 7 years. I wanted to reach out to you regarding one of your employees, Kevin Weiss. As you know, good people are very hard to find. You not only have a good one in Kevin Weiss, but a Great one! He is very hardworking, honest, dependable, conscientious, and enthusiastic! Kevin goes above and beyond the normal call of duty on a regular basis! For example, he had field #3 in impeccable condition for our game last night! Ontario coaches were amazed! He is great with the kids and parents as well. I wanted to pass on this information to you as sometimes outstanding efforts go unnoticed and unrecognized!

If you have any questions, please feel free to contact me.

Have a great day!

Dave G. Ciprich

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 3 Nays 0

**PARKS AND RECREATION COMMITTEE – PROPOSED RENTAL FEE
SCHEDULE FOR THE LODGE AND PAVILIONS FOR 2012**

Met and propose the following:

LODGE:

Resident ~ \$150.00

Non-Resident ~ \$200.00

Increase from 2011 fee of \$25.00 for residents and non-residents.

PAVILION GINEGAW/SHERBURNE ROAD:

Resident ~ \$35.00

Non-resident ~ \$60.00

Increase from 2011 fee of \$10.00 for residents and non- residents.

**RESOLUTION 58-11 ADOPTION OF RENTAL FEE SCHEDULE FOR THE
LODGE AND PAVILIONS FOR 2012:**

Councilwoman Hawkins-Mance offered the following Resolution 58-11 and moved its adoption. Seconded by Councilwoman Marini.

WHEREAS, the Town of Walworth Parks and Recreation Committee met to discuss and propose the following changes to the Rental Fee Schedule for the Lodge and Pavilions for 2012; and

WHEREAS, the Walworth Town Board has reviewed and desires to adopt the proposed schedule for 2012.

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RESOLVED, the Fee Schedule for the Lodge and Pavilions for 2012 be adopted.

LODGE:

Resident ~ \$150.00
Non-Resident ~ \$200.00

PAVILION GINEGAW / SHERBURNE ROAD:

Resident ~ \$35.00
Non-resident ~ \$60.00

ADOPTED, this 7th day of July.

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

Resolution carried.

ACCEPT BIDS FOR SEWER FORCE MAIN REPLACEMENT

Motion by Councilwoman Hawkins-Mance to accept Bids for the Sewer Force Main replacement along Lorraine Drive, Bids opened July 19, 2011.
Seconded by Councilwoman Marini.

Adopted: Vote Ayes 3 Nays 0

RELEASE LETTER OF CREDIT REQUEST – RED FOX CIRCLE:

Motion by Councilwoman Marini authorizing the release of Letter of Credit in the amount \$35,950.00 for Red Fox Circle.
Seconded by Councilwoman Hawkins-Mance.

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

Resolution carried.

Letter from Engineer for the Town regarding the Request for Release of Letter of Credit for Red Fox Circle:

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July 1, 2011

Town of Walworth
Town Board Members
3600 Lorraine Drive
Walworth, NY 14568



RE: Red Fox Circle
Letter of Credit Release dated June 28, 2011

Dear Board Members:

We have reviewed the Red Fox Circle letter of credit release for the amount of \$35,950. It is our understanding that the Town has released nothing as of this request. We recommend the Town Boards release of \$35,950 as requested by the applicant and their engineer. This request is for the storm sewer, road and water improvements.

The balance of the letter of credit is \$20,790 includes the 10% retainage for work completed and to be held as the security as defined in section 151-7 of the Town Code and funds for the completion of all work to be done.

If you have any questions please contact our office.

Sincerely,

Carl Hewings
Parrone Engineering

COUNCILMAN YALE ENTERED THE MEETING:

Time: 8:10 PM.

PARRONE ENGINEERING REQUESTING ADDITIONAL FEE FOR TRAINING:

Motion by Councilwoman Hawkins-Mance to table discussion / authorization until July 21, 2011.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

REQUEST FOR RELEASE OF REVIEW FEES HELD – PRINCIPAL HOMES:

Supervisor Plant stated he has a voucher from Principal Homes for funds the Town is holding for Review Fees which required further research. Discussion ensued.

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LETTER FROM NYS DEPARTMENT OF CONSERVATION – WASTEWATER
TREATMENT PLANT OPERATOR CERTIFICATION
Councilwoman Hawkins-Mance summarized the following letter for the record:

New York State Department of Environmental Conservation
Division of Water
Bureau of Water Compliance, 4th Floor
625 Broadway, Albany, New York 12253-3506
Phone: (518) 402-8177 • Fax: (518) 402-8082
Website: www.dec.ny.gov



Joe Martens
Commissioner

June 27, 2011

NY0025704
WALWORTH (T)
WALWORTH SD #1
3600 LORRAINE DRIVE
WALWORTH, NY 14568

Re: Wastewater Treatment Plant Operator Certification

Dear Elected Official,

You are the owner and operator of a municipal waste water treatment plant (WWTP) that is authorized by a State Pollutant Discharge Elimination System (SPDES) permit to discharge to the waters of New York State. Municipal WWTPs in New York State require supervision by a WWTP operator that is certified by the New York State Department of Environmental Conservation (DEC) pursuant to 6NYCRR Part 650. This letter is to inform you that starting on September 1, 2011, DEC will be transferring the administration of this program to the New York Water Environment Association (NYWEA). Your certified operator has also received notification and additional information on this transition.

The regulations governing WWTP operators define eight levels of certification that ascend in qualifications, training and experience with the size and complexity of the WWTP process. DEC had managed this program since its inception and provided oversight and services in areas of certification, testing, training and technical assistance. As a result of recent staff reductions and retirements, DEC is no longer able to provide the training and technical assistance or administer the certification of WWTP operators. As such, DEC evaluated options to administer the program and provide the level of services necessary to meet the needs of the WWTP operators.

In 2008, DEC collaborated with NYWEA to perform an assessment of training needs for the WWTP operators regarding all aspects of WWTP operations and management. Since then, NYWEA has developed and is delivering a growing program to provide low-cost training to NYS WWTP operators. This has helped operators acquire the continuing education credits required by the regulations to maintain their certification.

Based on this successful collaboration, DEC sought NYWEA's assistance in administering the WWTP operator certification program. DEC has been working with NYWEA since January 2011 to develop a transition plan to have NYWEA assume the administration of this program.

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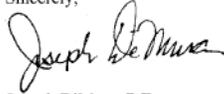
On June 17, 2011, DEC and NYWEA entered into a formal cooperative agreement to have NYWEA provide administrative services for the WWTP operator certification program. As part of this agreement, WWTP operators must submit their application for certification and renewal of certifications to NYWEA. It was necessary to establish a processing fee for certification and renewal applications to support the administration of this program. The fee for initial certification has been set at \$150.00 and certification renewals at \$160.00. DEC has worked with NYWEA to ensure that the fee is fair and comparable to fees established by other states in the northeast.

Under this new agreement, DEC and NYWEA have also established a governance council with representatives from DEC, NYWEA, training providers and certified WWTP operators. This council will oversee the transition and administration of the operator certification program and ensure that the needs of operators are met into the future.

A properly trained and qualified workforce of certified operators is essential in protecting New York State's water quality and your public investment in wastewater treatment infrastructure. We encourage you to be involved in decisions regarding this important investment and to discuss this transition with your certified operator.

Should you have any questions, please call me at (518) 402-8177.

Sincerely,



Joseph DiMura, P.E.
Director
Bureau of Water Compliance

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Motion by Councilwoman Hawkins-Mance to accept and file letter dated June 27, 2011.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

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**RESOLUTION 54-11 ADOPTION OF THE NYS RETIREMENT SYSTEM
STANDARD WORK DAY & REPORTING:**

Councilwoman Hawkins-Mance offered the following Resolution 54-11 and moved its adoption. Seconded by Councilman Yale to wit:

Town of Walworth
Adoption of the State of New York Deferred Compensation Plan

Whereas, the Town of Walworth wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Jurisdictions(the “Plan”) for the voluntary participation of all eligible employees; and

Whereas, the Town of Walworth is a local public employer eligible to adopt the Plan pursuant to section 5 of the State Finance Law;* and

Whereas, the Town of Walworth has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and section 5 of the State Finance Law of the State of New York; and

Whereas, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Walworth by providing eligible employees with a convenient and tax favored method of saving on a regular and long-term basis and thereby provide for their retirement;

NOW, THEREFORE, it is hereby:

RESOLVED, that the Town of Walworth hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Walworth are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Adopted the 7th day of July, 2011, at a meeting of the Town of Walworth.

I hereby certify that the Town of Walworth is a local public employer within the meaning of Section 5 of the State Finance Law and that the adoption of the Plan has received all required approvals of any local governing body or officer and otherwise complies with local law.

Witnessed by:

Supervisor Robert Plant

Town of Walworth

SEAL

Councilman Thomas Yale

Consent of the Deferred Compensation Board of the State of New York to the Town of Walworth’s Participation

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By: _____

*A local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law includes: a county, city, town, village or other political subdivision as defined by in Section 131 of the retirement and Social security law or civil division of the State; a school district or other governmental entity operating a public school, college, or university; a public improvement or special district, a public authority, commission, or public benefit corporation; or any other public corporation, agency or instrumentality or unit of government which exercises governmental powers under the laws of the State.

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

Resolution carried.

AUTHORIZATION TO NOTIFY NATIONWIDE THE TOWN IS CHANGING TO NYS DEFERRED COMP PLAN WITH NATIONWIDE:

Motion by Councilman Yale authorizing that a letter be sent to Nationwide Retirement Solutions notifying them the Town of Walworth is changing to NYS Deferred Comp Plan with Nationwide.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

TOWN COMPLEX RETAINING WALL CONTRACT AUTHORIZATION – LAKELANDS CONCRETE PRODUCTS, INC.:

Motion by Councilman Yale authorizing the Town Supervisor to enter in to contract with Lakelands Concrete Products, Inc., for the Town Complex Retaining Wall as described in the proposed dated 6.21.2011 for an amount not to exceed \$15,876.00.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

PUBLIC ASSEMBLY PERMIT – EASTSIDE CHRISTIAN CHURCH:

Motion by Councilwoman Marini authorizing the Public Assembly Permit for East Side Christian Church for July 23, 2011.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

PUBLIC ASSEMBLY PERMIT – GREYSTONE GOLF CLUB:

Discussion ensued while Council members reviewed the information application presented and concerns from the resident on Downs Road who addressed the Board earlier in the evening. Councilman Yale asked if through issuing this permit if the Town be violating their own Ordinances. Discussion ensued.

Motion by Councilman Yale to refer to Attorney for the Town with regards to legal advice; inquiring if the Town is violating their own Ordinance by issuing this Public Assembly Permit to Greystone Golf Club; authorizing the Town Clerk to issue a Temporary Public Assembly Permit to Greystone for July 7, 2011 to July 21, 2011.

Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

RESOLUTION 55-11 NYS RETIREMENT SYSTEM STANDARD WORK DAY & REPORTING:

Councilwoman Marini offered the following Resolution 55-11 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

RESOLUTION 55-11

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

BE IT RESOLVED, that the TOWN OF WALWORTH, 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 (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Appointed Officials									
Planning Board Member	Karel Ambroz			6	01/01/2011 - 12/31/2011	N	0		X
Dept. Control Officer	Helene Dill			6	01/01/2011 - 12/31/2011	N	1-79		
Deputy Town Clerk	Beck Hart			6	01/01/2011 - 12/31/2011	Y	N/A		
If additional rows are needed, please use form RS2417-B and attach.									
Elected Officials									

On this 7th day of July, 2011, _____ Date enacted: 7/7/2011
(Signature of clerk)
 I, Stacie C. Jacobs, clerk of the governing board of the Town of Walworth, 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 7th day of July, 2011, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.
 I further certify that the full board, consists of 5 members, and that 4 of such members were present at such meeting and that 4 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 WALWORTH
(Name of Employer)
 This document consists of _____ page(s) (see additional RS2417-B forms attached).

(seal)

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

Resolution carried.

EXECUTIVE SESSION:

Motion by Councilwoman Hawkins-Mance 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 Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Time: 8:20 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 8:57 PM.

**AUTHORIZATION FOR SOLE ASSESSOR TO ATTEND CONTINUING
EDUCATION COURSE:**

Motion by Councilman Yale authorizing Karen Ambroz, Sole Assessor, to attend a course on October 1st – 7th, 2011 for the cost not to exceed \$300.00 from budgeted line A1355.42.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.

Seconded by Councilwoman Marini and unanimously carried.

Time: 8:58 PM.

Respectfully Submitted,

Susie C. Jacobs, RMC
Town Clerk