

**WALWORTH TOWN BOARD – REGULAR MEETING
17 MAY 2012**

Presiding Deputy Supervisor Yale 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.

<u>PRESENT:</u>	Tom Yale	Deputy Supervisor / Councilman
	Patricia Marini	Councilwoman
	Vaughn Pembroke	Councilman
	Larry Ruth	Councilman
	Michael Frederes	Highway Superintendent
	Susie Jacobs	Town Clerk

<u>ABSENT:</u>	Robert Plant	Supervisor
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OTHERS PRESENT: Rob Burns, Sewer Superintendent; Karen Ambroz, Sole Assessor; Jacqueline VanLare, Recreation Director; Brendan Bystrak, Labella Associates, P.C. Engineer for the Town; and 11 attendees.

MINUTES:

Motion by Councilman Ruth to approve the Minutes of May 3, 2012 as presented. Seconded by Councilman Pembroke.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

SUPERVISOR'S REPORT:

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

Adopted: Vote Ayes 4 Nays 0
Motion carried.

PUBLIC PARTICIPATION:

The following four (4) attendees spoke:

Resident from Downs Road read and submitted the following:
17 May 2012

Public Participation, Town Board Meeting

Downs Road

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I'm here to talk about the proposed local law #2, specifically the proposed change to section 108.3 of the noise ordinance concerning loud music.

I would like to state again that I am not in favor of this law being adopted, for reasons stated at the public hearing on May 3rd.

As you know, at the public hearing, all except 1 person had concerns about the events at Greystone. To me, that speaks volumes. Could those concerned work out a mutual agreement amongst themselves? I believe we can, and I have an idea that I hope will be acceptable to Greystone, their clients that spoke at the public hearing, and the neighbors that are negatively impacted by the amplified sound at Greystone.

I have already contacted a representative at Greystone and they have agreed to discuss the situation. I'd like to work on this over the next few weeks and report back to the Town Board about our progress. What are your opinions? I'd like to not only hear your opinions but would be very open to your suggestions, questions, and concerns.

I'm also learning more about municipal law, and it is my understanding that a SEQRA (State Environment Quality Review Act) determination should be done.

In closing, I feel very strongly that the noise ordinance for loud music should remain at 10 p.m. I would like to respectfully ask the Town Board to consider not adopting proposed local law #2.

Please make my comments part of the record. I will submit an electronic copy to the town clerk for the record.

2. Resident and Town Department Head congratulated Karen Ambroz on her new position. He stated it has been a pleasure working with her as a Department Head, resident and a taxpayer.

3. Debbie Smith non-resident spoke again on behalf of wedding at Greystone. Her daughter's wedding is planned at Greystone and she has spent numerous hours trying to find a new venue. Her date plans are too close to make changes. They choose Greystone because they wanted an outdoor wedding. They signed the contract with Greystone Golf Club permitting reception music until 11 PM. She asked the Board to please allow for them to be "grandfathered" extending the Law until 11 PM.

4. Fairport residents here again with frustration of not knowing what is going to happen. They have a signed contract with Greystone to hold their wedding on August 25th, 2012 and are running out of time. They addressed the board again in hopes to explain the great concern they have for the plans. They too booked their wedding in November 2011 with the understanding from Greystone that the music would be permitted until 11 PM. The situation regarding the proposed Law has put a hold on their joyous day and asked the board to make an exception/pardon for them and others.

Deputy Supervisor Yale assured everyone that had spoken, we have heard you loud and clear and we understand clearly the issues. This Board will come to some decision as soon as possible. Discussion is scheduled further in the Agenda. The Town did not change the rules; we started to obey our own rules.

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COMMITTEE REPORT:

TOWN CLERK – WEBSITE UPDATE

Motion by Councilwoman Marini that the Town website has a modification. With a note stating “Any documents received the Monday prior to the Town Board meeting will be available by Tuesday of that week. Any additional documents received after the Monday deadline will be available for the public at the Town Board meeting.”

Seconded by Councilman Pembroke.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

TOWN CLERK – NEW YORK STATE TOWN CLERKS ASSOCIATION:

Motion by Councilwoman Marini to enter the following into record.



New York State Town Clerks Association, Inc.

*Cindy L. Goliber, Town Clerk
President*

Town of Potsdam
35 Market Street
Potsdam, NY 13676
Phone: 315-265-4430
Fax: 315-265-3931

Email: townclerk@potsdamny.us

FIRST VICE PRESIDENT

Christian G. Sampson, RMC
Town of Ramapo
237 Route 59
Suffern, NY 10951

SECOND VICE PRESIDENT

Linda M. Gilbert, SMC, CMC
Town of Caroga
PO Box 528
Caroga Lake, NY 12032

THIRD VICE PRESIDENT

Lisa Cooper, RVC, MMC
Town of Sterling
1290 State Rt. 184A
Sterling, NY 13156

SECRETARY

Susan A. Haag, JMC, MMC
Town of Austerlitz
PO Box 238
Spencertown, NY 13165

TREASURER

Dambi L. Avery, RMC
Town of Dryden
93 East Main Street
Dryden, NY 13053

EX-OFFICIO

Lisa Ward Sharrt, RMC MMC
Town of Cobleskill
PO Box 327
Cobleskill, NY 12043

DISTRICT DIRECTORS

- A1 Leslie C. Gross
- Elizabeth A. Neville
- A2 Susan J. Miller
- Florence T. Sautini
- A3 Lisa A. French
- Kimberly A. Pinkowski
- A4 Anna K. Dalkowski
- Hanna A. Combs
- A5 Debra J. Allen
- Debbie L. Payne
- A6 Jeanne Costley
- Jane M. V. Lee
- A7 Patricia J. Kato
- Judy W. Gravino
- A8 Arnette Y. McNinch
- Maura A. Becht
- A9 Donna Arcusier
- Debbie Hinkel
- A10 Nancy M. Thomas
- Carol J. Brandon

May 4, 2012

Honorable Robert Plant
Town of Walworth
3600 Lorraine Drive
Walworth, NY 14568

Dear Supervisor Plant,

This letter is to inform you that your, Town Clerk, has been awarded a **New York State Town Clerks Association Scholarship** to attend the 2012 NYSTCA Town Clerk's Conference.

Please advise your town board as this is a significant award and he/she should be recognized.

Sincerely,

Debra J. Allen, CMC/RMC
New Haven Town Clerk
NYSTCA Scholarship Chair

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PUBLIC HEARING PROCEDURES:

Deputy Supervisor Yale reviewed the Public Hearing Procedures being held tonight with those present.

**PUBLIC HEARING 7:45 PM – PROPOSED LOCAL LAW NO. 5 OF 2012
AMENDING THE CODE OF THE TOWN OF WALWORTH, CHAPTER 154
ENTITLED “TAXATION”:**

Deputy Supervisor Yale declared the Public Hearing opened.
Time: 7:45 PM.

Susie C. Jacobs, Town Clerk, stated the Notice of Public Hearing for Proposed Local Law No. 5 of 2012 was duly published two (2) times in the Town’s official newspaper on May 6, and May 13, 2012, with the same dates being posted at the Town Hall and on the Town website. Copies are available to the public.

Motion by Councilwoman Marini to waive the reading of the Legal Notice.
Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

Resident from Arbor Road stated he is not in opposition to the Proposed Local Law. He expressed his opinion on the financial hardship experienced by the senior citizens due to the cost of prescription and urged Board members to keep the deduction in the accounting that established the income threshold.

No one else wished to comment.

With all persons desiring to be heard, Deputy Supervisor Yale asked for the following.

Motion by Councilwoman Marini to close the Public Hearing.
Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0
Time: 7:52 PM.
Motion carried.

**RESOLUTION 58-12 ADOPTION OF PROPOSED LOCAL LAW NO. 5 OF THE
YEAR 2012 TAXATION - CHAPTER 154:**

Deputy Supervisor Yale offered the following Resolution 58-12 and moved its adoption.

Seconded by Councilwoman Marini to wit:

WHEREAS, the Town Board of the Town of Walworth held a Public Hearing on May 17, 2012, to consider the adoption of proposed Local Law No. 5 of the year 2012, A LOCAL LAW AMENDING CHAPTER 154 “TAXATION” OF THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY AMENDING Article III Senior Citizens Tax Exemption; § 154-5 Exemption granted; maximum income level; extent of exemption, said proposed Local Law No. 5 of the year 2012 is hereby introduced before the Town Board of the Town of Walworth in the County of Wayne in the State of New York.

Be it enacted by the Town Board of the Town of Walworth as Follows:

Section 154-5 Exemption granted; maximum income level; extent of exemption.

Real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, or real property owned by one or more persons, some of whom qualify under Section 467(1)(a) of the Real Property Tax Law and others of whom qualify under Section 459(c) of the Real Property Tax Law, shall be exempt from taxation by any municipal corporation in which located, based upon a graduated scale, with the maximum of (50%) of the assessed valuation for persons whose combined incomes total less than \$24,000.00 to a minimum of (5%) of the assessed valuation for persons whose combined incomes total less than \$32,400.00. The percentage of exemption shall be as set forth in Real Property Tax Law Section 467(1) (b)(1). For the purposes of this Section, "siblings" shall mean a brother or a sister, whether related through half-blood, whole blood, or adoption.

Section 154-6 No Deduction for Medical and Prescription Drug Expenses.

Medical and prescription drug expenses actually paid, which were not reimbursed or paid for by insurance, shall not be permitted to be deducted from income received by senior citizens for the purpose of Chapter 154 of the Walworth Town Code, as previously allowed by Resolution adopted February 18, 1999.

This Local Law shall take effect immediately after adoption by the Town Board of the Town of Walworth.

BE IT RESOLVED, the Town Board of the Town of Walworth does hereby adopt proposed Local Law No. 5 of the year 2012 to the Town of Walworth Municipal Code.

BE IT RESOLVED, the Town Clerk submits the necessary documents pertaining to the adoption of said proposed Local Law No. 5 of 2012 for filing with the Secretary of State.

NOW, BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopt Resolution 58-12.

Adopted this 17th day of May, 2012.

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

Resolution carried.

DISCUSSION OF PROPOSED LOCAL LAW NO. 2 OF THE YEAR 2012
"NOISE" CHAPTER 108:

Discussion ensued. Council members stated their reasons for supporting or not supporting the current Proposed Local Law No. 2 of the Year 2012. Councilman Ruth reviewed the data collected regarding "Noise" Laws in Monroe County,

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Ontario County and Wayne County. Discussion ensued regarding the requirements for a public hearing with changes to the Proposed Local Law.

Deputy Supervisor Yale proposed the following:

Law to be drafted by Town Attorney:

1. The later of ½ hour after sunset or 9pm except for Fridays and Saturdays when it shall be 10pm.
2. The Town Board, at its discretion, may direct the issuance of a permit to extend the time to 11pm on a specific date, on a case by case basis, for any individual, business or organization making request of such to the board.
3. Establish Public hearing date Resolution 62-12 for the above Proposed Local Law No. 2 of the year 2012 “Noise” Chapter 108 anyone wishing to be heard on May 31, 2012 at 7pm.

Also, a letter is to be sent by the Town Clerk to Greystone Golf Club requesting information regarding the contracts for outside evening wedding receptions that were executed prior to 5/3/2012 for the 2012 calendar year. The information requested is the wedding party name and the date and hours of their reception; this information to be received by the Town Clerk no later than 5/29/2012. Discussion ensued.

The following letter from Greystone was read and submitted:

Continued on the next page

**WALWORTH TOWN BOARD – REGULAR MEETING
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Grill & Tap Room



The Clark House Restaurant



Stoney's Pub

May 16, 2012

Town of Walworth
Robert Plant, Town Supervisor
3600 Lorraine Drive
Walworth, New York 14568

Re: Town Code & Amplified Sound as it relates to Greystone Golf Club

Mr. Plant:

As discussed in previous meetings with you throughout 2011, **Greystone was disappointed to learn the town could no longer offer an 11:00pm amplified sound end time for events held in the club's tent facility.** I explained that many 2012 dates already had been (or were in the process of being) reserved for receptions. All of those prospective customers that toured the facility in 2010 and 2011 were told of a later end time based on the Seasonal Public Assembly Permit agreements received from Walworth for over 15 years prior. In good faith, our club representatives continued to sell this traditional 11:00pm end time. However, now we know the town will no longer honor this agreement.

Fast forward to today. Our club representatives have adapted how we do business and now make all customers aware of a strict 10:00pm end time for amplified sound. While it does hinder sales and our traditional timing of service, the club has adapted in order to follow the town code and keep peace with neighbors.

Just this morning, I received a voice mail from Greystone's neighbor Bonnie Tucker-Mongeon. She has been the most vocal of residents when it comes to amplified sound in our area. Bonnie asked if I would like to meet with her and fellow neighbors to possibly come to an agreement that can make a few of our concerned brides happy.

As you know, a couple families have approached the town with disappointment in the new end time allowance. Specifically the fact that Greystone sold the later time based on years of agreements with the town. They were looking to Walworth for special consideration.

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Grill & Tap Room



The Clark House Restaurant



Stoney's Pub

I told Bonnie I would discuss the offer with our Greystone management and return a phone call later today. I have since tried calling Bonnie but was unable to reach her this afternoon. I would just like the town and Bonnie to know that Greystone Golf Club has no interest in making an agreement with a few neighbors regarding the sound amplification at our events unless two concerns are met:

- 1) The town needs to be involved in any such meetings in order to make our actions legal and to code. The club requires a written agreement from the town stating that our events would be allowed amplified sound beyond the standard time of 10:00pm.
- 2) The club does not want to extend a special permit to just the few brides that happened to attend a town meeting with disappointment. Greystone cannot pick and choose which events are most important. They all are. We want to extend any proposed later end time to all 2012 events that were sold an 11:00pm end time based on the tradition set forth by the town. This totals about a dozen events that would need to be offered a special permit to accommodate later needs.

Please disregard information brought to you regarding a meeting between Greystone, Bonnie Tucker-Mongeon and other neighbors. There will be no meeting attended by representatives of Greystone unless the above terms can be met. The club feels this is the only way to be fair to the residents of the town and to customers choosing Greystone (and Walworth) as their wedding location.

Most sincerely,

Michael Martin
General Manager
The Shadows & Greystone

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**AUTHORIZING THE ATTORNEY FOR THE TOWN TO DRAFT CHANGES TO
PROPOSED LOCAL LAW NO. 2 OF THE YEAR 2012 “NOISE” CHAPTER
108:**

Motion by Councilman Ruth authorizing Attorney for the Town to draft the changes to Proposed Local Law No. 2 of the Year 2012 “Noise” Chapter 108 as stated:

**WALWORTH TOWN BOARD – REGULAR MEETING
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Law to be drafted by Town Attorney:

1. The later of ½ hour after sunset or 9pm except for Fridays and Saturdays when it shall be 10pm.
2. The Town Board, at its discretion, may direct the issuance of a permit to extend the time to 11pm on a specific date, on a case by case basis, for any individual, business or organization making request of such to the board.

Seconded by Councilman Pembroke.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

Discussion ensued.

RESOLUTION 62-12 PROPOSED LOCAL LAW NO. 2 OF THE YEAR 2012
“NOISE” CHAPTER 108:

Councilman Ruth offered the following Resolution 62-12 and moved its adoption. Seconded by Councilwoman Marini to wit:

BE IT RESOLVED that proposed Local Law No. 2 of the year 2012, A LOCAL LAW AMENDING CHAPTER 108 “NOISE” OF THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY AMENDING §108-2 Horns and signal devices; §108-3 Radios, televisions, and phonographs; musical instruments and §108-5 Motor Vehicles, said proposed Local Law No. 2 of the year 2012 is hereby introduced before the Town Board, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the Town Board; and

BE IT FURTHER RESOLVED that the Town Board hold a Public Hearing on said Proposed Local Law at the Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at **7:00 PM** on **Thursday, May 31, 2012;** and

BE IT FURTHER RESOLVED that the Town Clerk publish or cause to be published a Public Notice in the official newspaper in the town of said public hearing at least (5) days prior thereto.

Adopted this 17th day of May 2012.

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

Resolution carried.

AUTHORIZING REQUEST FOR INFORMATION - GREYSTONE:

Motion by Councilman Ruth authorizing the Town Clerk to send a letter to Greystone Golf Club requesting information pertaining to contracts for outside evening weddings/receptions that were executed prior to May 3, 2012 for the

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2012 calendar year, specifically the wedding party name, date as well as hours for their reception.

This information must be received by the Town Clerk no later than Tuesday, May 29, 2012.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

**AUTHORIZING / APPROVING A LETTER INFORMING EXTENSION OF TIME
– GREYSTONE:**

Motion by Councilwoman Marini authorizing a letter to be sent to Greystone informing them of the following: The Town Board of the Town of Walworth

Authorizes an extension until 11 PM for receptions on May 19th and May 26, 2012.

Seconded by Councilman Ruth.

Discussion: Noted this is in opposition to the current Law of the Town Walworth; but it is the intent to make corrections to the Law; we feel this is a condition of significant hardship that does not endanger the health and welfare of the surrounding community.

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

Motion carried.

TOWN BOARD SPECIAL MEETING – MAY 31, 2012:

Motion by Councilwoman Marini authorizing a Town Board Special Meeting on Thursday, May 31, 2012 at 7 PM.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

RESOLUTION 59-12 AUTHORIZING THE MOWING AND TRANSFER OF FUNDS FOR TOWN CEMETERIES AND JOHN'S PARK FOR 2012:

Councilwoman Marini offered the following Resolution 59-12 and moved its adoption. Seconded by Councilman Ruth to wit:

WHEREAS, the Town Board of the Town of Walworth received an estimate of fees for 2012 from Michielson Lawn and Landscape as follows:

SERVICE PROVIDED TWICE PER MONTH BEGINNING MAY THROUGH OCTOBER:

Baker Road \$30.00 per mowing

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Freewill \$25.00 per mowing

West Walworth \$55.00 per mowing

**SERVICE PROVIDED WEEKLY BEGINNING LAST WEEK IN APRIL
THROUGH OCTOBER**

John’s Park \$50.00 per mowing

WHEREAS, Michielson Lawn and Landscape has been providing this service to the Town and the Town desires to continue with this vendor; and

WHEREAS, SP8810.41 Contractual Maintenance was Budgeted for \$1,000.00, and

WHEREAS, to increase to a weekly mowing for John’s Park additional funds require a transfer of funds of \$250.00 from Parkview Green Park District Fund Balance.

BE IT RESOLVED that Michielson Lawn and Landscape provide the service of mowing Cemeteries and John’s Park as per the estimate stated above.

BE IT FURTHER RESOLVED that Jean Johnson, Town Comptroller be authorized to transfer funds from Park View Green Park District Fund Balance to SP8810.41 Contractual Maintenance in the amount of \$250.00 to cover expenses.

Adopted this 17th day of May, 2012.

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

Resolution carried.

**RESOLUTION 57-12 ADOPTION OF THE CERTIFICATE OF AMENDMENT OF
THE CERTIFICATE OF INCORPORATION OF LINCOLN VOLUNTEER FIRE
DEPARTMENT INC.:**

Councilman Ruth offered the following Resolution 57-12 and moved its adoption. Seconded by Councilwoman Marini to wit:

WHEREAS, the Town Board of the Town of Walworth received via email the Certificate of Amendment of The Certificate of Incorporation of Lincoln Volunteer Fire Department Inc. document, and

WHEREAS, the documents have been received and reviewed by Council members, and

BE IT RESOLVED the Town of Walworth adopt the Certificate of Amendment of The Certificate of Incorporation of Lincoln Volunteer Fire Department Inc. as presented.

Adopted this 17th day of May, 2012.

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

Resolution carried.

The following was submitted.

CERTIFICATE OF AMENDMENT
OF
LINCOLN VOLUNTEER FIRE DEPARTMENT, INC.
PURSUANT TO SECTION 803 OF THE NOT-FOR-PROFIT CORPORATION LAW

FILED BY: SCICCHITANO & PINSKY, PLLC
ATTN: BRADLEY PINSKY, ESQ.
5789 WIDEWATERS PKWY
SYRACUSE, NEW YORK 13214
(315) 428-8344

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**CERTIFICATE OF AMENDMENT
OF THE
CERTIFICATE OF INCORPORATION
OF
LINCOLN VOLUNTEER FIRE DEPARTMENT, INC.**

UNDER SECTION 803 OF THE NOT-FOR-PROFIT CORPORATION LAW

The undersigned, being the president and secretary of the Lincoln Volunteer Fire Department, Inc. do hereby certify and set forth:

1. The present name of the Corporation is Lincoln Volunteer Fire Department, Inc.
2. The certificate of incorporation of the Corporation was filed by the Department of State on the 19th day of September, 1947. The Corporation was formed pursuant to the Membership Corporation Law.
3. The Corporation is a Type B corporation as defined in Section 201 of the Not-For-Profit Corporation Law though there was no such designation available at the time the Corporation was formed under the Membership Corporation Law. The Corporation is a corporation as defined in Section 102(a)(5) of the Not-For-Profit Corporation Law.
4. Paragraph SECOND of the Certificate of Incorporation, which sets forth the purposes of the Corporation in sections 1 and 2, the territory of the Corporation in section 3, the principal office of the Corporation in section 4, the number of directors of the Corporation in section 5, and the names of the original directors of the Corporation in section 6, is hereby amended to delete sections 1 and 2 and restate only the purposes of the Corporation, as follows:

SECOND: The purposes for which the Corporation are organized are to operate exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, and within such limits:

- (a) To prevent and extinguish fires;
- (b) To provide fire protection and rescue services;
- (c) To acquire, lease and own fire apparatus and equipment for use by the Corporation in the protection of persons and property from injury, loss, damage or destruction by fire or to use such apparatus owned by others for such purposes;
- (d) To own and acquire land and to construct, erect, purchase or acquire buildings for corporate purposes, particularly to house fire apparatus and provide a meeting place for members;
- (e) To recruit, train, and retain volunteers and support volunteer efforts;

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- (f) To provide programs to educate the community in fire prevention;
 - (g) To take all necessary and proper measures to fight fires and protect persons and property from injury, loss, damage or destruction by fire; and,
 - (h) In accordance with the above, to have and exercise all powers available to corporations organized pursuant to the Not-For-Profit Corporation Law of the State of New York.
5. Paragraph 3 of SECOND of the Certificate of Incorporation, which sets forth the territory in which operations are principally to be conducted, is hereby renumbered as THIRD.
 6. Paragraph 4 of SECOND of the Certificate of Incorporation, which sets forth the location of the principal office of the corporation, is hereby renumbered as FOURTH.
 7. Paragraph 5 of SECOND of the Certificate of Incorporation, which sets forth the number of directors, is hereby renumbered as FIFTH and is changed to delete the number of directors and to read:

FIFTH: The Corporation shall be a Type B Corporation as defined in Section 201 of the Not-For-Profit Corporation Law.
 8. Paragraph 6 of SECOND of the Certificate of Incorporation, which sets forth the initial directors of the corporation, is hereby renumbered as SIXTH.
 9. The Certificate of Incorporation is hereby amended to add a new paragraph SEVENTH, which contains provisions relating to the management of the Corporation, to read:

SEVENTH: Some or all of the duties, responsibilities and obligations of the management of the Corporation may be vested in the members of the Corporation.
 10. The Certificate of Incorporation is hereby amended to add a new paragraph EIGHTH, which contains provisions relating to fundraising efforts of the Corporation, to read:

EIGHTH: The Corporation is permitted to solicit funds, donations and charitable contributions from the public to support its purposes.
 11. The Certificate of Incorporation is hereby amended to add a new paragraph NINTH, which contains provisions prohibiting certain distributions of corporate assets, to read:

NINTH: No part of the net earnings of the Corporation shall inure to the benefit of any member, trustee, director or officer of the Corporation, or to any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation), and no member, trustee or officer of the
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Corporation or any private individual shall be entitled to share in the distribution of any of the Corporation's assets upon dissolution of the Corporation.

12. The Certificate of Incorporation is hereby amended to add a new paragraph TENTH, which designates the secretary of state for agent and provides for service of process, to read:

TENTH: The Secretary of State is designated as the agent of the Corporation upon whom process in any action or proceeding against the Corporation may be served. The post office address to which the secretary of state shall mail a copy of any process against the Corporation and served upon him shall be:

Lincoln Volunteer Fire Department, Inc.
Attn: President
719 Plank Road
Ontario, NY 14519

13. The Certificate of Incorporation is hereby amended to add a new paragraph ELEVENTH, which contains provisions regarding the Corporation acting consistent with the federal tax code, to read:

ELEVENTH: Notwithstanding anything herein to the contrary, the Corporation shall exercise only such powers as are in furtherance of and consistent with the exempt purposes of organizations set forth in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and regulations promulgated there under, as the same now exist or as they may hereafter be amended from time to time.

14. The Certificate of Incorporation is hereby amended to add a new paragraph TWELFTH, which contains provisions prohibiting violations of the federal tax code, to read:

TWELFTH: Notwithstanding any other provisions of this certificate, the Corporation shall not carry on activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

15. The Certificate of Incorporation is hereby amended to add a new paragraph THIRTEENTH which contains provisions relating to limiting the corporate lobbying and other political activities of the Corporation, to read:

THIRTEENTH: No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Internal Revenue Code Section 501 [h]), or participating or intervening in (including the publication or distribution of statements), any political campaign on behalf of or in opposition to any candidates for public office.

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16. The Certificate of Incorporation is hereby amended to add a new paragraph FOURTEENTH which contains provisions relating to distribution of corporate assets upon dissolution, to read:

FOURTEENTH: In the event of dissolution, all of the remaining assets and property of the Corporation shall, after necessary expenses thereof, be distributed to such corporation or organization as is then recognized by the Internal Revenue Service as qualifying under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, subject to an Order of a Justice of the Supreme Court of the State of New York, and with preference of distribution to a volunteer fire department in New York State.

The dissolution of this Corporation and any distribution of the assets of this Corporation incident thereof shall be subject to such laws, if any, then in force as may require the approval thereof or consent thereof by any Court or Judge thereof having jurisdiction or by any governmental department or agency or official thereof.

17. These amendments to the Certificate of Incorporation of the Corporation were authorized pursuant to section 802 of the Not-For-Profit Corporation Law, by a majority of the votes cast at a meeting of members by the members entitled to vote thereon, and that the affirmative votes cast in favor of these amendments were at least equal to the quorum required for such meeting.

IN WITNESS WHEREOF, the undersigned have executed this Certificate this 7 day of MAY, 2012.



, President



, Secretary

**RESOLUTION 61-12 ADOPTS AMENDMENTS TO THE TOWN OF
WALWORTH TRAVEL POLICY:**

Councilwoman Marini offered the following Resolution 61-12 and moved its adoption. Seconded by Councilman Pembroke to wit:

WHEREAS, the Town Board of the Town of Walworth adopted the Travel Policy on October 18, 2007; and

WHEREAS, the Town Board revised the Policy on August 19, 2010 and on May 19, 2011; and

WHEREAS, the Town Board reviewed, amended and adopted the changes to the Travel Policy on February 16, 2012; and

WHEREAS, the Town Board desires to adopt the amended Travel Policy; and

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BE IT RESOLVED that the Town of Walworth Travel Policy be adopted on this 17th day of May, 2012. And copies are distributed to Town Employees.

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

Resolution carried.

CERTIFICATE OF ACHIEVEMENT – BOY SCOUTS RANK OF EAGLE:

The following three (3) Boy Scouts received “Certificate of Achievement” from the Town of Walworth in recognition of outstanding accomplishments in attaining the Boy Scout Rank of Eagle, the highest achievement in Boy Scouting. Certificate presentation will be at the Eagle Banquet.

Benjamin Heath Lang
Collin Anthony Kerr
Joseph Anthony Siracuse III

Congratulations were extended.

PROCLAMATION OF APPRECIATION - PUBLIC WORKS WEEK:

Motion by Councilman Pembroke to move the following Proclamation.
Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

The following was read and submitted.

Town of Walworth

Office of the Supervisor

PROCLAMATION OF APPRECIATION PUBLIC WORKS

WHEREAS, public works services provided in our community are an integral part of our citizens’ everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public

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works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people’s attitude and understanding of the importance of the work they perform; and

WHEREAS, it is the sense of the Walworth Town Board that we should give special recognition to those who work so diligently for the betterment of the communities; now

THEREFORE BE IT RESOLVED that the Town Board of the Town of Walworth extends its deepest appreciation to the Sewer and Highway Departments and office maintenance staff.

Now, therefore, I, Robert J. Plant
Supervisor of the Town of Walworth
do hereby proclaim the week of May 20-26, 2012 as

“National Public Works Week”

Robert J. Plant, Supervisor

TOWN OF WALWORTH

Dated May 17, 2012

TOWN BOARD MEMBERS

**Patti Marini Larry Ruth
Vaughn Pembroke Tom Yale**

PROCLAMATION - EMS WEEK:

Motion by Councilwoman Marini to move the following Proclamation.
Seconded by Councilman Pembroke.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

The following was read and submitted.

Town of Walworth

EMS PROCLAMATION

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, law enforcement, administrators and others; and

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WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services provided by designating Emergency Medical Services Week; now

THEREFORE, I, Robert J. Plant
Supervisor of the Town of Walworth, in recognition of this event
do hereby proclaim the week of May 20-26, 2012 as

EMERGENCY MEDICAL SERVICES WEEK

Robert J. Plant, Supervisor

TOWN OF WALWORTH

TOWN BOARD MEMBERS

Patti Marini Larry Ruth
Vaughn Pembroke Tom Yale

Dated May 17, 2012

PROCLAMATION OF EMS FOR CHILDREN DAY:

Motion by Councilwoman Marini to move the following Proclamation.
Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

The following was read and submitted.

Town of Walworth

EMS FOR CHILDREN DAY PROCLAMATION

WHEREAS, Emergency Medical Services for Children supports EMS, the community-based public service whose presence is vital to children in need; and

WHEREAS, the needs of children are different than the needs of adults in medical emergencies; and

WHEREAS, Emergency Medical Services for Children promotes the high-level emergency care given by EMS providers with pediatric emergency skills; and

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WHEREAS, Emergency Medical Services for Children assists in the implementation of training for use of advanced technical equipment and services in preparation to save the life of a child; and

WHEREAS, providers are unceasingly prepared to respond to children who access the system and return them to an optimum level of health; and

WHEREAS, Emergency Medical Services for Children works with physicians, nurses, social workers, psychologists, emergency medical technicians, paramedics, firefighters, educators, administrators and others to identify and address the issues surrounding the provision of optimal pediatric care; and

WHEREAS, Emergency Medical Services for Children assists in the development of training programs and guidelines for emergency care providers so that children with special health care needs receive timely, appropriate care; and

WHEREAS, it is proper and timely to bring recognition to the value and accomplishments of such dedicated men and women by designating Emergency Medical Services for Children Day.

Now, therefore, I, Robert J. Plant
Supervisor of the Town of Walworth,
do hereby proclaim the date of July 23, 2012 as

Emergency Medical Services for Children (EMSC) Day

Robert J. Plant, Supervisor
TOWN OF WALWORTH
Dated May 17, 2012

TOWN BOARD MEMBERS
Patti Marini **Larry Ruth**
Vaughn Pembroke **Tom Yale**

RESOLUTION 60-12 FINANCIAL TRANSFERS:

Councilwoman Marini offered the following Resolution 60-12 and moved its adoption. Seconded by Councilman Pembroke to wit:

The following was submitted by the Town Comptroller.

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

\$100.00 from A1410.42 Town Clerk Office Expense to A1410.41 Town Clerk Conferences.
To cover current expenses

\$5,729.00 From General Fund Balance to A7110.21 Parks Equipment. To cover Mower purchase. Funds to cover this transfer were credited to A3021 State Aid and Grants.

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

Resolution carried.

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GANANDA ROTARY CLUB – GANANDA GARAGE SALE:

Motion by Councilwoman Marini to accept and file the following letter with the correction in the letter in two locations:

Pinewood Drive should be Pineview Drive

Seconded by Councilman Ruth.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

The following was submitted.



Gananda Rotary Club
Patti Holdraker, Secretary
3594 Ontario Center Road
Walworth, NY 14568
(315) 986-4300 work (315) 986-5770 home



May 16, 2012

Town of Walworth
Supervisor/Town Board
3600 Lorraine Drive
Walworth, NY 14568

Dear Bob and Board:

As in the past, the Gananda Rotary Club will host the Annual Gananda Garage Sale, which will occur this year on Saturday, June 9 and Sunday, June 10. The area covered by this event is the main Gananda development between Route 350 on the east and the Gananda Parkway on the west.

Due to a very heavy congestion of traffic during this sale, we will also inform law enforcement agencies, as well as town highway and fire departments. The Rotary Club posts "No-Parking This Side" signs on one side of Waterford Road, Wildflower Drive, Evergreen Circle, Leeward Circle, and Pinewood Drive. We hope this will keep traffic flow moving and allow for any emergency vehicles, which may need to travel in or through the development during that time.

Our Rotary Club food booths and portapotties will be set up at Waterford Road (near the intersection of Pinewood Drive) and on Wildflower Drive, near the lower soccer field). Garbage totes will be placed throughout the event. We anticipate a fine day and fun time.

Should you need to reach me prior to the event, or during the event, I can be contacted at my home or office numbers listed above.

Thank you for your time and consideration. You are welcome to come and join us.

Sincerely,

Patti Holdraker, secretary
Gananda Rotary Club

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ABSTRACT NO. 5

Motion by Councilwoman to accept and file Abstract No. 5 as submitted by the Town Comptroller.

Seconded by Councilman Ruth.

Discussion: Discussion ensued.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

The following was submitted by the Town Comptroller.

To: Walworth Town Board
From: Jean Johnson, Town Comptroller
Date: 17-May-12
Re: Abstract #5

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 #604 To #741

General Fund	\$31,824.49
Highway Fund	\$24,830.44
Sewer Fund	\$40,277.50
Parks Special Revenue Fund	\$549.30
Cemeteries	\$475.00
Parkview Green Park District	\$50.00
Walworth Light District	\$504.66
Harvest Hill Light District	\$608.49
Gananda Light District	\$990.01
Brookside Light District	\$8.66
Orchard View Light District	\$79.80
** Lincoln Fire Protection District	\$24,301.46
** West Walworth Fire Protection Dist.	\$27,995.92
 Total Abstract #3 Payments	 \$152,495.73

Voucher Numbers #60 to #76

Trust & Payroll	\$21,465.68
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Checks will be issued on May 18, 2012.

** Annual Town Contribution to Service Award Programs

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ADJOURNMENT:

Motion by Councilwoman Marini to adjourn.

Seconded by Councilman Ruth and unanimously carried.

Time: 8:32 PM.

Respectfully Submitted,

Susie C. Jacobs, CMC, RMC
Town Clerk