

**WALWORTH TOWN BOARD – REGULAR MEETING
3 MAY 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 7:30 PM with the Pledge to the Flag.

PRESENT:

Robert Plant	Supervisor
Patricia Marini	Councilwoman
Vaughn Pembroke	Councilman
Larry Ruth	Councilman
Tom Yale	Councilman
Michael Frederes	Highway Superintendent
Susie Jacobs	Town Clerk

OTHERS PRESENT: Rob Burns, Sewer Superintendent; Karen Ambroz, Sole Assessor; Jacqueline VanLare, Recreation Director; Brendan Bystrak, Labella Associates, P.C. Engineer for the Town; Denise Munson, Attorney for the Town; Town Newspaper Reporter, and 23 attendees and two (2) students.

MINUTES:

Motion by Councilman Ruth to approve the Minutes of April 19, 2012 as presented.

Seconded by Councilman Pembroke.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

PUBLIC PARTICIPATION:

No one present offered any comments.

COMMITTEE

HIGHWAY DEPARTMENT – AUTHORIZATION TO ATTEND SCHOOL FOR HIGHWAY SUPERINTENDENTS:

The following was submitted by Highway Superintendent.

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



Highway Department

4384 Canandaigua Road
Walworth, New York 14568

Michael J. Frederes
Highway Superintendent

Phone (315) 524-3150
Fax (315) 524-9247

TO: Town Board Members

May 03, 2012

RE: 67th Annual School for Highway Superintendents

Dear Board Members:

I request permission to attend the 2012 Cornell Local Roads Highway School at Ithaca College, Ithaca New York on June 11 - June 13th. Early registration and payment of \$100.00 is due before May 31, 2012.

I will be commuting with the Town Pick up and sharing rides with another Highway Superintendent that is also commuting.

Monies are to be expanded from DA 5110.41.

This is a very affordable School and one that affords much merit to small Highway Departments such as ours.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Michael J. Frederes".

Michael J. Frederes
Town of Walworth Highway Superintendent

Motion by Councilman Yale authorizing Mike Frederes, Highway Superintendent to attend the 2012 Cornell Local Roads Highway School in Ithaca, NY held June 11th – 13th, 2012, early registration for an amount not to exceed \$100.00 commuting with the Town truck and sharing rides with another Highway Superintendent from line DA 5110.41.

Seconded by Councilwoman Marini.

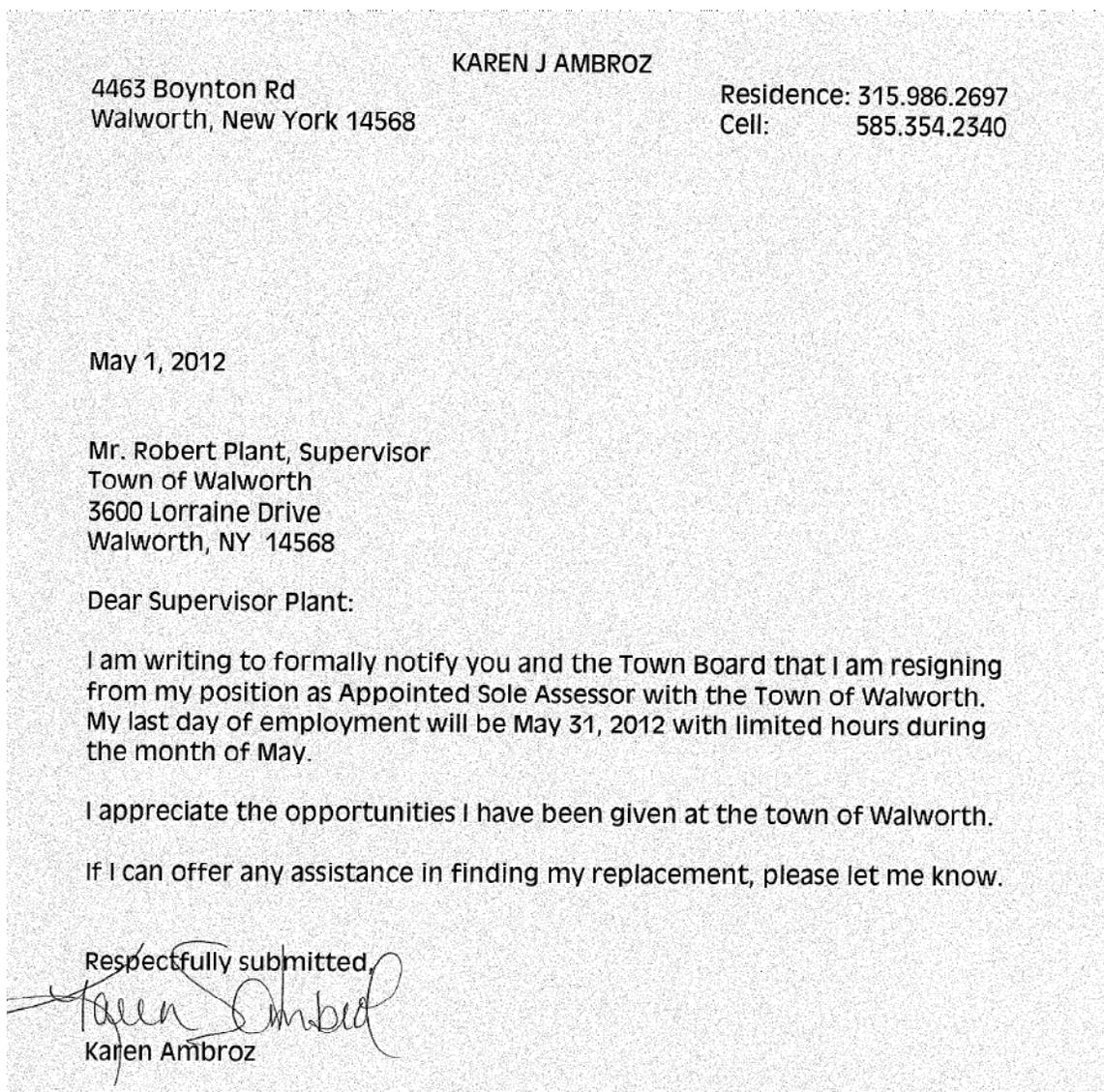
Adopted: Vote Ayes 5 Nays 0
Motion carried.

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

SOLE ASSESSOR – RESIGNATION LETTER:

Discussion ensued.

The following was submitted by Councilman Yale.



Motion by Councilman Yale to accept and file with the Town Clerk.
Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0
Motion carried.

SOLE ASSESSOR REPLACEMENT DISCUSSION:

Discussion ensued.

Motion by Councilman Yale authorizing the Town Supervisor to discuss shared services with adjacent towns and/or advertises for the position of Assessor if needed to be approved.
Seconded by Councilman Ruth.

Adopted: Vote Ayes 5 Nays 0
Motion carried.

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

PROCLAMATION – ADMINISTRATIVE PROFESSIONALS:

The following was read and submitted by Councilman Yale.

Town of Walworth

Office of the Supervisor

PROCLAMATION OF APPRECIATION ADMINISTRATIVE PROFESSIONALS

WHEREAS, administrative professionals, including executive secretaries, receptionists, administrative assistants, office managers and other administrative support staff, make up one of the largest segments of the labor force; and

WHEREAS, administrative professionals play an essential role in coordinating the office operations of businesses, government agencies, educational institutions, and other organizations; and

WHEREAS, the work of administrative professionals today requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service, and other vital office management responsibilities; and

WHEREAS, Administrative Professionals Week is observed annually in workplaces nationwide to recognize the important contributions of administrative support staff; and

WHEREAS, the theme of this year's Administrative Professionals Week is "Admins: The Pulse of the Office," reflecting the importance and contributions of highly skilled administrative professionals to the success of office operations; now

THEREFORE BE IT RESOLVED that the Town Board of the Town of Walworth extends its deepest appreciation to the Administrative Professionals working for the Town of Walworth.

Motion by Councilman Yale to move the Proclamation.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

HIGHWAY DEPARTMENT – THANKED:

Councilman Ruth congratulated & thanked Mike Frederes and crew; the steps at Lusk Cemetery are up and look good.

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

PROCLAMATION OF APPRECIATION – WALWORTH LIONS CLUB:

The following was read and submitted by Councilwoman Marini.

Town of Walworth

PROCLAMATION OF APPRECIATION WALWORTH LIONS CLUB

WHEREAS, the Walworth Town Board wishes to honor those who provide outstanding Community Service to our area; and

WHEREAS, the Walworth Lions Club has been an outstanding example of an organization that gives back to their community for over 40 years; and

WHEREAS, the Walworth Lions Club has provided the following for the people of Walworth, in Ginegaw Park – a flag pole, bathrooms, furniture for the Lodge, trees, spring toys for the playground, sealed the blacktop driveway, provided the Easter Egg Hunt, sponsored Environmental Clean-up Day, helped at the Harvest Moon Festival and sponsored the Festival in the Park; and

WHEREAS, the Walworth Lions Club have sponsored Scout town wide cleanup, Red Cross Casino Night, provided eye glasses to individuals, funded Walworth Ambulance equipment and sponsored breakfast with Santa; and

WHEREAS, the Walworth Lions Club has provided contributions for relief for 9-11, Haiti, Katrina, measles vaccinations; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Walworth hereby extends its deepest appreciation to the Walworth Lions Club for the outstanding work they have performed over the past 40 years for the town and its residents.

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

Adopted: Vote Ayes 5 Nays 0
Motion carried.

SEWER – SURPLUS EQUIPMENT:

The following was submitted by Rob Burns, Sewer Superintendent.

TOWN OF WALWORTH
WASTE WATER TREATMENT FACILITY
3451 Ontario Center Road
Walworth NY 14568

Rob Burns, Sewer Superintendent
 PHONE
sewer@townofwalworthny.gov.

315-986-3415

315-986-1741 FAX

April 26, 2012

Attention:
 Robert Plant, Walworth Town Supervisor
 Walworth Town Board Members

Re: Municipal Auction 2012

Per the motion made by Councilman Pembroke and seconded by Councilman Ruth at the Town Board meeting on January 19, 2012, (as shown below) the 1972 Ford L9000, 4 wheel drive tank truck, serial number K90JVN16412 will be going to the Municipal Auction in May as it did not reach a successful bid on the Tietworth Internet Auction site.

SEWER – SURPLUS 1972 FORD TRUCK:

Motion by Councilman Pembroke declaring 1972 Ford L9000 Truck Surplus and advertise as submitted in memorandum from Rob Burns, Sewer Superintendent dated January 9, 2012.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

I would like to request Town Board approval for the additional items below to be sent to the Municipal Auction as well.

- Parts washer
- 2 Air compressors
- Assorted used tires
- Portable combustible gas meter.

If you should have any questions please give me a call.

Respectfully submitted,

Robert Burns
 Waste Water Superintendent

Motion by Councilman Pembroke authorizing the surplus of the above referenced equipment. After verifying equipment is not functional for any other departments; surplus items can be taken to auction in Palmyra, NY.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

SAFETY COMMITTEE – INCIDENT REPORT:

Councilman Pembroke reported the Town had an incident on April 27, 2012 at the Town Hall Complex – West side sidewalk. Highway Department reported the repairs have been done. Report filed.

PUBLIC HEARING PROCEDURES:

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

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

**PUBLIC HEARING 7:45 PM – PROPOSED LOCAL LAW NO. 1 OF 2012
AMENDING THE CODE OF THE TOWN OF WALWORTH, CHAPTER 67
ENTITLED “BUILDINGS UNSAFE”:**

Supervisor Plant 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. 1 of 2012 was duly published two (2) times in the Town’s official newspaper on April 22, and April 29, 2012, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilman Yale to waive the reading of the Legal Notice.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

No one wished to comment.

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Time: 7:48 PM.

Motion carried.

**RESOLUTION 50-12 ADOPTION OF PROPOSED LOCAL LAW NO. 1 OF THE
YEAR 2012 BUILDINGS UNSAFE - CHAPTER 67:**

Councilman Yale offered the following Resolution 50-12 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 3, 2012, to consider the adoption of proposed Local Law No. 1 of the year 2012, A LOCAL LAW AMENDING CHAPTER 67 “BUILDINGS UNSAFE” OF THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY AMENDING §67-2 Definitions; §67- 3 Investigation and report and § 67-11 Compensation of surveyor; said proposed Local Law No. 1 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:

**CHAPTER 67
BUILDINGS UNSAFE**

§ 67-2 Definitions.

Structural Engineer or Architect – A person skilled in design and construction based on education, practical experience and training, and who licensed by the State of New York, who may be appointed by the Town Board to review the recommendations of the Building Inspector.

§ 67-3. Investigation and report.

When in the opinion of the Building Inspector, Structural Engineer or Architect appointed by the Town Board or upon receipt of information that a building is or may become dangerous or unsafe to the general public; is open at the doorways and windows making it accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers; is or may become

a place of rodent infestation; presents any other danger to the health, safety, morals and general welfare of the public; or is unfit for any use, including the purposes for which it may lawfully be used, he/she shall cause or make an inspection thereof and report, in writing, to the Town Board his or her findings and recommendations in regard to its repair or demolition and removal.

§ 67-11. Compensation of Structural Engineer or Architect.

The Structural Engineer or Architect appointed as provided herein shall be paid reasonable compensation as shall be fixed by the Town Board.

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. 1 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.1 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 50-12.

Adopted this 3rd day of May, 2012.

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

Resolution carried.

PLANNING BOARD - AUTHORIZATION TO ATTEND AND PRE-PAY FOR LOCAL GOVERNMENT WORKSHOP:

Motion by Councilman Ruth authorizes Gene Bavis to attend Local Government Workshop on May 17, 2012 at the Burgundy Basin Inn and to pre-pay, for an amount not to exceed \$50.00 to come from line A8020.41 Conferences & Training Planning Board.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

PUBLIC HEARING 7:50 PM – PROPOSED LOCAL LAW NO. 2 OF 2012 AMENDING THE CODE OF THE TOWN OF WALWORTH, CHAPTER 108 ENTITLED “NOISE”:

Supervisor Plant declared the Public Hearing opened.

Time: 7:50 PM.

Susie C. Jacobs, Town Clerk, stated the notice of Public Hearing for Proposed Local Law No. 2 of 2012 was duly published two (2) times in the Town’s official newspaper on April 22, and April 29, 2012, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilman Yale to waive the reading of the Legal Notice.

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

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0
Motion carried.

1. Webster resident spoke in length in favor of the proposed Local Law No. 1 of 2012 “Noise”. She also commented that a family marriage has been contracted for 2012 at Greystone Golf Club affecting their plans/contract. She was told the noise ordinance was until 11.00 PM. Then Greystone informed them the noise ordinance was pushed back to 10:00PM. She is here in favor of the changes to the local law and to respectfully ask that the Town adopt proposed Local Law.
2. Walworth Lions Club President spoke in favor of the change in proposed Local Law No. of 2012 “Noise”. She explained a contract for the annual Walworth Lions Club Festival has been signed for the band to play until 10:30 PM in the park; this was done without the knowledge of proposed change.
3. Walworth Downs Road resident addressed the Board to say “that noise” affects him every Friday and Saturday night. He believes as a resident of this town who bought property and pays taxes with the expectation that he can enjoy his home without background music. He is opposed to proposed Local Law because it is not fair / right. What is being asked of our residents is not just a one-time event in the Town Park it is permission to interrupt their life style. The resident has called the police numerous times because the music goes well past 10:00 PM. Who has asked you the Town Board to extend this law, and what is the impetuous? The problem he sees is Greystone does not have the facility for the intended use.
4. Walworth resident stating as past Board member she did visit Downs Road when this noise was occurring. She does agree, she was there at midnight and you could clearly hear the noise then and after on Friday and Saturday nights. Perhaps a compromise can be established during the week by keeping the ordinance as it stands (10:00 PM) and permit an extension on Friday and Saturday nights until 11:00 PM.

5. Walworth Downs Road resident spoke and submitted the following:

I am against the adoption of Proposed Local Law #2 that changes the noise ordinance for loud music.

This issue is near and dear to my heart because last year, I couldn’t sleep because of loud music until 11 p.m., just about every weekend from mid-May until October.

I live in Walworth because I love it here. It’s serene, and peaceful, and I enjoy the country life. This community is a place where people can come to live to escape the noise of the city and the suburbs. The current noise ordinance supports the reasons why people live in Walworth.

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

Most people that I have talked to are not in favor of the proposed changes to the noise ordinance for loud music. The most often asked question is, “WHY? Why would they want to change it to 11:00?”

Which leads me to ask the Town Board, not only “WHY?”, but:

- What is driving the proposal to change the law?
- Who benefits? Is it a small number of residents? What is the benefit to the entire community?
- What kind of research was done before the law was proposed?
- What criteria does the Town Board use to vote on the proposed change?

A colleague used to say, “Without data, it’s just an opinion”. For the purpose of a public hearing, an opinion is worth a lot. And I’m offering you my opinion, but I’m backing it up with data in the form of a petition with signatures of 117 residents of Walworth that do not want this proposed law for loud music to be adopted. Please enter this petition as part of the public record.

If there are second meetings regarding this law or changes to the noise ordinance, I would appreciate being notified.

In closing, the current noise law has served us well over the years. Take into consideration that this proposed law for loud music impacts the entire town of Walworth and the quiet, comfort, and repose of all who live here. Please do not adopt this law. A law should not be changed to satisfy a few.

SUSPENDED PUBLIC HEARING AND OPENED ANOTHER SCHEDULED PUBLIC HEARING:

The Town Board suspended this Public Hearing in order to open another scheduled Public Hearing.

Time: 8:02 PM.

The Regular meeting was reconvened.

PUBLIC HEARING 8:00 PM – PROPOSED LOCAL LAW NO. 3 OF 2012 AMENDING THE CODE OF THE TOWN OF WALWORTH, CHAPTER 128 ENTITLED “PROPERTY MAINTENANCE”:

Supervisor Plant declared the Public Hearing opened.

Time: 8:02 PM.

Susie C. Jacobs, Town Clerk, stated the notice of Public Hearing for Proposed Local Law No. 3 of 2012 was duly published two (2) times in the Town’s official

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

Newspaper on April 22, and April 29, 2012, with the same dates being posted at the Town Hall. Copies are available to the public.

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

Adopted: Vote Ayes 5 Nays 0
Motion carried.

No one wished to comment.

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

Adopted: Vote Ayes 5 Nays 0
Time: 8:03 PM.
Motion carried.

**RESOLUTION 52-12 ADOPTION OF PROPOSED LOCAL LAW NO. 3 OF THE
YEAR 2012 PROPERTY MAINTENANCE – CHAPTER 128:**

Denise Munson, Attorney for the Town, addressed small changes to the Proposed Local Law:

Councilman Ruth offered the following Resolution 52-12 as amended by the attorney and moved its adoption.
Seconded by Councilman Yale to wit:

WHEREAS, the Town Board of the Town of Walworth held a Public Hearing on May 3, 2012, to consider the adoption of proposed Local Law No. 3 of the year 2012, A LOCAL LAW AMENDING CHAPTER 128 “PROPERTY MAINTENANCE” OF THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY AMENDING § 128-3 A. and B. Notice to cut, trim or remove; § 128-5 A. and B. Service of notice; and DELETE § 128-3 C.; said proposed Local Law No. 3 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:

**CHAPTER 128
PROPERTY MAINTENANCE**

§ 128-3 Notice to cut, trim or remove.

A. The Town Board may, by resolution, require a notice to be served, either personally or by regular mail and certified mail, return receipt requested, ordering the cutting, trimming and/or removal from the land of brush, grass, rubbish or poisonous shrubs or weeds pursuant to § 64, Subdivision 5-a and § 130, Subdivision 5, of the Town Law.

B. The notice to be served and posted, as required in Subsection A above, shall state the name of the Town of Walworth and the name of the homeowner, street address and tax identification number of the property, and shall be in the form of “the Town of Walworth v. _____, Homeowner.” Such notice shall specify the place, manner and time (not less than five (5) days or more than 21 days from the service of such notice) within which such work shall be completed.

Delete 128-3 C. in its entirety.

§ 128- 5 Service of notice.

A. Such notice as required by section 128-3 shall be served by mailing to such owner, executor, administrator, agent, or any person having a vested or contingent interest in such property, as shown by the records of the Assessor of the Town of Walworth, by regular and certified mail, return receipt requested, a copy of such notice directed to his or her last known address, as shown on the hereinabove records.

B. Proof of service and posting shall be filed in the office of the Town Clerk of the Town of Walworth and the County Clerk of the County of Wayne within 10 days of both service and posting.

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. 3 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. 3 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 52-12.

Adopted this 3rd day of May, 2012.

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

Resolution carried.

PUBLIC HEARING 8:05 PM – PROPOSED LOCAL LAW NO. 5 OF 2012 AMENDING THE CODE OF THE TOWN OF WALWORTH, CHAPTER 154 ENTITLED “TAXATION”:

Supervisor Plant declared the Public Hearing opened.

Time: 8:05 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 April 22, and April 29, 2012, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilman Yale to waive the reading of the Legal Notice.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Motion by Councilman Yale to close the Public Hearing.

Seconded by Councilwoman Marini.

No one wished to comment.

Adopted: Vote Ayes 5 Nays 0

Time: 8:07 PM.

Motion carried.

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

RESOLUTION 53-12 RESCINDS RESOLUTION 43-12 PROPOSED LOCAL LAW NO. 5 OF THE YEAR 2012 CHAPTER 154 TAXATION, ARTICLE III SENIOR CITIZENS TAX EXEMPTION; § 154-5 EXEMPTION GRANTED; MAXIMUM INCOME LEVEL; EXTENT OF EXEMPTION:

Councilman Yale offered the following Resolution 53-12 and moved its adoption. Seconded by Councilman Ruth to wit:

WHEREAS, the Town Board of the Town of Walworth adopted Resolution 43-12 PROPOSED LOCAL LAW NO. 5 OF THE YEAR 2012 CHAPTER 154 TAXATION, ARTICLE III SENIOR CITIZENS TAX EXEMPTION; § 154-5 EXEMPTION GRANTED; MAXIMUM INCOME LEVEL; EXTENT OF EXEMPTION: and

WHEREAS, the Town Board wishes to Rescind Resolution 43-12 due to incomplete history of data.

THEREFORE BE IT RESOLVED, the Town Board adopts Resolution 53-12.

Adopted this 3rd day of May, 2012.

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

Resolution carried.

RESOLUTION 56-12 PROPOSED LOCAL LAW NO. 5 OF 2012 AMENDING CHAPTER 154 TAXATION, ARTICLE III SENIOR CITIZENS TAX EXEMPTION; § 154-5 EXEMPTION GRANTED; MAXIMUM INCOME LEVEL; EXTENT OF EXEMPTION:

Councilman Yale offered the following Resolution 56-12 and moved its adoption. Seconded by Councilwoman Marini to wit:

BE IT RESOLVED, that 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 exception, is hereby introduced before the Town Board.

BE IT FURTHER RESOLVED that copies of the aforesaid proposed Local Law are laid upon the desk of each member of the Town Board.

BE IT FURTHER RESOLVED, that the Town Board holds a Public Hearing on said Proposed Local Law at the Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at **7:45 PM on Thursday, May 17, 2012.**

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

Adopted this 3rd day of May, 2012.

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

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

Resolution carried.

**RECONVENE PUBLIC HEARING – PROPOSED LOCAL LAW NO. 2 OF 2012
AMENDING THE CODE OF THE TOWN OF WALWORTH, CHAPTER 108
ENTITLED “NOISE”:**

6. Fairport resident, and fiancé are having their wedding at Greystone in August. They signed a contract with Greystone in Oct. 2011 and put down a significant down payment. Not until recently, were they notified about The Town of Walworth wants to uphold their Town Ordinance of 10pm and not allow Greystone the previously granted permission to have entertainment to 11pm. We understand that the Town has regulations to uphold to their residents but feel that the rules have changed halfway through the game. Please take into consideration our wedding day and the other couples' as you make a decision about the noise ordinance. If anything, we ask for a pardon for the day of our wedding, for permission or allowance of the previously agreed upon hours based on our contract. In favor of Proposed Local Law No. 2 “Noise”.
7. Walworth Downs Road resident opposed to Proposed Local Law: it does get quite noisy every Friday and Saturday evening, from May through October, as we try to enjoy our evenings in our homes. This ordinance is something that we have not had much say in/changing. This seems to be changing for a business's purpose. Greystone should provide a facility that would provide a place for the noise to be managed for the neighbors.
8. Walworth Downs Road resident, I bought in Walworth four (4) years ago to specifically enjoy the quiet at night. I don't think the Town should change their ordinances to suit a facility that writes contracts that are not legally enforceable. You should not cater to a facility that has already proven they violate your ordinances. As they routinely play music to midnight throughout the summer. He is opposed to Proposed Local Law No. 2.

No one else wished to comment. With all persons desiring to be heard, the following was moved.

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

Adopted: Vote Ayes 5 Nays 0
Time: 8:14 PM.
Motion carried.

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

PROPOSED LOCAL LAW NO. 2 OF 2012 AMENDING THE CODE OF THE TOWN OF WALWORTH, CHAPTER 108 ENTITLED “NOISE” - TABLED:

Motion by Councilman Ruth to table Proposed Local Law No. 2, allowing for further research.

Seconded by Councilman Pembroke.

Discussion ensued.

Adopted: Vote Ayes 4 Nays 1

Motion carried.

RESOLUTION 54-12 AWARDS BID FOR STALKER ROAD FORCEMAIN REPLACEMENT:

The following was submitted:

BID PROPOSAL SUMMARY

DATE: Monday, April 30, 2012

BID OPENING: 1:00 PM

PRESENT: Susie C. Jacobs, Town Clerk
Rob Burns, Sewer Superintendent
Brendan Bystrak, P.E., Engineer for the Town

- (1) **Bidder:** G.P. SMITH EXCAVATING
Palmyra, NY 14522
Bond enclosed.
Base Bid: 71,000.00
Base plus add alternate total: \$142,000.00
- (2) **Bidder:** ALL COUNTY CONSTRUCTION
Williamson, NY 14589
Bond enclosed.
Base Bid: \$180,300.00
Base plus add alternate total: \$184,100.00
- (3) **Bidder:** FINE LINE PIPELINE, INC.
Bond enclosed.
Livonia, NY 14487
Base: \$66,750.00
Base plus add alternate total: \$169,750.00
- (4) **Bidder:** RANDSCO PIPELINE
Victor, NY 14564
Bond enclosed.
Base: \$74,330.00
Base plus add alternate total: \$172,448.00
- (5) **Bidder:** VILLAGER CONSTRUCTION, INC.
Fairport, NY 14450

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

Bond enclosed.

Base: \$123,100.00

Base plus add alternate total: \$258,700.00

(6) Bidder: A.E.Y. ENTERPRISES, INC.

Walworth, NY 14568

Bond enclosed.

Base: \$69,680.00

Base plus add alternate total: \$158,680.00

(7) Bidder: V.B. UNDERGROUND UTILITIES, INC.

Rochester, NY 14623

Bond enclosed.

Base: \$80,469.00

Base plus add alternate total: \$162,029.00

(8) Bidder: D.E. Tarolli, Inc.

Warners, NY 13164

Bond enclosed.

Base: \$82,617.00

Base plus add alternate total: \$ 174,798.25

No other bids were received.

Respectfully Submitted,
Susie C. Jacobs
Town Clerk

Councilwoman Marini offered the following Resolution 54-12 and moved its adoption.

Seconded by Councilman Yale to wit:

WHEREAS, the Town Clerk opened the sealed bids on Monday, April 30, 2012; attended with Rob Burns, Sewer Superintendent and Brendan Bystrak, P.E. Engineer for the Town; and

WHEREAS, Bidders tabulations were provided to the Town Board, Sewer Superintendent and Engineer for the Town; and

WHEREAS, G.P. Smith Excavating of Palmyra, NY, be awarded the contract for the Stalker Road Forcemain Replacement for their low bid of \$142,000.00.

THEREFORE, BE IT RESOLVED that the Engineer for the Town prepare the necessary documents for contract.

Adopted this 3rd day of May, 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	Aye

Resolution carried.

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

**RESOLUTION 55-12 AWARDS BID FOR TOWN FARM LAND LEASE
AGREEMENT:**

The following was submitted:

BID PROPOSAL

DATE: Monday, April 30, 2012
 BID OPENING: 2:00 PM
 PRESENT: Susie C. Jacobs, Town Clerk
 Bob Plant, Town Supervisor

BIDDER: RUSSELL J. MCGONEGAL
 Walworth, NY 14568

\$55.00/acre (12.6) = \$693.00

BIDDER: EMIL J. WEBER
 Ontario, NY 14519

\$61.00/acre (12.6) = \$768.00

No other Bids were submitted.

Respectfully Submitted,
 Susie C. Jacobs
 Town Clerk

Councilman Yale offered the following Resolution 55-12 and moved its adoption.
 Seconded by Councilman Ruth to wit:

WHEREAS, the Town Clerk opened the sealed bids on Monday, April 30, 2012;
 present was Bob Plant, Town Supervisor; and

WHEREAS, Bidders tabulations were provided to the Town Board, and

WHEREAS, Emil J. Weber of Ontario, NY, be awarded the contract for the Town
 Farm Land Lease Agreement for his high bid of \$768.00.

THEREFORE, BE IT RESOLVED that the Supervisor sign the Lease Agreement.

Adopted this 3rd day of May, 2012 at the meeting of the Town Board.

Discussion: Councilman Yale commented that this demonstrates our expiration
 of any and all incomes that are reasonable to the town. This was a very
 successful endeavor going out to bid.

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

Resolution carried.

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**WEST WALWORTH (LOSAP) SERVICE AWARD ANNUAL PAYMENTS
MODIFIED AUTHORIZATION:**

Discussion ensued.

Motion by Councilman Ruth authorizing to modify the budget to increase the Service Award lines an additional \$76.00.

Seconded by Councilman Pembroke.

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

Motion carried.

EXECUTIVE SESSION:

Motion by Councilwoman Marini 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.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Time: 8:25 PM.

RECONVENE:

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 8:57 PM.

ADJOURNMENT:

Motion by Councilwoman Marini to adjourn.

Seconded by Councilman Yale and unanimously carried.

Time: 8:58 PM.

Respectfully Submitted,

Susie C. Jacobs, CMC, RMC
Town Clerk