

**WALWORTH TOWN BOARD – REGULAR MEETING
4 OCTOBER 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.

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| <u>PRESENT:</u> | 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: Jacqueline VanLare, Recreation Director; Brendan Bystrak, Labella Associates, P.C. Engineer for the Town; Jeff Davignon, Interim Library Director; and seven (7) attendees.

MINUTES:

Motion by Councilman Ruth to approve the Minutes of September 20, 2012 as presented.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0 Abstention 1 (Marini)

Motion carried.

PUBLIC PARTICIPATION:

Resident from Jacobs Road spoke addressing two (2) items she has concerns on.

1. She explained that at the last Town Board meeting there were two people in the public extremely frustrated because they did not know the procedures of the meeting and what public participation meant. The resident asked if the Town Board would speak to those who do not regularly attend and understand the procedures; example was that during Public Participation invite the public to speak regarding concerns, questions and town business they would like addressed.
2. She also mentioned that the Town Board uses the microphones so that the public can hear what is being said.

WALWORTH SEELEY PUBLIC LIBRARY PRESENTATION – SPECIAL LEGISLATIVE LIBRARY DISTRICT AND GRANT:

Jeff Davignon presented a brief review of a Special Legislative Library District, what it means for the library and for the tax payers. His explanation commented it is a lengthy process of approximately 16 months. Council members stated how they felt regarding this and their concern for having all the information correct moving forward. It was agreed that a meeting between Walworth Town Board and The Library Board of Trustees should take place to address all issues however, after the 2013 budget has been adopted.

Also discussed was a sample letter stating the Library has no plans of vacating its current location in the Town Complex building nor does the Town of Walworth have any plans on evicting the library from this building. Discussion ensued. It

**WALWORTH TOWN BOARD – REGULAR MEETING
4 OCTOBER 2012**

was decided Supervisor Plant would seek Denise Munson, Attorney for the Town, for her advice for a letter to be used. The Town Board would like to review the letter prior to Supervisor Plant signing. Mr. Davignon explained in great detail the urgency of this letter and the consequences if not completed by the filing of the Grant which is October 10, 2012. This was understood by Council members and they would expedite the process.

RESOLUTION 88-12 AUTHORIZE ORCHARD VIEW ESTATES SECTION THREE, PHASE B FUNDS TO BE RELEASED FROM THE LETTER OF CREDIT NO. 10273-5 IN THE AMOUNT OF \$15,285.60:

Councilman Ruth offered the following Resolution 88-12 and moved its adoption. Seconded by Councilman Yale to wit:

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

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

WHEREAS, Brendan Bystrak, PE, CPESC, LABELLA ASSOCIATES, P.C., Engineer for the Town of Walworth has submitted an email dated September 27, 2012, stating he has reviewed the request for the release and is recommending the Town Board release the letter of credit in the amount of \$15,285.60, and

WHEREAS, Norman Druschel, Building Inspector, has also submitted a letter dated September 28, 2012, stating he is aware of the request for Letter of Credit Release in the amount of \$15,285.60, and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Walworth, release the Irrevocable Letter of Credit for Orchard View Development in the amount of \$15,285.60.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board of the Town of Walworth adopts Resolution 88-12.

Dated this 4th day of October, 2012.

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

Resolution carried.

RESOLUTION 87-12 ADOPTION OF THE “SUGGESTED CHANGES” FROM THE AUDIT RECOMMENDATIONS PERFORMED BY RAYMOND F WAGER, CPA PC:

Councilman Yale offered the following Resolution 87-12 and moved its adoption. Seconded by Councilwoman Marini to wit:

WHEREAS, the Town Board of the Town of Walworth entered into agreement with Raymond D. Wager, CPA, P.C. for Audit of Basic Financial Statements and Communicating Internal Control Related Matters Identified in an Audit for year ended December 31, 2011, and

WHEREAS, on July 5, 2012 Raymond F. Wager, CPA, PC gave an Audit Presentation / Written Reports to the Town Board of the Town of Walworth, and

WHEREAS, the following suggested changes have been compiled / submitted by the Town Comptroller:

AUDIT RECOMMENDATIONS

AUDIT BY RAYMOND F WAGER, CPA, P.C. FOR YEAR ENDED 12/21/11

SUGGESTED CHANGES

Year End Closing Procedures

Recommendation: Management consider developing a detailed checklist to identify the closing entries which will be required at end of each year.

Suggestion: A list will be provided of the required closing entries. A list of all closing entries will be provided to the Town Board after closing.

Journal Entries

Recommendation: The Town implements procedures for review and approval of all journal entries posted to the books on a routine basis.

Suggestion: The Clerk to the Supervisor will review on a monthly basis all journal entries. A record of this review will be maintained and signed off on monthly.

Billing

Recommendation: The Town review its billing and collecting process for the following departments:

1. Highway Fuel
2. Parks and Recreation Lodge Rentals
3. Parks and Recreation Programs
4. Retiree Health Insurance

Suggestion:

Highway Fuel: Billing to be completed monthly. Copy of bill will be given to Town Comptroller and reviewed for nonpayment.

Parks and Recreation Lodge Rentals: The Parks Department will keep a monthly log of all lodges rentals with a copy of the lodge rental form and amount paid. Log will be reviewed monthly by Town Comptroller.

Parks and Recreation Programs: Recreation software "ActiveNet" provides detailed information by program. This information is balanced with funds received and submitted to the Town Clerk's office.

Retiree Health Insurance: A monthly record will be kept by retiree showing date paid, amount paid and check number. This record will be kept by the Clerk to the Supervisor to verify all payments

are received and the proper amount has been paid. The Town Comptroller will bill and process the payments after they have been logged.

Parks and Recreation

Recommendation: The Town implement the use of formal contracts for program instructors and coaches documenting terms of agreements and rates.

Suggestion: The Recreation Department now has a contract that it will be using for all programs instructors. Coaches work on a volunteer basis.

Highway Fuel

Recommendation: Vehicle consumption be periodically reviewed and compared to vehicle mileage to identify any unusual usage.

Suggestion: A log will be kept and reviewed monthly.

Payroll

Recommendation: The Town considers implementing procedures which would require an independent review of the payroll change report by an individual independent of the payroll process.

Suggestion: Any change to the payroll will be reviewed by the Town Supervisor. This is in addition to his current review of all time sheets.

Sewer Fund Bank Account

Recommendation: The bank reconciliation and corresponding bank statement for the Sewer Collection Account be submitted to the Finance Department for review on a monthly basis.

Suggestion: The bank reconciliation and bank statement will be reviewed, dated, and initialed by the Town Comptroller on a monthly basis.

Policies and Procedures

Recommendation: The Town continues their effort to establish Board policies in the following areas:

1. Personal use of Town owned equipment
2. Billing and Collection
3. Fixed Asset Acquisition, Disposal and Capitalization
4. Fraud (Whistle Blower) Policy

Suggestion: Use of Town Equipment Policy be established.

Whistle Blower Policy be established.

Billing and Collections has been addressed above.

Fixed Assets – Town Board needs to review fixed assets listing to determine at what value level an item should be listed and what procedure should be used for disposal.

**WALWORTH TOWN BOARD – REGULAR MEETING
4 OCTOBER 2012**

WHEREAS, the Town Board has reviewed the list of Audit Recommendations and Suggested Changes and desires to implement the procedures:

BE IT RESOLVED, Suggested Changes be effective immediately.

RESOLVED, that the Town Board of the Town of Walworth adopt Resolution 87-12.

Adopted this 4th day of October, 2012 at the meeting of the Town Board.

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

Resolution carried.

Discussion ensued.

TOWN CLERK – PRESENTED THE TOWN BOARD WITH THE 2013 TENTATIVE BUDGET

Susie Jacobs, Town Clerk, presented the Town Board with the Tentative Budget; Supervisor Plant and Council members had already been supplied their Tentative Budgets prior to the meeting.

Motion by Councilman Yale to accept the 2013 Tentative Budget as presented.
Seconded by Councilman Ruth.

Adopted: Vote Ayes 5 Nays 0
Motion carried.

RESOLUTION 89-12 PRELIMINARY 2013 BUDGET AND PUBLIC HEARING SCHEDULED AND ELECTED OFFICIALS COMPENSATION:

Councilman Yale offered the following Resolution 89-12 and moved its adoption.
Seconded by Councilman Ruth to wit:

WHEREAS, The Town Board of the Town of Walworth accepted the 2013 Tentative Budget on October 4, 2012, and

WHEREAS, The Town Board wishes to adopt the 2013 Tentative Budget making it the 2013 Preliminary Budget, and

WHEREAS, The Town Board wishes to schedule a Public Hearing for Thursday, November 1, 2012 at 8:00 PM, to hear and consider and comments on the 2013 Preliminary Budget, and

WHEREAS, The Town Board directs the Town Clerk to publish the notice stating compensation proposed to be paid to each elected official (Town Law §108), and

WHEREAS, The Town Board directs the Town Clerk to publish the notice of Public Hearing on the 2013 Preliminary Budget.

NOW THEREFORE BE IT RESOLVED, that the 2013 Preliminary Budget be available to the public, that a Public Hearing be held on November 1, 2012 at

**WALWORTH TOWN BOARD – REGULAR MEETING
4 OCTOBER 2012**

8:00 PM to hear and consider comments on the 2013 Preliminary Budget; and directs the Town Clerk to publish the notice stating compensation for elected officials and notice of Public Hearing.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board of the Town of Walworth Adopts Resolution 89-12 adopted this 4th day of October, 2012.

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

Resolution carried.

COMMITTEE REPORTS:

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

LIBRARY – CHRISTY HOUT APPOINTED LIBRARY BOARD OF TRUSTEE:

Councilman Ruth stated Ms. Christy Hout has been appointed to fill unexpired term of Trustee Wrightstone expiring December 31, 2015. It was noted that “no Town Board action required”.

PARKS – AUTHORIZATION TO PURCHASE PLAYGROUND CURBING / ACCESS RAMP FOR SHERBURNE ROAD PARK:

Motion by Councilwoman Marini authorizing the purchase of playground curbing and an access ramp for the playground at Sherburne Road Park in the amount not to exceed \$3,006.06. To be expended from line CM1-7110.26. Both items are on State Bid.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

REAPPOINT ASSESSMENT REVIEW BOARD – MR. WILLIAM BOYD:

Motion by Councilman Yale to reappoint Mr. William Boyd to Assessment Review Board, with a term expiring 9/30/2017.

Seconded by Councilman Ruth.

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

Motion carried.

Discussion ensued.

**WALWORTH TOWN BOARD – REGULAR MEETING
4 OCTOBER 2012**

**SEWER – PREPAY AUTHORIZATION TO ATTEND THE NEW YORK
ASSOCIATION OF APPROVED ENVIRONMENTAL LABORATORIES
TRAINING – MR. TIM MCMULLEN:**

Motion by Councilman Pembroke authorizing the Prepay for Mr. Tim McMullen to attend The New York Association of Approved Environmental Laboratories training on October 29, 2012 in Rochester, NY, to be expended as submitted in the below request.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0
Motion carried.

The following was submitted:



3451 Ontario Center Road
Walworth NY 14568

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

315-986-3415

315-986-1741 FAX

Date: October 4, 2012

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

Re: Training Request

The New York Association of Approved Environmental Laboratories & the US EPA Department of Water and Wastewater will present “Basic Chemistry and Operation of Currently Approved Wet Chemical Methods” on Monday October 29, 2012 at the RIT Inn & Conference Center, Rochester New York.

The Wastewater Treatment Plant is exploring the necessity of testing for ammonia in the lab; this topic will be covered. I am requesting Town Board approval for Tim McMullen to attend. The cost is \$195.00 to be expended from budget line SS8110.41. All fees must be pre-paid and received no later than October 23, 2012. All attendees will receive an attendance certificate. Continuing education credits will be applied.

Thank you,

Rob Burns,
Sewer Superintendent

**WALWORTH TOWN BOARD – REGULAR MEETING
4 OCTOBER 2012**

SPEED REDUCTION / SIGN FOR PLANK ROAD:

Discussion ensued.

Motion by Councilman Ruth authorizing the Town Clerk to proceed with the TE-9A Form for Plank Road between Delfa Lane and the Monroe County Line per email recommendation sent to Robert Plant from Wayne County Highway Engineering Department, dated October 4, 2012.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

**RESOLUTION 90-12 AUTHORIZING TOWN SUPERVISOR TO SIGN THE
RABIES CONTROL PROGRAM BETWEEN WAYNE COUNTY AND TOWN OF
WALWORTH:**

Councilman Yale offered the following Resolution 90-12 and moved its adoption.
Seconded by Councilman Ruth to wit:

WHEREAS, the Town Board of the Town of Walworth has received and reviewed the “RABIES CONTROL PROGRAM AGREEMENT BETWEEN COUNTY AND TOWN”, and

WHEREAS, The Town Board authorizes the Town Supervisor to sign the “RABIES CONTROL PROGRAM AGREEMENT BETWEEN COUNTY AND TOWN”. Councilman Yale offered the following Resolution 90-12 and moved its adoption.

THEREFORE BE IT RESOLVED, the following Agreement is signed by the Town Supervisor.

Adopted this 4th day of October, 2012.

Continued on next page

**WALWORTH TOWN BOARD – REGULAR MEETING
4 OCTOBER 2012**

RABIES CONTROL PROGRAM

AGREEMENT

BETWEEN

COUNTY AND TOWN

THIS AGREEMENT made as of _____, between the COUNTY OF WAYNE ("County"), a municipal corporation having an office and place of business at the County Court House, 26 Church Street, Lyons, New York 14489, and the TOWN OF WALWORTH, a municipal corporation having an office and place of business at 3600 Lorraine Drive, Walworth, New York 14568

WITNESSETH:

WHEREAS, the parties recognize that a mutual interest to protect the public and the animal population of the County from rabies exists; and

WHEREAS, the parties desire that the Wayne County Public Health Services shall (a) train all rabies responders within the county (b) screen all rabies complaint calls to determine whether human or animal exposure to rabies has occurred and coordinate follow up procedures as provided for herein, (c) provide a centralized telephone in-take of all rabies related reports, and (d) assume responsibility for certain program costs as provided herein; and

WHEREAS, the parties desire that the Town shall be responsible for providing field response for rabies related reports pertaining to dogs including the monitoring of the ten day and six month confinements; and

WHEREAS, the parties desire that the COUNTY shall be responsible for providing field response for rabies related reports pertaining to other animals; and

WHEREAS, the Town is willing to delegate responsibility from the local health officer to the Wayne County Public Health Service nurse screener for authorizing the expense of preparing, packaging and shipping suspect specimens to the Albany rabies laboratory for rabies testing;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, the parties agree as follows:

1. The County, through the Wayne County Public Health Service, shall screen all rabies complaint calls to determine whether human or domestic animal exposure to rabies has occurred and shall coordinate follow up procedures as provided herein.
2. The County, through the Wayne County Public Health Service, shall provide a centralized telephone number, staffed twenty-four hours per day, seven days per week, with a trained nurse screener for the intake of all rabies related reports.
3. The County, through the Wayne County Public Health Service, shall provide training annually to those individuals who will respond to rabies calls.
4. The Town shall provide a twenty-four hour, seven day per week, field response for dog-related cases and the Town will designate in writing the names of a properly trained, equipped and inoculated primary field responder and one or more properly trained, equipped and inoculated back up field responders.
5. The County will contract with a sufficient number of trained and equipped individuals to provide twenty-four hour, seven day per week, field response for cases involving rabid animals other than dogs.
6. The Wayne County Public Health Service nurse screener shall contact and dispatch a field responder to the scene of any human or animal exposure to rabies.

Continued on next page

**WALWORTH TOWN BOARD – REGULAR MEETING
4 OCTOBER 2012**

7. The Town hereby designates responsibility from the local health officer to the Wayne County Public Health Service nurse screener for authorizing the expense of preparing, packaging and shipping suspect specimens to the Albany rabies laboratory for rabies testing.
 8. The County shall designate the veterinarian or other agency that will prepare, package, and ship the suspect specimens to the Albany rabies laboratory for rabies testing.
 9. The County shall assume responsibility for all costs of preparing, packaging, and shipping suspect specimens to the Albany rabies laboratory.
 10. The County shall reimburse the Town for the properly documented time expenditures and mileage costs incurred by the Town for performing the mandated "ten (10) day confinement" and "six (6) month quarantine" observations of dogs suspected of rabies exposure.
 11. The County shall assume final responsibility for all costs not covered by insurance for post-exposure rabies treatment of individuals at risk as a result of exposure to the infected or suspected domestic animals or wildlife.
 12. It is understood and agreed that the entire agreement of the parties is contained herein and that this agreement supersedes all written and oral agreements and negotiations between the parties relating to the subject matter thereof. Any alterations, amendments, deletions or waivers of the provisions of this agreement shall be valid only when expressed in writing and duly signed by the parties.
 13. The effective date of this agreement is _____. The agreement shall continue in effect until terminated by either party, with or without cause, upon thirty (30) days written notice to the other party.
- IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed on their behalf by their duly authorized officers.

**WALWORTH TOWN BOARD – REGULAR MEETING
4 OCTOBER 2012**

COUNTY OF WAYNE

By: _____
James D. Hoffman, Chairman
Board of Supervisors

Town of Walworth

By: _____
Robert Plant
Supervisor

State of New York)

County of Wayne) ss. :

On this _____ day of _____, 20____, before me personally came James D. Hoffman, to me known, who, being by me duly sworn, did depose and say that he resides in the Town of Williamson, Wayne County, New York, that he is the Chairman of the Board of Supervisors of the County of Wayne, the municipal corporation described in and which executed the foregoing instrument, and he signed his name thereto by authority of the Board of Supervisors.

Notary Public

State of New York)

County of Wayne) ss. :

On this _____ day of _____, 20____, before me personally came Robert Plant to me known, who, being by me duly sworn, did depose and say that (s)he resides in the Town of Walworth, Wayne County, New York; that (s)he is the Supervisor of the Town of Walworth, the municipal corporation described in and which executed the foregoing instrument, and (s)he signed his name thereto by authority of the Town Board of the Town of Walworth.

Notary Public

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

Resolution carried.

RECREATION COMMITTEE REAPPOINTMENT:

Motion by Councilwoman Marini to reappoint Mr. Michael Dermady to the Recreation Committee for the term which expired on December 31, 2011 the new term will expire December 31, 2017.

Seconded by Councilman Yale.

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

Motion carried.

**WALWORTH TOWN BOARD – REGULAR MEETING
4 OCTOBER 2012**

ADJOURNMENT:

Motion by Councilman Yale to adjourn.

Seconded by Councilwoman Marini and unanimously carried.

Time: 8:22 PM.

Respectfully Submitted,

Susie C. Jacobs, CMC, RMC
Town Clerk