

**WALWORTH TOWN BOARD – REGULAR MEETING
6 OCTOBER 2011**

Presiding Supervisor Plant called the regularly scheduled Town Board Meeting, County of Wayne, State of New York, held at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY to order at 7:30 PM with the Pledge to the Flag.

PRESENT:

Robert Plant	Supervisor
Thomas Yale	Councilman
Suzi Hawkins-Mance	Councilwoman
Patricia Marini	Councilwoman
Susie Jacobs	Town Clerk
Mike Frederes	Highway Superintendent

ABSENT:

Frank Maciuska	Councilman
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OTHERS PRESENT: Rob Burns, Sewer Superintendent; Jacqueline VanLare, Recreation Director; Karen Ambroz, Sole Assessor; Carl Hewings, Engineer for the Town; Denise Munson, Attorney for the Town; Mary Zingerella, Library Director; Town Newspaper Reporter, and eight (8) attendees.

MINUTES:

Motion by Councilwoman Marini to approve the Minutes of September 26, 2011 Special Meeting as presented.
Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

Motion by Councilwoman Marini to approve the Minutes of September 27, 2011 Special Meeting as presented.
Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

PUBLIC PARTICIPATION:

Supervisor Plant stated that there will be three (3) public hearings with the opportunity to speak regarding the hearings.

A Sherburne Road resident stated he would like to be updated regarding issues that have been reported in our local newspaper. He went on to say that he also read our Town Clerk, Susie Jacobs had earned her Certified Municipal Clerk title and he for one would like to say “that’s great Sue”.

He express he is not exactly sure what the proposal (article in our local newspaper) is dealing with in eliminating the position of the Receiver of Taxes but he would like to know a bit more regarding where it stands and if this is going to be looked into by the Town Board and if the board would address it at this time? Supervisor Plant stated the resident should call the next morning and he would give him all the information stating the Town Board needs to look at it. The resident asked if it is favorable, Supervisor Plant responded that it can’t be done this year.

Again, he congratulated Susie Jacobs, Town Clerk on her achievement.

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**RESOLUTION 86-11 SCHEDULE PUBLIC HEARING FOR PROPOSED
LOCAL LAW NO. 7 OF THE YEAR 2011:**

Councilman Yale offered the following Resolution 86-11 and moved its adoption. Seconded by Councilwoman Marini to wit:

BE IT RESOLVED, that proposed Local Law No.7 of the year 2011, A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW 3-c, 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 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, October 20, 2011.**

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.

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

Resolution carried.

**AUTHORIZATION TO PURCHASE NEW SERVER FOR THE TOWN
COMPUTERS – INTEGRATED SYSTEMS:**

Motion by Councilman Yale authorizing the purchase of a Computer Server from Integrated Systems as per quote number 1209 dated 9/29/2011 for an amount not to exceed \$8,500.00. Sufficient funds coming from three budgeted lines.

Discussion ensued.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

COMMITTEE REPORTS:

**RECREATION – SENIOR CITIZENS MUSICAL ENTERTAINMENT
AUTHORIZATION:**

Motion by Councilwoman Marini authorizing pre-payment expenditure for the musical entertainment at the Senior Citizen's October Meeting, in the amount of \$180.00 to be expended from budgeted line A7620.41.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

Motion carried.

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PARKS – OPEN AIR PAVILION IN SHERBURNE ROAD PARK CONCRETE FLOOR WORK AUTHORIZATION – SANTELLI LUMBER:

Motion by Councilwoman Marini authorizing the Town Supervisor to sign the contract with Santelli Lumber for the concrete floor work to be done at the open air pavilion at Sherburne Road Park for an amount not to exceed \$4,250.00 from line CM1-7110.21.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

HIGHWAY – PURCHASE OF A USED STEP VAN AUTHORIZATION FROM WEST WALWORTH FIRE DEPARTMENT:

Motion by Councilman Yale authorizing the purchase of a 1988 GMC Step Van from West Walworth Fire Department for \$5,000.00. This was budgeted in 2010 Encumbered in 2011 in budgeted line DA5130.23.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

SEWER – AUTHORIZATION TO ATTEND THE NY ASSOCIATION OF APPROVED ENVIROMENTAL LABORATORY MEETING AUTHORIZATION:

Motion by Councilwoman Hawkins-Mance authorizing that Tim McMullen, Laboratory Director, to attend the New York Association of Approved Environmental Laboratories meeting on Tuesday, October 18, 2011 this is a budgeted item from SS8110.4, credit hours will be awarded for continuous education.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. 3 OF 2011 A LOCAL LAW AMENDING CHAPTER 180 OF THE WALWORTH MUNICIPAL CODE ENTITLED “ZONING” SECTION 180-10(A) IS HEREBY AMENDED TO ADD A PARAGRAPH 3: USES IN ACCORDANCE WITH CHAPTER 70:

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. 3 of 2011 was duly published two (2) times in the Town’s official newspaper August 21, 2011 and on August 28, 2011, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilwoman Hawkins-Mance to waive the reading of the Public Hearing.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

Supervisor Plant indicated if anyone present would like to speak in FAVOR or AGAINST Proposed Local Law No. 3 of 2011.

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- (1) Fredrick Nudd resident from Arbor Road spoke **AGAINST** Proposed Local Law No. 3 of 2011 by stating “I think the Town would do well to leave the Law as it is and not to amend.” Spoke directly to his concern over commercial property controlled berms which will, under the new law, allow the Planning Board to decide singularly whether a berm is necessary or allowable. He also stated that he is concerned that the new process would open the Town for a lawsuit in the future.

No one else wished to be heard.

Motion by Councilman Yale to close.
Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

RESOLUTION 83-11 PROPOSED LOCAL LAW NO. 3 OF THE YEAR 2011 A LOCAL LAW AMENDING CHAPTER 180 OF THE WALWORTH MUNICIPAL CODE ENTITLED “ZONING” SECTION 180-10(A) IS HEREBY AMENDED TO ADD A PARAGRAPH 3: USES IN ACCORDANCE WITH CHAPTER 70:

Councilman Yale offered the following Resolution 83-11 and moved its adoption.
Seconded by Councilwoman Marini to wit:

WHEREAS, the Town Board of the Town of Walworth held a Public Hearing on October 6, 2011, to consider the adoption of proposed Local Law No. 3 of the year 2011, entitled AMENDING CHAPTER 180 “ZONING” Section 180-10A IS HEREBY AMENDED TO ADD A PARAGRAPH 3: USES IN ACCORDANCE WITH CHAPTER 70.

BE IT RESOLVED, the Town Board of the Town of Walworth does hereby adopt proposed Local Law No. 3 of the year 2011 to the Town of Walworth Municipal Code.

BE IT RESOLVED, that the Town Clerk submit the necessary documents pertaining to the adoption of said proposed Local Law No. 3 to the Attorney for the Town for filing with the Secretary of State.

NOW, BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopt Resolution **83-11**.

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

Resolution carried.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to enter into Executive Session to discuss potential litigation and personnel.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0

Time: 7:50 PM.

Motion **carried**.¹

Comment [SJ1]: Motion by Councilwoman Marini. Seconded by Councilman Yale. 10.20.2011

¹ Town Clerk verified the recording tape of October 6, 2011 which indicated the Town Board did not take action after their Executive Session. Therefore no recording of the “Reconvene” time was noted. A change to the minutes of October 6, 2011 as requested by Town Board would change the history of the Town minutes. No change to the minutes.

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SPECIAL BOARD MEETING SCHEDULED:

Motion by Councilman Yale to set a Special Board Meeting for holding interviews, Thursday, October 13, 2011 at 7:00 PM with the intent to enter into Executive Session and any other business that comes before the Board.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. 5 OF 2011 A LOCAL LAW AMENDING THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY AMENDING CHAPTER 139-79 ENTITLED “SEWERS”, PERTAINING TO CONCENTRATION-BASED LIMITATIONS AND CHAPTER 139-80 ENTITLED “SEWERS” PERTAINING TO MASS-DISCHARGE LIMITATIONS:

Supervisor Plant declared the Public Hearing opened.
Time: 8:15 PM.

Susie C. Jacobs, Town Clerk, stated the notice of Public Hearing for Proposed Local Law No. 5 of 2011 was duly published two (2) times in the Town’s official newspaper September 25, 2011 and on October 2, 2011, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilwoman Hawkins-Mance to waive the reading of the Public Notice.

Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

Supervisor Plant indicated if anyone present would like to speak in FAVOR or AGAINST Proposed Local Law No. 5 of 2011.

No one wished to be heard.

Motion by Councilwoman Hawkins-Mance to close.
Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

RESOLUTION 84-11 ADOPTION OF PROPOSED LOCAL LAW NO. 5 OF THE YEAR 2011 A LOCAL LAW AMENDING THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY AMENDING CHAPTER 139-79 ENTITLED “SEWERS”, PERTAINING TO CONCENTRATION-BASED LIMITATIONS AND CHAPTER 139-80 ENTITLED “SEWERS” PERTAINING TO MASS-DISCHARGE LIMITATIONS:

Councilwoman Hawkins-Mance offered the following Resolution 84-11 and moved its adoption. Seconded by Councilman Yale to wit:

WHEREAS, the Town Board of the Town of Walworth held a Public Hearing on October 6, 2011, to consider the adoption of proposed Local Law No. 5 of the year 2011, A LOCAL LAW AMENDING THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY AMENDING CHAPTER **139-79** entitled "SEWERS", pertaining to Concentration-based limitations and CHAPTER **139-80** entitled "SEWERS" pertaining to Mass-discharge-based limitations AS FOLLOWS:

139-79. Concentration-based limitations.

Substance ¹	Effluent Concentration Limit	
	Allowable Average Daily ² (mg/l)	Allowable Maximum
Instantaneous ³ (mg/l)		
Aluminum	0.6	1.2
Antimony	0.4	0.8
Arsenic	0.2	0.4
Barium	4.0	8.0
Beryllium	0.4	0.8
Bismuth	0.4	0.8
Bromine	4.0	8.0
Cadmium	0.4	0.5
Chlorides	500.0	750.0
Chlorine	5.0	5.0
Chromium (hex)	0.2	0.1
Chromium (tot)	4.0	1.0
Cobalt	0.8	1.6
Color	20.0	35.0
Copper	0.8	1.6
Cyanide (complex)	1.6	.10
Cyanide (free)	0.4	0.8
Fluorides	4.0	8.0
Gold	0.2	0.4
Iodine	4.0	8.0
Iron	0.6	5.0
Lead	0.2	0.1
Manganese	4.0	8.0
Mercury**	0.2	<500 ng/l

Molybdenum	4.0	8.0
Nickel	4.0	1.0
Phenols, total	4.0	8.0
Selenium	0.2	0.4
Silver	0.2	.25
Sulfates	500.0	25.0
Sulfides	6.0	12.0
Tin	0.6	1.2
Titanium	0.6	1.2
Vanadium	4.0	8.0
Zinc	1.2	.20

****The permittee shall inspect each tributary dental facility at least once every five years to verify compliance with the wastewater treatment operation, maintenance, and notification elements of 6NYCRR Part 374.4. Inspection and /or outreach to other industrial/commercial sectors which may contribute mercury is also recommended. All new or increased tributary discharges, including hauled wastes, which are from sources that are industrial in nature must be evaluated for mercury content and if levels exceed 500ng/l then authorization must be obtained from the Department prior to acceptance. A file shall be maintained containing the notices submitted by dental offices and all other pertinent information. This file shall be available for review by DEC representatives and copies shall be provided upon request. Note that a permit modification may be necessary to include more stringent requirement for POTWs which do not maintain low mercury effluent levels.**

139-80. Mass—discharge-based limitations.

Substance	Allowable Influent Loading Average Daily (pounds per day)
Aluminum	0.500
Antimony	0.330
Arsenic	0.167
Barium	3.360
Beryllium	0.330
Bone	0.250
Cadmium	0.336
Chromium (hex)	0.167
Chromium (total)	3.0
Cobalt	0.670
Copper	0.672
Cyanide (complex)	.30
Cyanide (free)	0.336
Gold	0.167
Iron	0.500
Lead	0.167

Mercury	0.167
Nickel	3.0
Phenols (total)	3.340
Selenium	0.167
Silver	0.167
Suspended Solids	0.250
Tin	0.500
Zinc	.60

BE IT RESOLVED, the Town Board of the Town of Walworth does hereby adopt proposed Local Law No. 5 of the year 2011 to the Town of Walworth Municipal Code.

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

NOW, BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopt Resolution **84-11**.

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

Resolution carried.

PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. 6 OF 2011 A LOCAL LAW AMENDING THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY AMENDING THE LAST SENTENCE OF CHAPTER 139-3 (6) ENTITLED "SEWERS", PERTAINING TO SCHEDULE OF CHARGEABLE UNITS:

Supervisor Plant declared the Public Hearing opened.
Time: 8:20 PM.

Susie C. Jacobs, Town Clerk, stated the notice of Public Hearing for Proposed Local Law No. 6 of 2011 was duly published two (2) times in the Town's official newspaper September 25, 2011 and on October 2, 2011, with the same dates being posted at the Town Hall. Copies are available to the public.

Motion by Councilwoman Hawkins-Mance to waive the reading of the Public Notice.
Seconded by Councilman Yale.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

Supervisor Plant indicated if anyone present would like to speak in FAVOR or AGAINST Proposed Local Law No. 6 of 2011.

No one wished to be heard.

Motion by Councilman Yale to close.
Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

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RESOLUTION 85-11 ADOPTION OF PROPOSED LOCAL LAW NO. 6 OF THE YEAR 2011 A LOCAL LAW AMENDING THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY AMENDING THE LAST SENTENCE OF CHAPTER 139-3 (6) ENTITLED “SEWERS”, PERTAINING TO SCHEDULE OF CHARGEABLE UNITS:

Councilwoman Hawkins-Mance offered the following Resolution 85-11 and moved its adoption. Seconded by Councilman Yale to wit:

WHEREAS, the Town Board of the Town of Walworth held a Public Hearing on October 6, 2011, to consider the adoption of proposed Local Law No. 6 of the year 2011, A LOCAL LAW AMENDING THE TOWN OF WALWORTH MUNICIPAL CODE MORE PARTICULARLY AMENDING THE LAST SENTENCE OF CHAPTER **139-3 (6)** entitled “SEWERS”, pertaining to Schedule of Chargeable units,

(6) If the qualified owner of a unit has not applied for a one-time new lawn sewer credit within 8 billing cycles (24 months), the qualified owners right to register for a one-time new lawn sewer credit will expire.

BE IT RESOLVED, the Town Board of the Town of Walworth does hereby adopt proposed Local Law No. 6 of the year 2011 to the Town of Walworth Municipal Code.

BE IT RESOLVED, that the Town Clerk submit the necessary documents pertaining to the adoption of said proposed Local Law No. 6 to the Attorney for the Town for filing with the Secretary of State.

NOW, BE IT FURTHER RESOLVED, that the Town Council of the Town of Walworth adopt Resolution **85-11**.

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

Resolution carried.

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.
Seconded by Councilman Yale and unanimously carried.
Time: 8:22 PM.

Respectfully Submitted,

Susie C. Jacobs, CMC/RMC
Town Clerk