

**WALWORTH TOWN BOARD – REGULAR MEETING
6 SEPTEMBER 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
Michael Frederes	Highway Superintendent
Susie Jacobs	Town Clerk

ABSENT: Tom Yale Councilman

OTHERS PRESENT: Rob Burns, Sewer Superintendent; Jacqueline VanLare, Recreation Director; Brendan Bystrak, Labella Associates, P.C. Engineer for the Town; Jean Johnson, Town Comptroller; Town Newspaper Reporter, and four (4) attendees.

MINUTES:

Motion by Councilman Ruth to approve the Special Meeting Minutes of August 28, 2012 as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

Motion by Councilman Ruth to approve the Minutes of August 16, 2012 as presented.

Seconded by Councilman Pembroke.

Adopted: Vote Ayes 4 Nays 0
Motion carried.

COUNCILMAN YALE ENTERED THE MEETING:

Time: 7:33 PM.

PUBLIC PARTICIPATION:

No one present offered any comments.

COMMITTEE REPORTS:

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

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RECREATION – MAIN STREET EAST CONTRACT AUTHORIZATION:

Motion by Councilwoman Marini authorizing the Town Supervisor to sign the contract with Main Street East for the musical entertainment for the Harvest Moon Festival.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

RECREATION – AMERICAN AMUSEMENT RENTALS AUTHORIZATION:

Motion by Councilwoman Marini authorizing the Town Supervisor to sign the contract with American Amusement Rentals for the train ride at the Harvest Moon Festival.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

RECREATION – TITAN DEVELOPMENT AUTHORIZATION:

Motion by Councilwoman Marini authorizing the Town Supervisor to sign the contract with Titan Development for the one day supervision of the playground installation.

Seconded by Councilman Ruth.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

RECREATION – TITAN DEVELOPMENT PREPAY AUTHORIZATION:

Motion by Councilwoman Marini authorizing the prepay of \$800.00 to Titan Development to be expended out of CM1-7110.26.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

BUDGET DISCUSSIONS:

The Board addressed questions they had regarding the Proposed 2013 Budget. Discussion ensued, with no Town Board actions taken.

433 PARKSIDE TRAIL CHICKEN DISCUSSION:

Family from 433 Parkside Trail addressed the Board regarding chickens on their property. They understand this is against Town Law; but would like to keep the chickens and asked the Board to consider a change to the Law.

Supervisor Plant indicated the Town Board will discuss and get back to them with an answer to their request.

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CHICKENS HOUSED IN THE TOWN OF WALWORTH DISCUSSION:

Supervisor Plant explained that the Town has two properties with chickens. This was brought to the attention of the Town from neighbors complaining. Supervisor Plant read correspondence from Cornell University addressing many of the concerns that have been raised. Council members explained their position in this situation with a general consensus that “the Town Board is not interested in changing the Code of the Town of Walworth to allow chickens.”

Supervisor Plant gave a verbal reply to the family from Parkside Trail, who requested the Town Board consider changing the law allowing chickens in the Town, he stated: “the Town Board is not interested in changing the Code of the Town of Walworth to allow chickens.” They were thanked.

RESOLUTION 84-12 AUTHORIZATION ORCHARD VIEW ESTATES SECTION THREE, PHASE B FUNDS TO BE RELEASED FROM THE LETTER OF CREDIT NO. 10273-5 IN THE AMOUNT OF \$55,909.26:

Councilman Ruth offered the following Resolution 84-12 and moved its adoption. Seconded by Councilwoman Marini 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 4, 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 \$55,909.26.

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 \$55,909.26.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board of the Town of Walworth adopts Resolution 84-12.

Dated this 6th day of September, 2012.

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

Resolution carried.

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**ATTORNEY FOR THE TOWN AUTHORIZED TO SEND LETTER TO THE
RESIDENT ON PLANK ROAD:**

Motion by Councilwoman Marini authorizing the Attorney for the Town to send a letter to the resident on Plank Road.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Motion carried.

ADJOURNMENT:

Motion by Councilwoman Marini to adjourn.

Seconded by Councilman Yale and unanimously carried.

Time: 8:22 PM.

Respectfully Submitted,

Susie C. Jacobs, CMC, RMC
Town Clerk