



Letter to the Board

Michael Havens

Superintendent of Schools

Phone: 315-524-1001

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August 19, 2005

"Let us watch well our beginnings, and results will manage themselves."

-- Alexander Clark

Greetings from Wayne Central. Below are a few items of interest.

Board Agenda Items:

1. **Executive Session:** There will be an executive session at 6:00 to meet Amy Gebhardt, our new Public Information Specialist.
2. **Music Textbook Presentation:** K-12 Music Advisor, Sara Moran will make a presentation on a proposed elementary level music textbook(s).
3. **Annual Report:** I will be presenting the annual report for the district's academic progress. As we review the data, you will see that overall the district continues its trend of growth and academic success. While one or two areas do not have the upward curve we desire, nearly every area does demonstrate growth, and in most cases, the growth has been significant. There are many charts and graphs. It is important for us to realize that each chart represents a year long effort on the part of staff and students to improve academic achievement. Taken as a whole, you should be very proud of your Wayne Central School District.
4. **Special Education Proposal:** Director of Student Services, Michelle Scheik will be presenting a plan for returning some additional Wayne Central students to the high school.
5. **Public Information Position:** Enclosed is the information that was requested regarding the public information position. I will be happy to answer any questions about the position.
6. **Capital Project Update:** Mr. Atseff and Mr. Jordan will provide an update on our readiness for the opening of school and what remains to be completed. At this time four of the five buildings are basically complete and ready for school. The area of greatest concern and interest is our high school. Construction crews remain optimistic that all will be ready for opening day.
7. **Ribbon Cutting Ceremony:** I would like to talk a bit about a ribbon cutting ceremony at the high school. I would like to have a facilities tour and open house in October to invite the public in to the new facilities. This will give us a chance to finish up the loose ends and, hopefully, get everything up and running before the ribbon cutting. I would like to hear your thoughts on this event.
8. **Financial Update:** Mr. Atseff will provide an update of the district financial status.
9. **Personnel Action:** As is the norm for the late August personnel action, it is very large and contains as many of the annual and new appointments as we can secure. As you will notice, we strive to fill as

many of the annual positions as possible, thus putting the payroll and personnel staff in a better record keeping position. This is also better for the staff to be assured of their positions for the year, rather than waiting later in the year for the appointments to be finalized.

10. **Consensus Agenda:** The consensus agenda is also very large as you would expect for this time of the year. There are several typical business items including bids, change orders and budget transfers which I recommend approval of. The recommended annual tax levy, as noted in previous board letter, is being submitted for board adoption. This is presented for approval at a rate of 21.15 per thousand, which is 1 cent lower than the rate that appeared on the budget ballot roles of a projected 21.16 per thousand. The school lunch prices are remaining the same. As noted in the memo, Mrs. Wilson has done an outstanding job bringing the cafeteria fund back from in the red and in jeopardy to running fabulously and well in the black. She has determined a need to raise the price of milk based on increased dairy costs, but has not had a prior increase in the cost of milk in many years. I will be requesting board approval to participate with the Town of Ontario and the County to participate in the tax litigation matter on the Orchard Grove (Gullace) Property. I believe it is in our best interest to pursue this in the courts due to the notable difference in the grievance amount versus the current assessed value. A reduction in the assessed value would mean a significant enough loss in tax dollar revenue to the district to make pursuit of this matter worthwhile. Enclosed also please find a letter from Mr. Atseff requesting we move forward with Atlantic Energy's energy performance contract.
11. **Policy:** Enclosed is a letter from Policy Chairperson, Rick Johnson.

Board Letter:

1. **Foundation:** The foundation is progressing quite well. As I explained to you in last week's letter, Mr. Robusto was elected President in absentia. That means he wasn't there, no one else wanted it, and so they gave it to him. I have talked to Frank about this. He is unsure about whether or not he should assume the position because he believes the Foundation and the school board need to be separate. If he feels he shouldn't do it, then we will have to find another president. We will be discussing non-profit status and bylaws at our next meeting.
2. **Rigor in High School:** Enclosed is a letter I received from ACT regarding our student performance. Please note that in all four areas of assessment our students made significant progress and were above the state averages. This is another indication that our school is increasing its rigor and preparedness for college.
3. **Attachments:**
 - a) ACT Letter
 - b) Ontario Town Board Meeting Minutes – 8/8
 - c) Walworth Town Board Meeting Minutes – 8/4
 - d) Walworth Town Board Meeting Minutes – 7/19
 - e) District staff appointments

AUGUST 8, 2005
ONTARIO TOWN BOARD MEETING & PUBLIC HEARING

A regular meeting of the Ontario Town Board was called to order by Supervisor Molino at 7:00 PM in the Ontario Town Hall. Present were Supervisor Joseph Molino, Councilmen: Ronald Fillmore and Donald Shears, Superintendent of Water Utilities Robert Wykle, Sole Assessor Eileen Perkins, Interim Assistant Library Director Nancy Obaid, Dog Control Officer Mark Plyter (entered 7:15 PM) and Town Clerk Cathy Herzog.

Absent: Councilmen Mark Brewer and Donald Camp, Superintendent of Highways William Slocum, Building Inspector/Code Enforcement Officer Edward Collins, Director of Recreation & Parks William Riddell, Accounting Supervisor Lois Buckalew (attended workshop 8/1/05 at town board request) and Town Attorney Patricia Crippen

Twenty residents and visitors were present at portions of the meeting.

Mr. Shears led the Pledge of Allegiance.

Revisions to the Agenda - A motion was made by Mr. Shears, seconded by Mr. Fillmore, **to amend the agenda to amend two tax map numbers in the proposed Local Law # 2 of 2005.** 3 Ayes
 0 Nays 2 Absent (Brewer & Camp)

Comments from the Public – None

Public Hearing – Mr. Molino opened a public hearing at 7:02 PM to consider proposed Local Law # 2 of 2005 to establish the Town of Ontario Business Improvement District (BID) covering properties from 1961 to 2016 Ridge Road in the Town of Ontario. A District Plan is on file in the Town Clerk's office for public inspection, the Town Attorney has filed an Affidavit of Mailing to the property owners with the Town Clerk and the Town Clerk posted and published the Legal Notice of Public Hearing on 7/28/05. He asked for public comments.

Mrs. Beth Howard, 1974 Ridge Road, stated her residential home is in the middle of the residential section of the proposed BID, she has lived there for 35 years and she is opposed to the proposal. She pointed out there are very few retail establishments, several vacant store fronts, and one business going out of business in the proposed BID. She stated she felt that the businesses would not benefit from an increase in pedestrian traffic. She noted the town already provides off street parking and maintains it behind the businesses. No other businesses in the Town of Ontario are given the same benefits (parking lots) as those on Ridge Road within the proposed BID.

Mrs. Howard stated she does not believe the proposal will increase the value of the residential properties, she stated she feels the opposite would happen and the extra taxes will decrease her property value. She added the BID would also increase her insurance and liability if there were an increase in pedestrian traffic. She made the comment "don't throw good money after bad" and she stated this is what she thought this proposal would be doing. As far as obtaining grants, she stated the taxpayers are also paying for any grants. In her opinion the ten residential properties would not benefit in any way from any of the proposed improvements. She quoted figures of additional taxes she and other residential homeowners will have to pay versus what businesses might pay. She asked to be excluded from the proposed BID and she asked that her neighbors in the residential properties be excluded from the BID or that the residential owners would be exempt from additional taxes.

Mr. Tom McCabe, 1989 Ridge Road, stated he and his wife agree with Mrs. Howard. He stated he feels he is being prejudiced against by having to pay more money. He stated he feels the value of his home would be less because of the additional tax burden. Mr. McCabe stated he did not feel that the residential homeowners “should have to pay someone else’s bills”.

Mrs. Joanna McCabe stated she feels the same way, she added we have lived in our home thirty years. She stated she thinks that the property owners in the proposed BID have done a wonderful job keeping up their properties to help the “village” look great and to help the businesses.

Mrs. Jean Susser, Walworth Road, spoke for Ms. Anna Smith; 1991 Ridge Road, she stated that she doesn’t feel it is right to tax a private homeowner for improvements benefiting businesses. She suggested everyone in the proposed district work on cleaning up, painting and fixing up the businesses and homes in the area then consider something like the BID in the future.

Mrs. Pat Price, 1992 Ridge Road, stated she is a landlord and their property is purely an investment. She is not opposed to the additional taxes.

Ms. Lori Furguson-Kenney, business owner and member of the committee who have prepared the District Plan and proposed BID, stated she and her sister have worked hard the last year and one-half on the BID District Plan. She gave a history of the process to develop the district plan. She stated she believes this will be a tremendous improvement for the Town of Ontario and that something needed to be done outside of town government. The proposed BID would establish a not-for-profit organization that would impose a tax on the residents within the BID.

Ms. Furguson-Kenney reviewed the property assessment rate, and she stated based on the 2005 tax rate the proposed tax would be approximately fifty-two (0.52) per thousand or \$52.00 on a property assessed at \$100,000.00. She stated the goal is to get the Main Street (BID) area up and running after two major fires. She stated she feels this improvement will benefit all of the people who work and live here.

Ms. Furguson-Kenney reviewed the steps to develop the parameters of the BID and the District Plan. She noted governmental land and churches within the district are exempt from taxation. She stated this would be the best way to go to improve Main Street. She noted the committee that proposed the BID has had a lot of positive support.

Mrs. Howard asked what services would the BID provide?

Ms. Furguson-Kenney stated the BID would start out slow and would be available to everyone in the district boundaries. The first concern is for snow removal on the sidewalks.

Mrs. Howard stated she pays a private service and has no desire to have the BID do that for her.

Ms. Furguson-Kenney stated other ideas are for beautification projects, planting trees and flowers. The next step would be to form a Board of Directors to make these decisions, not just one or two individuals. She added the committee sent out a survey and received a good response. The committee also attended a program and received advice from NYS Government for small towns on how to prepare the survey and how to revitalize the “village” section of the town. She added other towns; Webster and Williamson have already established a BID.

Mrs. Howard asked if those towns included residential homes in their BID?

Mr. Price stated he also owns property in Webster in the village BID. He stated he doesn’t think Ontario wants to improve their village area. He complained that the sidewalks aren’t cleaned or plowed. He

stated in the Webster BID they have done a lot, the Main Street area looks nice with trees and flowers and they maintain and plow the sidewalks. He added there are businesses and residential homes in the district.

Mr. Shears asked Mrs. Furguson-Kenney to talk about the committee's process, the district as a whole. He noted that the proposed district runs from Furnace Road to Knickerbocker Road.

Ms. Furguson-Kenney stated the committee looked at the entire area. It was determined that there were businesses from Knickerbocker Road to Furnace Road on Ridge Road. The committee wanted to include everyone, businesses and residential homes. She stated they believe that both residential homeowners and businesses would benefit from additional services. The committee sent out a survey and some of the requests were for snow removal, beautification, tree planting, cleaning up and fixing up what is already there, signage, holiday decorations and to enhance the physical appearances of Main Street.

Mrs. Howard stated she did not need or want any of the services suggested.

Mrs. McCabe felt the residents needed to and do decorate their own homes.

Ms. Furguson-Kenney stated that establishing a BID would be a small start that would benefit everyone in the town and in the district. She is in the BID in Webster and they do provide services for her that other residents in town don't have. For example they have curbside leaf pick up. She has and can provide a list of things that the Williamson BID has done within their district. Once established the Board of Directors can be a voice for Main Street to town government. She stated these are just examples of what could happen, the residential owners could have a say in the management of the district. She also noted there are also grants available specifically to revitalize Main Street. You cannot apply if you do not have an organization.

There was a discussion on what you could or could not do. She suggested lighting, sidewalks and future improvements such as putting the electrical lines under the ground.

Mrs. Howard asked why the residential homes couldn't be eliminated?

Mrs. Debra Furguson-Leaty, business owner, stated it wouldn't be fair for the businesses to have better lighting, new sidewalks and snow removal and not the homes within the district. She stated that she felt it should be uniform, that everyone deserves the benefit.

Mrs. Ginny Loomis, Tamarack Shores, stated she is in favor of the proposal. She suggested the boundaries could be looked at again but she stated the concept is sound and she supports it. The BID would be a vehicle to make the improvements that are needed to go forward. She noted the business district needs improved parking, lighting, sidewalks and she suggested exterior design standards that are consistent but not too restrictive. She stated she thinks this is very important. She added she has already seen an improvement and that will continue even more with the establishment of a BID. This process has worked well for other communities and this is the organizational vehicle that will help the "village" area in Ontario to improve. She reviewed how a BID has benefited other towns and how the process works. She added it does take money to have these benefits. She feels that the community has expressed support and wants the "village" area to be vibrant.

Mr. Fillmore asked if the boundaries could be changed to exclude the residential properties?

Mrs. Furguson-Kenney stated that is possible but she believes that NYS Statue dictates the boundaries to be continuous without "holes".

Mrs. Howard asked if there could be exclusions, or exemptions?

Mrs. Furguson-Kenney stated she doesn't have that answer today, she would be happy to look into that.

Mr. Molino asked if the residential properties could have a reduced tax rate?

Mrs. Furguson-Kenney stated there are two methods to apply the tax. One is assessed value and the other is value added. Different properties in the BID could be taxed at different rates based on the benefit or improvement. It is easier to administer if all are taxed the same.

Mr. Craig Litt, member of the Comprehensive Plan committee (CPC) stated he is in favor of the BID. He stated the CPC and the proposed town CP also support the concept and revitalization of Main Street. He added some of the residential properties could be businesses in the future so they should be included from the beginning. If more continuous properties might want to be added, in the future, he asked if that could happen?

Mrs. Furguson-Kenney stated yes, once the plan is in place it can be amended and the boundaries and the parameters of the tax rate could be adjusted.

A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **close the public hearing at 7:30 PM.**
3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Approval of Minutes - Mr. Molino asked for approval of the minutes of the July 25, 2005, Town Board meeting. A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **approve the minutes as presented.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Correspondence – The Town Clerk received notification from William Marean, Food Beverage Manager from the Ontario Golf Club Inc., 2101 Country Club Lane, and from Ken Capo, President, Capizzo's Inc., 2454 Ridge Road, that they have submitted a renewal application to the State of New York Liquor Authority.

A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **accept and file the correspondence.**
3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Town Attorney Report – None

Department Head Reports -

Superintendent of Water Utilities – A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **accept the July 2005 report as presented.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Mr. Wykle noted on page two (2) of the report that the contract negotiations with the Wayne County Water Authority are going well.

Superintendent of Highways – A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **accept the July 2005 report as presented.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Building Inspector/Code Enforcement Officer – A motion was made by Mr. Fillmore, seconded by Mr. Shears, to **accept the July 2005 report as presented.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Director of Recreation & Parks – A motion was made by Mr. Fillmore, seconded by Mr. Shears, to **accept the July 2005 report as presented.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Sole Assessor – A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **accept the July 2005 report as presented.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Mr. Shears noted that in Mrs. Perkins memo dated 8/8/05 (attached to the report) that a member of the Board of Assessment Review term ends in September. He authorized her to advertise the position.

Ontario Public Library - A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **accept the July 2005 Library report as presented.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Mrs. Obaid announced that Susan Brown, President of the Library Board of Directors informed her that a new Library Director has been hired. She stated her name is Korina Churchill and she will begin working on September 12th. Mrs. Obaid also invited the public to partake of the Summer Reading program and she added there are still a lot of great prizes available.

Ontario Town Court – A motion was made by Mr. Fillmore, seconded by Mr. Shears, to **receive the July 2005 report as presented.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Dog Control Officer – A motion was made by Mr. Fillmore, seconded by Mr. Shears, to **accept the July 2005 report as presented.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Watershed Management Advisory Council – A motion was made by Mr. Fillmore, seconded by Mr. Shears, to **accept the July 2005 report as presented.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Old Business - None

New Business – A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **amend the proposed Local Law # 2 of 2005 to delete a duplicate tax map number #63117-14-300475, to delete 63117-14-349429 and 63117-14-346425 and add 63117-14-309425 and 63117-14-324478** (letters were sent to the homeowners). 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **adopt a RESOLUTION to adopt Local Law # 2 of 2005 for the establishment of a Business Improvement District in the Town of Ontario and to authorize and direct the Town Attorney and Town Clerk to take the necessary steps for filing of said local law.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) RESOLUTION ADOPTED

A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **approve the lowest responsible quote for the installation of a mandatory ventilation system and appurtenances at the Bear Creek Pump Station to LeClaire-Fleming Mechanical Services, Inc. for an amount not to exceed \$12,608.00,** as requested by the Superintendent of Water Utilities in memo #24-2005. 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **adopt a RESOLUTION**

WHEREAS, Customer engaged Troy & Banks, Inc. (“Troy & Banks”) as its authorized representative in regard to all issues, claims or disputes pertaining to street lighting services rendered by Rochester Gas and

Electric Corporation (“RG&E”) to the Town of Ontario, including, but not limited to, its past RG&E street lighting bills; and

WHEREAS, negotiations between RG&E and Troy & Banks have resulted in a settlement and release agreement between RG&E and the Town of Ontario; and

WHEREAS, Troy & Banks has recommended the acceptance of such settlement and release agreement.

NOW THEREFORE BE IT RESOLVED, that the Supervisor for the Town of Ontario, Joseph Molino, is authorized and directed to execute a settlement and release agreement with and to deliver the same or cause the same to be delivered to RG&E. The settlement and release agreement is an accord and satisfaction for all issues, claims or disputes pertaining to street lighting services rendered by RG&E to the Town of Ontario from the beginning of such services through and including July 1, 2005. 3 Ayes 0 Nays 2 Absent (Brewer & Camp) RESOLUTION ADOPTED

A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **adopt a RESOLUTION to authorize the Supervisor for the Town of Ontario to execute the New York State Environmental Facilities Corp. (EFC) Clean Water State Revolving Fund (CWSRF) 1995 A “REFUNDING” Closing Certificates; the refunding will only be performed if there is a savings for the municipality; to be further executed upon approval from Robert Wykle, Superintendent of Water Utilities, Charles Bastian of bpd Municipal Finance (town’s financial advisor) and Timothy R. McGill (town’s bond counsel).** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) RESOLUTION ADOPTED

Mr. Wykle stated he spoke with bond counsel today and he explained that the refinancing would only occur if there were a lower interest rate and savings to the town. He reviewed the process and he stated the EFC funding has allowed the town to do a lot of sewer extension projects, this particular project was for sewer expansion on Route 104.

Reports by Town Board Members -None

Approval of Claims - A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **approve the abstract of claims for the month of August 2005, including vouchers # 1628 through # 1747 with a grand total of \$62,907.27 and to authorize the Supervisor to issue payments for same.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Comments from the Public – Mr. Craig Litt, Ridge Road, asked if his written comments on the proposed Comprehensive Plan (CP) have been received and were there any comments?

Mr. Shears answered yes, and he thanked him for taking the time to express his opinion in writing on the proposed CP. He is still reviewing the comments made at the CP review workshops and would welcome any additional written comments.

Adjourn - A motion was made by Mr. Shears, seconded by Mr. Fillmore, to **adjourn at 7:45 PM.** 3 Ayes 0 Nays 2 Absent (Brewer & Camp) MOTION CARRIED

Respectfully submitted,

Cathy Herzog
Ontario Town Clerk

The above minutes will become official upon approval of the town board.

WALWORTH TOWN BOARD MEETING MINUTES

4 AUGUST 2005

The regular Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, was called to order at 7:30 P.M. by Supervisor Frank Guelli. Board members present: Daniel Keyes, Patti Marini and Thomas Yale. Absent: Frank Maciuska

Other town employees present: Norman Druschel, Building Inspector
Michael Frederes, Highway Superintendent
Debora Germain, Recreation Director
Richard Morris, Attorney for the Town
Paul Russell, Town Engineer
George Schaller, Sewer Superintendent
Phil Williamson, Code Enforcement Officer
Marcia Englert, Town Clerk

MINUTES:

Motion by Councilman Yale to accept the minutes of July 15, 2005 as presented. Seconded by Councilwoman Marini and unanimously carried.

TEMPORARY HOUSING REQUEST: JACOBS ROAD:

Because of a July 17, 2005 house fire, Joe Lubanski, 4696 Jacobs Road, requested approval to temporarily locate a mobile home on his property while the home is being repaired. He noted that the unit would not be visible from the road nor impact the neighbors, who have all expressed their support. Richard Morris stated that before a decision was made, the situation should be discussed in a meeting with him, the Attorney for the Town.

MEETING WITH THE ATTORNEY FOR THE TOWN:

Motion by Supervisor Guelli to adjourn to a meeting with the Attorney for the Town to discuss a legal matter. Seconded by Councilman Yale and unanimously carried. Time: 7:38 P.M.

RECONVENED:

Supervisor Guelli reconvened the meeting at 7:47 P.M.

TEMPORARY HOUSING RESOLUTION:

Councilman Yale offered the following resolution and moved its adoption, seconded by Councilwoman Marini to wit:

WHEREAS, the property owned by Joe and Joellen Lobanski, located at 4696 Jacobs Road, is a 4.5 acre parcel and has mature vegetation to buffer the structure and all the neighbors have submitted support of Joe and Joellen Lobanski's request to temporarily locate a mobile home on their property,

NOW, THEREFORE, BE IT RESOLVED that the request of Joe and Joellen Lobanski, dated August 4, 2005, to temporarily locate a mobile home on their property at 4696 Jacobs Road, be granted for a period not to exceed six months due to the extreme hardship and the emergency situation.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Resolution adopted.

ROLFORD HEIGHTS, SECTIONS 5 & 6: CLUSTER DEVELOPMENT REQUEST:

Larry Heining, from HBMA representing Principal Homes, requested that Sections 5 and 6, totaling 33 acres, be classified as a 58 lot Cluster Development. Richard Morris stated that the Town Board cannot make a decision until after the Planning Board has given preliminary approval. Councilman Yale expressed concern about ownership and maintenance of the open space. Richard Morris recommended that Larry Heining, Paul Russell and members of the Town Board meet to discuss the issues before final approval is given. The Town Board consensus was conceptual approval.

CATCH A BUSINESS AWARD: KEENAN’S LANDSCAPE DESIGN:

As Tom Keenan, owner of Keenan’s Landscape Design, wasn’t present, Supervisor Guelli asked Peter Marini, Chief of the West Walworth Volunteer Department to present the “Catch A Business Award” plaque to Mr. Keenan for the landscaping he and his employees did at the West Walworth Fire Department.

NYS ENVIRONMENTAL FACILITIES CORP. BOND REFUNDING:

Motion By Councilman Keyes authorizing the Supervisor to sign the NYS EFC Closing Certificate, whereby EFC will direct the debt service payments from the old EFC bonds, Series 1994B, 1994D and 1995A, to the new refunding EFC bonds, which will result in debt service savings. Seconded by Councilwoman Marini.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

SNOW & ICE CONTRACT: NYS FUEL ADJUSTMENT:

Motion by Councilman Yale authorizing the Supervisor to sign the NYS fuel adjustment Agreement. Seconded by Councilman Keyes.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

BUILDING DEPT. CLERK RESIGNATION:

Supervisor Guelli stated that Deborah Spry submitted her letter of resignation as Clerk to the Building Department, effective August 10, 2005. Motion by Councilwoman Marini to accept Deborah Spry’s resignation. Seconded by Councilman Keyes and unanimously carried.

BUILDING DEPT. SENIOR TYPIST POSITION:

Supervisor Guelli recommended that the Senior Typist Position be advertised. The starting date is September 1, 2005, with a starting salary of \$12.00 hr. If there is no current Civil Service list of Senior Typists, the position will be advertised.

FINAL EQUALIZATION RATE:

Supervisor Guelli stated that the Equalization Rate is 100%. The Town will receive approximately \$18,000 from the State.

PARKS & RECREATION: TOWN TOPICS FLYER:

Motion by Councilwoman Marini authorizing payment of the following expenditures for the printing and mailing of the *Town Topics*:

\$ 730.63 from A7310.45 to Walworth Post Office

1,635.10 from A7310.45 to Quality Printers

Seconded by Councilman Yale.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Absent
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

WALWORTH COMMENTARY:

Deb Germain read a letter from Radah Wacenske, a former Walworth resident who had attended Walworth High School. She was in town, watched the July Festival Parade, was pleased with what she saw and thanked Deb Germain for the article about the history of the Recreation Dept. that was printed in the Festival booklet.

2005 DRAINAGE PROJECTS:

Paul Russell stated that he is obtaining easements and work will begin in September.

ADJOURNMENT:

Motion by Councilman Keyes to adjourn. Seconded by Councilwoman Marini and unanimously carried. Time: 8:25 P.M.

Respectfully submitted,

Marcia Englert, RMC
Town Clerk

21 JULY 2005

WALWORTH TOWN BOARD MEETING MINTUES

The regular Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, was called to order at 7:30 P.M. by Supervisor Frank Guelli. Board members present: Daniel Keyes, Frank Maciuska, Patti Marini and Thomas Yale.

Other town employees present: Norman Druschel, Building Inspector
 Debora Germain, Recreation Director
 Richard Morris, Attorney for the Town
 Paul Russell, Town Engineer
 George Schaller, Sewer Superintendent
 Phil Williamson, Code Enforcement Officer
 Marcia Englert, Town Clerk

MINUTES:

Motion by Councilman Yale to approve the minutes of July 7, 2005 as presented. Seconded by Councilwoman Marini and unanimously carried.

JUNE SUPERVISOR'S REPORT:

Motion by Councilwoman Marini to accept the July 2005 Supervisor's report as presented. Seconded by Councilman Maciuska and unanimously carried.

CLAIMS:1. **GENERAL:**

Motion by Councilman Yale to approve payment of General Claims totaling \$53,156.96. Seconded by Councilwoman Marini.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

2. **HIGHWAY:**

Motion by Councilman Keyes to approve payment of Highway Claims totaling \$54,031.07. Seconded by Councilwoman Marini.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

3. **HIGHWAY GARAGE PROJECT:**

Motion by Councilman Keyes to approve payment of Highway Project Claims totaling \$4,482.50. Seconded by Councilwoman Marini.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

4. LIGHTING:

Motion by Councilman Maciuska to approve payment of the following Lighting Claims:

Walworth Light District	\$722.07
Harvest Hills Light District	679.91
Gananda Light District	867.43
Brookside Light District	11.26

Seconded by Councilman Yale.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

5. SEWER DISTRICT:

Motion by Councilman Maciuska to approve payment of Sewer District Claims totaling \$192,729.30. Seconded by Councilwoman Marini.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

6. TRUST & AGENCY:

Motion by Councilwoman Marini to approve payment of Trust & Agency Claims totaling \$31,660.67. Seconded by Councilman Yale.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

PUBLIC PARTICIPATION: No one present offered any comments.

FIREFIGHTER'S SERVICE AWARD PROGRAM:

Motion by Councilman Yale to continue to have Frank Salvagni and Jeanne Forkeutis, from UBS Financial Services, manage the Firemen's Service Award Program. However, the account will be reviewed in January 2006. Seconded by Councilwoman Marini.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

VINTAGE PETROLEUM:

A request was received from Vintage Petroleum to purchase the natural gas reserves on town property. Councilman Yale stated that many residents have also received the same inquiry and he is concerned about the wording in the contract allowing access to the land, including roads and structures, which could interfere with development. A decision will be made after the contract has

been reviewed.

GINEGAW PARK: ALCOHOL USE PERMIT APPROVED:

Motion by Councilman Maciuska authorizing the issuance of an Alcohol Use Permit to Landmark Title Agency, Inc., valid on August 27, 2005, for use at Ginegaw Park. Seconded by Councilwoman Marini.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

CROWS NEST LANE EASEMENT ENCROACHMENT:

Paul Russell explained that at 570 Crows Nest Lane the sale of the residence has been stalled as the deck was constructed over a storm sewer easement. Councilman Maciuska questioned how the property owner could have obtained a building permit that allowed construction in a town easement. Norm Druschel stated that the owner was instructed to build the structure in such a way that it could be temporarily removed if it was necessary for the town to access the drainage swale.

MOTION: Motion by Councilman Maciuska authorizing the Attorney for the Town to prepare a license agreement with the homeowner at 570 Crows Nest Lane, allowing a wooden deck to encroach into the storm sewer easement.

Seconded by Councilman Yale

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

RECREATION: SOCCER TROPHIES PURCHASE:

Motion by Councilman Maciuska authorizing payment of \$1,691.25, from line A7310.43, to Penfield Trophies for the purchase of soccer trophies. Seconded by Councilwoman Marini.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

GANANDA COMMERCIAL CENTER:

Paul Russell reported that construction will be starting immediately.

CANANDAIGUA ROAD BRIDGE PROJECT BIDDING AUTHORIZED:

Motion by Councilman Yale authorizing the Town Engineer to advertise for bids for the steel sheet piling for the Canandaigua Road Bridge Project, to be opened August 10, 2005 at 10:00 am at the Walworth Town Hall. Seconded by Councilwoman Marini.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye

Councilman Yale Aye

Motion carried. Construction will begin September 5th. Canandaigua Road will be closed 4-6 weeks.

ORCHARD VIEW SUBDIVISION PHASE 2:

Paul Russell reported that the road sub-grade has been completed and the sanitary sewer construction has begun.

FINANCIAL TRANSACTIONS:

Councilman Maciuska offered the following resolution and moved its adoption, seconded by Councilman Yale to wit:

BE IT RESOLVED that the Account Clerk be authorized to transfer the following:

\$3,451.48 from General Fund Balance to A1420.42, for DeVrieze litigation costs;

\$ 26.94 from General Fund Balance to A8560.42 for the remaining tennis court project costs;

\$2,500.00 from SS8110.12 per Sewer Superintendent's request;

\$ 500.00 from SS8110.12 per Sewer Superintendent's request.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Resolution adopted.

EXECUTIVE SESSION:

Motion by Councilman Maciuska to adjourn to executive session to discuss litigation. Seconded by Councilman Yale and unanimously carried. Time: 7:55 P.M.

RECONVENED:

Supervisor Guelli reconvened the meeting at 8:32 P.M.

DEVRIEZE LEGAL ACTION:

Motion by Councilwoman Marini authorizing the Supervisor to sign the legal documents regarding the DeVrieze lawsuit, to institute an action to recover the pipe. Seconded by Councilman Yale.

Roll call vote:	Supervisor Guelli	Aye
	Councilman Keyes	Aye
	Councilman Maciuska	Aye
	Councilwoman Marini	Aye
	Councilman Yale	Aye

Motion carried.

ADJOURNMENT:

Motion by Councilman Yale to adjourn. Seconded by Councilwoman Marini and unanimously carried. Time: 8:33 P.M.

Respectfully submitted,

Marcia Englert, RMC
Town Clerk