



Wayne Central School District

LETTER to the BOARD

January 7, 2005

'Do not confine your children to your own learning for they were born in another time.' - Hebrew Proverb

Greetings from Wayne Central School District. Below are some items of interest.

Board Meeting:

1. **Executive Session:** There are four items I wish to discuss with you in executive session. We will meet at 6:00 p.m. to review several items.
2. **Athletic Presentations:** Mr. Blankenberg will be introducing the Section V Champion Wayne Girls' Varsity Volleyball Team at the Board meeting. They were an outstanding team that not only won the Section V title, but earned the scholar athlete team distinction as well. Also being introduced is Senior Luke Baum who was selected as a Channel (13?) scholar athlete.
3. **CSEA Negotiations:** Our contract is up June 30th. The CSEA leadership has requested that we use the win-win negotiations process that was so successful with the teachers. Training for that will be January 28 and 29. They expect to have 4-6 members on their team. We need to have two Board members on our team. Last time it was Mr. Triou and Mr. Anderson. It would be nice if Mr. Triou could continue since he has some of the history. If not, we will need two new members. We also need to see if there are any particular issues you would like addressed through the contract.
4. **Building Project:** Mike Jordan will give his monthly update. We also have a track decision to consider. Clark Patterson Associates estimated the cost of a school colored track (blue/gold) to be \$60,000. You may recall we wisely, though sadly, decided to go with the standard reddish track. I have never been entirely convinced that CPA was accurate in what they were saying so continued my own inquiry. We has discovered and CPA now agrees that the cost of a Blue and Gold track would be \$20,000, \$40,000 less than what they had earlier said. There are advantages and disadvantages to going with the Blue and Gold. I see them as follows;

Blue and Gold	Red
school colors	the \$20,000 might be better spent in another area
follows the Board philosophy of do it right, do it once and move on	the red track use to hold up better than the blue, although the manufacturer claims that the new blue no longer has fading problems
we have extra money in the project which would pay for it	

Generally I would give you a recommendation as to whether or not we do this. This is one of the few times that I don't have a clear recommendation for you. I would love the colors. It would be great for the track and our students. I am not sure if it is worth the cost. I thought we could have a discussion, consider all angles, and arrive at a recommendation.

5. **Budget:** We are beginning our 2005-06 budget cycle. From a revenue standpoint we expect no increase from SED. We believe our Ginna negotiations probably still puts us in a position to not raise the tax rate at all if you do not wish to (we have come a long ways in five years). At this meeting Mr. Spring will be reviewing our educational priorities with you to see if those are still the priorities you see us emphasizing next year. We will then build our budget to include those educational priorities.
6. **Personnel Action:** There are a number of personnel items including four tenures. I recommend all for approval.
7. **CSE/CPSE and Consensus Agenda:** There are fewer than usual items in this area. I recommend all for approval.
8. **Policy:** Policy slave-driver Johnson has some attached policies for readings and approval. He will review them and answer any questions for you.

Board Newsletter:

1. **Sexual Harassment:** I reported to you earlier about a possible sexual harassment that occurred at Freewill. I had Mr. Spring complete an investigation and issue a report to me. That report is enclosed. The complaint was true. We have taken steps to address the issue and have modified the young man's special education program. I have also placed an aide in that classroom for the remainder of the year to make sure the young girls will be safe from any harassment.

I wanted you to know what a great job both Mr. Spring and Mrs. Cox did with the investigation, parent meetings and ultimate solution.

2. **Grow Your Own Administrators:** Earlier this year I nominated two of our teachers for the administrative program. The two individuals, Nikki Miller (HS health) and Melanie Stevenson (FE special education) joined their principals and myself for the opening meeting. I think we are sponsoring two individuals with great potential and hope that in two-three years they will be ready to serve the district.
3. **Grow Your Own Administrator Part II:** At our second January meeting I will be proposing that we extend a part time internship to the HS music teacher Peter Derse. The internship would extend through the end of the year. Mr. Derse has flexibility in his schedule and will require no release time. Nor will there be any additional cost to the district.
4. **Business Cards:** Attached is a draft of your business card information. Please look it over for errors or any changes you would like made. As you can see, they do not list any personal phone numbers, email addresses, or mailing addresses. All information listed is to the school district. The question for you to consider is how these cards will be used by you, and how useful they will be with only district contact information listed. Please consider how you would like your card printed and let Lori know as soon as possible so we can get the order placed.
5. **District Server:** The district network (administrative/business portion) has suffered a major glitch (for lack of a better word). Unfortunately, or possibly as a chain effect, the back up to our network suffered damage as well, apparently within the same time frame. It was discovered early this week that there was a serious problem with our system. Some information has been lost. This is a very strange occurrence, since the root cause of the problem appears to have made its way through to the backup data. The technology department has been working diligently to restore the majority of the information, but is having difficulty determining exactly what caused this entire incident.

6. **OCR Matter:** Attached is a memo from Sandy Woodard outlining her investigation into a Civil Rights complaint that had been filed regarding the implementation of a 504 plan. She does not believe the allegations are credible, but is working with the Office of Civil Rights to resolve the issue. I will send you additional information as the process continues.

7. **Events:**

1/9 – Dollars for Scholars “Cindy Miller” Show @ PAC – 3:00 p.m.

1/10-14 – Grade 8 ELA Assessment Testing - MS

1/10 – FE Parent Group Meeting @ Media Center – 7:00 p.m.

1/11 – OP/OE PTA Meeting @ OE – 7:00 p.m.

1/11 – Friends of Music Meeting @ MS – 7:00 p.m.

1/13 – Board of Education Meeting @ FE – 6:00 p.m.

1/17 – Martin Luther King Day – Schools Closed

Athletics: (Home Games Only)

1/7 – Boys JV & V Basketball vs. Marcus Whitman – 6:00 & 7:30 p.m.

1/11 – Boys JV & V Basketball vs. Midlakes – 6:00 & 7:30 p.m.

1/11 – Co-Ed V Bowling vs. Victor – 4:15

1/14 – Girls JV & V Basketball vs. Waterloo – 6:00 & 7:30 p.m.

1/14 – Boys Freshman Basketball vs. Waterloo – 4:15 p.m.

1/18 – Boys Freshman Basketball vs. Mynderse – 4:15 p.m.

1/19 – Girls JV & V Basketball vs. Mynderse – 6:00 & 7:30 p.m.

8. **Attachments:**

a. Civil Rights Investigation Report

b. Sexual Harrassment Investigation Report

c. Business Card Format

d. Walworth Town Board Meeting Minutes - 1/3

e. Walworth Town Board Meeting Minutes - 12/16

f. Ontario Town Board Meeting Minutes – 12/27

g. Basketball Program

To: Michael Havens, Superintendent
From: Sandy Woodard, Director of Student Services
Date: 1/5/05

Re: Nesbitt OCR Complaint

Summary of status of response to complaint:

Complaint received on November 29, 2004 from Office of Civil Rights. Vicki Nesbitt, parent, alleges that the District has discriminated against her daughter Emily by failing to implement Emily's 504 Accommodation Plan.

I have requested through Freedom of Information a copy of the full complaint.

Documentation and information requested by OCR was sent to Stacy Joynes, contact on December 6, 2004.

I have reviewed the complaint resolution process with Stacy Joynes from OCR.

I have reviewed the complaint, our documentation, and process with Wayne Vanderbyl. Wayne has also had a phone conversation with the OCR attorney assigned to this case.

I have informed staff indicated in this investigation of the situation, given them a copy of their rights provided by OCR and set up a meeting on Friday 1/7/05 for them to dialogue with Wayne Vanderbyl prior to being interviewed by OCR.

Staff will be interviewed via phone in my office on 1/12/05 and 1/14/05. I have requested that Wayne Vanderbyl be present during all interviews.

Wayne and I have had several conversations about this case and feel confident that these allegations will be dismissed at this point.

NEW BUSINESS CARDS - same format as previous business cards: -100 each

Joyce Lyke

MEMBER
BOARD OF EDUCATION
(under Wayne Central School District line)
(315)524-1001 FAX(315)524-1049
6200 Ontario Center Road, P.O. Box 155
Ontario Center, N.Y. 14520-0155

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WALWORTH TOWN BOARD MEETING MINUTES

JANUARY 3, 2005

The special Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, was called to order at 6:20 P.M. by Supervisor Frank Guelli. Board members present: Daniel Keyes, Frank Maciuska, Patti Marini and Thomas Yale. Also present: Marcia Englert, Town Clerk

EXECUTIVE SESSION:

Motion by Councilwoman Marini to adjourn to executive session to discuss a personnel matter. Seconded by Councilman Keyes and unanimously carried. Time: 6:21 P.M.

RECONVENED:

Supervisor Guelli reconvened the meeting at 6:34 P.M.

TOWN ENGINEER APPOINTMENT:

Motion by Councilman Maciuska to appoint Paul Russell as Provisional Town Engineer, effective January 10, 2005. Seconded by Councilman Yale.

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

Motion carried.

Mr. Russell will supervise the Building and Code Enforcement offices. Councilman Maciuska stated that the position is provisional as there is currently no waiting list of engineers in the county and no civil service exam scheduled. This appointment will end the contractual agreement with Paul Russell, and result in a savings of approximately \$35,000 in 2005. Councilman Keyes stated that the job should have been posted before a decision was made.

DRAINAGE:

Supervisor Guelli stated that Wayne County Water & Soil Conservation has requested a list of the Town's drainage projects for 2005, for scheduling purposes. Councilman Yale stated that an organized plan is needed. The Town Engineer will be asked to review the drainage issues and make a recommendation as soon as possible.

ADJOURNMENT:

Motion by Councilman Yale to adjourn. Seconded by Councilman Keyes and unanimously carried. Time: 6:40 P.M.

Respectfully submitted,

Marcia Englert, RMC
Town Clerk

WALWORTH TOWN BOARD MEETING MINUTES

DECEMBER 16, 2004

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
Michael Frederes, Highway Superintendent
Debora Germain, Recreation Director
Richard Morris, Attorney for the Town
Paul Russell, Engineer for the Town
George Schaller, Sewer Superintendent
Phil Williamson, Code Enforcement Officer
Marcia Englert, Town Clerk

COMMUNICATIONS:

LORRAINE DRIVE SPEED LIMIT ESTABLISHED:

Notification was received from NYSDOT that a “30 mph speed limit is justified on Lorraine Drive.” Motion by Councilman Maciuska to accept and file the notice. Seconded by Councilman Yale and unanimously carried.

MINUTES:

Motion by Councilwoman Marini to approve the minutes of December 2, 2004 as presented.
Seconded by Councilman Keyes and unanimously carried.

NOVEMBER SUPERVISOR’S REPORT:

Motion by Councilwoman Marini to approve the November 2004 Supervisor’s report as presented.
Seconded by Councilman Keyes and unanimously carried.

CLAIMS:

1. DRAINAGE:

Motion by Councilman Keyes to approve payment of the Drainage Claim totaling \$425.00.
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. GENERAL:

Motion by Councilman Yale to approve payment of General Claims totaling \$156,532.29.
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:

Motion by Councilman Keyes to approve payment of Highway Claims totaling \$84,025.44.
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. HIGHWAY GARAGE PROJECT:

Motion by Councilman Keyes to approve payment of Highway Garage Project Claims totaling \$187,830.50.
Seconded by Councilwoman Marini.

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

Motion carried.

5. LIGHTING:

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

Walworth Light District	\$666.57
Harvest Hills Light District	641.32
Gananda Light District	899.84
Brookside Light District	9.78

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. SEWER DISTRICT:

Motion by Councilman Maciuska to approve payment of Sewer District Claims totaling \$37,838.59. Seconded by Councilwoman Marini.

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

Motion carried.

7. TRUST & AGENCY:

Motion by Councilwoman Marini to approve payment of Trust & Agency Claims totaling \$177,644.00. Seconded by Councilman Keyes.

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

Motion carried.

8. WATER EXTENSIONS:

Motion by Councilman Keyes to approve payment of the following Water Extension Claims:

Ext. #5:	\$1,816.12
Ext. #12:	\$8,514.50
Ext. #15:	\$7,343.13
Ext. #16:	\$5,360.00
Ext. #17:	\$8,210.00
Ext. #18:	\$6,700.00

Seconded by Councilwoman Marini.

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

Motion carried.

ROAD DEDICATION:ROOKERY WAY:

Councilman Yale offered a resolution accepting Rookery Way in dedication, subject to the receipt of the Blue Heron easement, and the approval of the sanitary sewer easement by the Attorney for the Town and the Engineer for the Town, at which time certificates of occupancy can be issued.

Seconded by Councilman Maciuska.

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

Resolution adopted.

PUBLIC PARTICIPATION:

1. SHERBURNE ROAD DEVELOPMENT:

Tom Clark, 1960 Sherburne Road, stated that he had attended the December 13, 2004 Planning Board meeting at which the decision was made to grant the site plan changes. Mr. Clark further stated that he learned that even if one is right it doesn't mean that one will prevail. He noted that this was the best example of dysfunctional government that he'd ever witnessed. He stated that he only hopes "that the government of this Town can learn and get the backbone to ensure that this type of event never occurs again." He further commented that he no longer has "much respect for Walworth government and its' members" although he still likes many of the members.

EAGLE SCOUT PROJECT: GRATE FUNDING APPROVED:

Matthew Enter, 850 Burrow Road, described his Eagle Scout project as the renovation and cleaning of the grates in the barbecue pit adjacent to the pavilion in Ginegaw Park. Upon completion it will be dedicated to Pam Bavis, a Walworth resident who recently passed on.

MOTION: Motion by Councilman Yale authorizing the expenditure of \$354.37 for the purchase of grates for the Ginegaw Park barbecue pit, to be expended from line A1990.41. Seconded by Councilwoman Marini.

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

Motion carried.

COMPREHENSIVE PLAN AMENDMENT HEARING RESCHEDULED:

Due to errors by the Wayne County Mail, the hearing has to be rescheduled.

Motion by Councilman Yale to hold a public hearing on January 6, 2005, at 7:45 PM at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, N.Y. for the purpose of hearing all those persons in favor of or opposed to amending the Comprehensive Plan of the Town of Walworth, formerly adopted by Resolution of the Town of Walworth on April 15, 1999 and thereafter amended by Resolution dated August 17, 2000; January 17, 2002; March 20, 2003, and September 4, 2003, including the Conceptual Use Plan designated as Exhibit E attached to the Comprehensive Plan, as amended.

Seconded by Councilman Maciuska.

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

Motion carried.

LOCAL LAW HEARING RESCHEDULED:

Due to errors by the Wayne County Mail, the hearing has to be rescheduled.

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

BE IT RESOLVED that Local Law No. 1 of the year 2005, entitled "A LOCAL LAW AMENDING CHAPTER 180 ENTITLED 'ZONING' OF THE TOWN OF WALWORTH MUNICIPAL CODE" be and is hereby introduced before the Town Board of the Town of Walworth in the County of Wayne and State of New York, 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 hold a public hearing on said proposed local law at the Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at 8:00 o'clock P.M. on Thursday, January 6, 2005, and

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 ten (10) days prior thereto.

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

Resolution adopted.

TOPSOIL REMOVAL APPROVED:

Motion by Councilwoman Marini authorizing Joseph Englert to dispose of up to 5,000 yards of excess topsoil at 3937 Orchard Street, as witnessed by the Engineer for the Town. Seconded by Councilman Yale.

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

Motion carried.

DEFERRED COMPENSATION RESOLUTION TO AMEND AND RESTATE THE MODEL PLAN:

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

WHEREAS, the New York State Deferred Compensation Board (the “Board”), pursuant to Section 5 of the New York State Finance Law (“Section 5”) and the Regulations of the New York State Deferred Compensation Board (the “Regulations”), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Town of Walworth (the “Model Plan”) and offers the Model Plan for adoption by local employers;

WHEREAS, the Town of Walworth, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Town of Walworth;

WHEREAS, effective May 21, 2004, the Board amended the Model Plan to adopt provisions relating to Authorization to reject a participant investment request if the request is contrary to the rules, regulations or prospectus of the affected investment fund. Authorization to distribute assets that have been rolled into the plan from another qualified retirement plan in accordance with the distribution rules of the plan that previously held the assets.

Limitations on a participant’s eligibility to obtain a loan in the event that the participant has previously defaulted on a loan. Modifications related to comments provided by the Internal Revenue Service in response to the Board’s request for a private letter ruling stating that the Model Plan document constitutes an “eligible deferred compensation plan.” Technical amendments pertaining to plan loan rules and the status of plan loans and other withdrawals upon the death of a participant.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Town of Walworth has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Walworth by adopting the amended and restated Model Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Walworth hereby amends the deferred Compensation Plan for Employees of the Town of Walworth effective December 16, 2004 by adopting the amended and restated Model Plan effective May 21, 2004, in the form attached hereto as Exhibit A.

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

Resolution adopted.

CAPITAL PROJECT WATER DISTRICT FUNDS CLOSED:

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

BE IT RESOLVED that the Clerk to the Supervisor be authorized to close capital project water district funds H19 (Lin/Swad/Co Li/Jacob/Lewis/Smith H/Arbor/Daan) & H20 (Arbor/Tummonds) and transfer remaining balances to the (V) Debt Service Fund.

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

Resolution adopted.

TOWN EMPLOYEE FLEXIBLE SPENDING PLAN:

Councilman Yale offered a resolution authorizing the Supervisor to enter into a contract with Paychex to establish employee flexible spending accounts, within the legal limits. Seconded by Councilman Maciuska.

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

Resolution adopted.

RECESS: There was a five-minute recess at 8:00 P.M.

ACADEMY STREET BUILDING RE-USE:

A copy of the completed Full Environmental Assessment Form for the reconstruction and renovation of the First Academy Apartment facility was distributed to the Board members.

UTILITY PAYMENT PLAN:

Motion by Councilman Yale authorizing Councilman Maciuska and Supervisor Guelli to review the utility payment options and make the appropriate decision. Seconded by Councilman Keyes.

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

Motion carried.

BUILDING INSPECTOR COMPUTER & ACCESSORIES DECLARED SURPLUS:

Motion by Councilman Maciuska to declare the replaced Building Department computer and accessories as surplus. Seconded by Councilman Yale.

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

Motion carried.

2005 HIGHWAY DEPT. HOLIDAY SCHEDULE:

Motion by Councilman Yale to approve the 2005 Highway Dept. Holiday schedule. Seconded by Councilman Keyes and unanimously carried. Copy is attached.

CHRISTMAS TREE RECYCLING LOCATION:

Motion by Councilman Yale authorizing Ginegaw Park as the Christmas tree drop-off location. Seconded by Councilman Keyes and unanimously carried.

VOELCKERS AUTO SALVAGE LICENSE:

Motion by Councilman Maciuska approving the issuance of an Auto Salvage Yard License to Mark Voelckers to operate at 600 Penfield Road, for the year 2005. Seconded by Councilman

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

Motion carried.

FARMLAND PRESERVATION GRANT:

A letter was received from Ora Rothfuss advising that a re-appraisal is needed for the Keyes and Wilbert properties. Dan Keyes stated that he was not interested in spending additional monies to have his property re-appraised, as it could be on-going.

MOTION: Motion by Councilman Yale authorizing the re-appraisal of those properties previously approved, for those landowners still interested in participating in the NYS Land Preservation Grant Program. Seconded by Councilwoman Marini.

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

Motion carried.

YMCA POOL PROPERTY TO BE SOLD: 3288 WILDFLOWER DRIVE:

Phil Williamson stated that a homeowner on Winterberry Court is purchasing the pool property and will be constructing a home within a year. Until then he will maintain the property, including securing the pool house.

HIGHWAY EQUIPMENT: VIBRATING ROLLER PURCHASE:

1. QUOTES:

Admar Supply of Henrietta: \$10,800
Tracey Road Equipment: 14,200
III. Anderson Equipment: 13,335

2. PURCHASE:

Motion by Councilman Maciuska authorizing the expenditure of \$8,990, from line DA5130.22, for the purchase of a vibrating roller from Admar Supply of Henrietta. Prior rent payments of \$1,810 will be applied toward the purchase price. Seconded by Councilman Keyes.

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

Motion carried.

LOCAL LAW NO. 1:

HEARING:

The legal notice was read. As there were no comments from the public, there was a motion by Councilman Yale to close the hearing. Seconded by Councilman Keyes and unanimously carried.
Time: 8:18 P. M.

2. ADOPTION:

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

BE IT RESOLVED that Local Law No. 1 of the year 2004, Entitled "A LOCAL LAW ADDING CHAPTER 45 ENTITLED 'APPOINTMENT OF TOWN ENGINEER/NON-ELECTOR OF THE TOWN' TO THE TOWN OF WALWORTH MUNICIPAL CODE" is hereby adopted.

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

Motion carried.

FINANCIAL TRANSACTIONS:

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

BE IT RESOLVED that the Clerk to the Supervisor be authorized to transfer the Following: \$5,000.00 from SS8130.401 to SS8130.408; and

BE IT FURTHER RESOLVED that the Clerk to the Supervisor be authorized to execute transfers, encumbrances and establish accounts necessary to close the financial records of the Town of Walworth for the calendar year 2004.

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

Resolution adopted.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to adjourn to executive session to discuss a personnel matter. Seconded by Councilman Keyes and unanimously carried. Time: 8:20 P.M.

RECONVENED:

Supervisor Guelli reconvened the meeting at 9:00 P.M.

ADJOURNMENT:

Motion by Councilman Yale to adjourn. Seconded by Councilman Keyes and unanimously carried. Time: 9:01 P.M.

Respectfully submitted,

Marcia Englert, RMC
Town Clerk

**ONTARIO TOWN BOARD SPECIAL MEETING
DECEMBER 27, 2004**

A special meeting of the Ontario Town Board was called to order by Supervisor Joseph Molino at 12:00 Noon in the Ontario Town Hall. Present were Supervisor Joseph Molino, Councilmen: Mark Brewer, Donald Camp, Ronald Fillmore (entered 12:07 PM), Superintendent of Highways William Slocum, Superintendent of Water Utilities Robert Wykle, Accounting Supervisor Lois Buckalew, Director of Parks and Recreation William Riddell (entered 12:08 PM) and Town Clerk Cathy Herzog.

Absent: Councilman Donald Shears

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

Mr. Camp led the Pledge of Allegiance.

Approval of Minutes – A motion was made by Mr. Camp, seconded by Mr. Brewer, to approve the December 13, 2004 minutes as presented. 3Ayes 0 Nays 2 Absent (Shears & Fillmore) MOTION CARRIED

Correspondence – The Town Clerk received a Certification of Election from the Ontario Fire District. They elected Michael Doyle as Commissioner for a five-year term.

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

Old Business –None

New Business - A motion was made by Mr. Camp, seconded by Mr. Brewer, to accept the Supervisor's fiscal report for the month of November 2004 as presented. 3 Ayes 0 Nays 2 Absent (Shears & Fillmore) MOTION CARRIED

A motion was made by Mr. Brewer, seconded by Mr. Camp, to adopt a RESOLUTION

**AUTHORIZING BUDGET ADJUSTMENTS FOR FISCAL YEAR
ENDING DECEMBER 31, 2004**

WHEREAS, budgetary adjustments are required to provide amounts sufficient in each appropriation account to provide for payment of just claims audited and approved by this Town Board, and

WHEREAS, due to the routine bookkeeping time lag, not all needed transfers will be immediately known as of December 31, 2004, and

WHEREAS, Section III of Town Law provides that each appropriation, to the extent that it shall not have been expended or obligated, shall lapse at the close of the fiscal year for which made and become part of the Fund Balance.

THEREFORE, BE IT RESOLVED, that the Supervisor and his bookkeeper be authorized to make all appropriated adjustments to the amounts budgeted in each appropriation account such that the budget equals the amount expended there from as soon as may be conveniently possible after the close of the books on December 31, 2004. The Supervisor and his bookkeeper are instructed to make a complete list of the amounts so transferred among the various budget accounts and a copy of that list of transfers shall be appended to and become part of the minutes of this Board Meeting dated December 27, 2004. 3 Ayes 0 Nays 2 Absent (Shears & Fillmore) RESOLUTION ADOPTED

A motion was made by Mr. Brewer, seconded by Mr. Camp, approve the proposal from Buffalo Industrial Diving Company (BIDCO) for emergency repairs to the raw water intake chemical line carrier pipe for a total price not to exceed \$31,810.00, as requested by the Superintendent of Water Utilities in memo #33-2004. 3 Ayes 0 Nays 2 Absent (Shears & Fillmore) MOTION CARRIED

After a brief discussion, Mr. Brewer made a motion, seconded by Mr. Camp to amend the motion and authorize the Supervisor/Chairman of the Board of Water Commissioners to execute the BIDCO proposal document, dated 12/14/04 for an amount not to exceed \$31,810.00. 3 Ayes 0 Nays 2 Absent (Shears & Fillmore) MOTION CARRIED

A motion was made by Mr. Brewer, seconded by Mr. Camp, to approve the 2005 salary schedule for hourly non-union employees, salaried employees and elected officials and the 2005 stipend schedule for 2005 as presented. 3 Ayes 0 Nays 2 Absent (Shears & Fillmore) MOTION CARRIED

A motion was made by Mr. Brewer, seconded by Mr. Camp, to approve the 2005 Non-Union Employee Wage Grade Schedule for hourly and exempt employees as presented. 3 Ayes 0 Nays 2 Absent (Shears & Fillmore) MOTION CARRIED

Budget Transfers/Adjustments – A motion was made by Mr. Brewer, seconded by Mr. Camp, to approve the following budget transfers:

GENERAL FUND

Transfer \$33.00 from A 1340.4 to A 1340.1

Transfer \$2,000.00 from A 1620.2 to A 1620.1

WATER FUND

Transfer \$13,682.00 from F 1990.4 to F 8320.4

Transfer \$18,128.00 from F 9950.9 to F 8320.4

3 Ayes 0 Nays 2 Absent (Shears & Fillmore) MOTION CARRIED

Mr. Molino stated Mr. Slocum would like to discuss an invoice for work his department did on the Landfill Closure Project.

Mr. Slocum stated he has been told the board would only pay for fuel and labor and he is requesting the additional \$12,012.36 for equipment cost. He presented a response from the Office of the State Comptroller that stated highway should be reimbursed for labor, materials and equipment usage.

(Mr. Fillmore entered the meeting at 12:07 PM)

Mr. Brewer stated he has determined that the town board has the discretion of paying or not paying the equipment cost because it is not a hard cost akin to fuel or labor and further the town board sets the rate at which the equipment would be charged at. He also stated he has confirmed this position with an attorney from the Association of Towns. He went on to explain his view on the topic.

(Mr. Riddell entered the meeting at 12:08 PM)

There was a lengthy discussion on funding large equipment purchases, a five-year plan for highway equipment replacement, financing fund balance and the highway capital reserve fund, highway revenue, the Landfill Closure Project and financing of the project, grants for the Landfill project and payment for work done by the Highway Department at the Landfill. Mr. Brewer suggested a workshop be scheduled specifically for the highway department to plan for large equipment purchasing in the future.

Approval of Claims – A motion was made by Mr. Camp, seconded by Mr. Brewer, to approve the

abstract of claims for the month of December 2004, including vouchers # 2966 through # 3067 with a grand total of \$99,885.79 and to authorize the Supervisor to issue payments for same. 4 Ayes 0 Nays 1 Absent (Shears) MOTION CARRIED

Comments from the Pubic – Mr. Mazura gave a progress report on his purchase of town property at 2019 Ridge Road. He stated he has a mortgage commitment and is just waiting for a closing date.

Mr. Brewer asked the department heads to please have their agenda items to the Supervisor no later than noon on the Thursday before Town Board meetings. This will help in training a new person in the position of Supervisor's Secretary and help Mrs. Kelsch, who has transferred to the Building Department, in training the new person. Any agenda items not received by the deadline will be held for two weeks until the next town board meeting.

Mr. Brewer thanked the department heads and the town employees for a great year. He stated they do a wonderful job, they keep the town running smoothly and help him and the board in their jobs. He wished everyone a happy New Year.

Adjourn – A motion was made by Mr. Camp, seconded by Mr. Brewer, to adjourn at 12:23 PM. 4 Ayes 0 Nays 1 Absent (Shears) MOTION CARRIED

Respectfully submitted,

Cathy Herzog
Ontario Town Clerk

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