



Letter to the Board

Michael Havens

Superintendent of Schools

Phone: 315-524-1001

Fax: 315-524-1049

February 8, 2008

"The doors we open and close each day decide the lives we live."

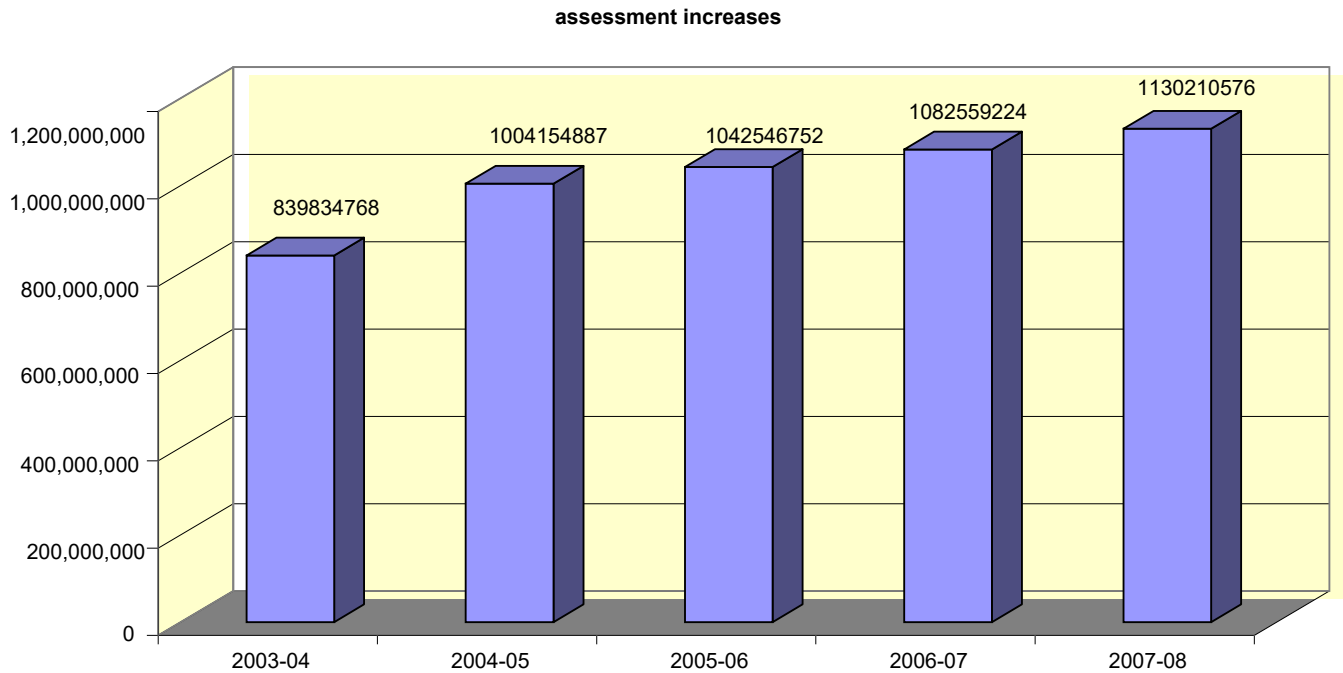
--- Flora Whittemore

Board Letter:

- Weapon Threat in Webster School:** As you know, on Wednesday there was a situation at Webster middle school in which a student was inside the school alleging he had a gun. This incident was very quickly reported to me by our SRO, Trooper Chapman, and we were able to promptly respond with a district wide alert in which we placed the district on a heightened security status. At the end of the situation in Webster, we enacted the ConnectEd system informing parents of the situation. This prompted a flourish of positive responses from parents (a very pleasant surprise). We still have corrections to make to the system, and are working through the process. I also want to note that our SRO proved to be a worthy asset once again with his early information.
- Fuel Budget:** I want to provide some additional information about your fuel budget question last night. Last year our actual cost for transportation fuel was \$215,000. This year we anticipate the actual will be \$285,000, not the full \$330,000. We have budgeted \$385,000 for next year which will be a little over 30%. I hope this clarifies things.
- Nurses' Automated Calling:** We had a question last night about our nurses using the automated calling machine for absences. There was a concern that they appeared "cold and impersonal". I had Michelle speak to the nurses this morning. She reported that the OE nurse is using the machine. She decided that she shouldn't shy away from using the new device if the other nurses were using it. She also reported that the response has actually been better since she used the machine. It may be what Jeff said about feeling more comfortable with the machine than being embarrassed by the personal call from the nurse. One change I have asked for is to have the voices be that of the nurses. Michelle assured me that Kathy would train the nurses on how to do that.
- Monroe County Sales Tax:** No new decisions here except that some of the marginally affected school districts such as Wayne, suggested that sharing in half shares of the legal costs did not really make sense since there is so little financial impact on us. We want to stand together

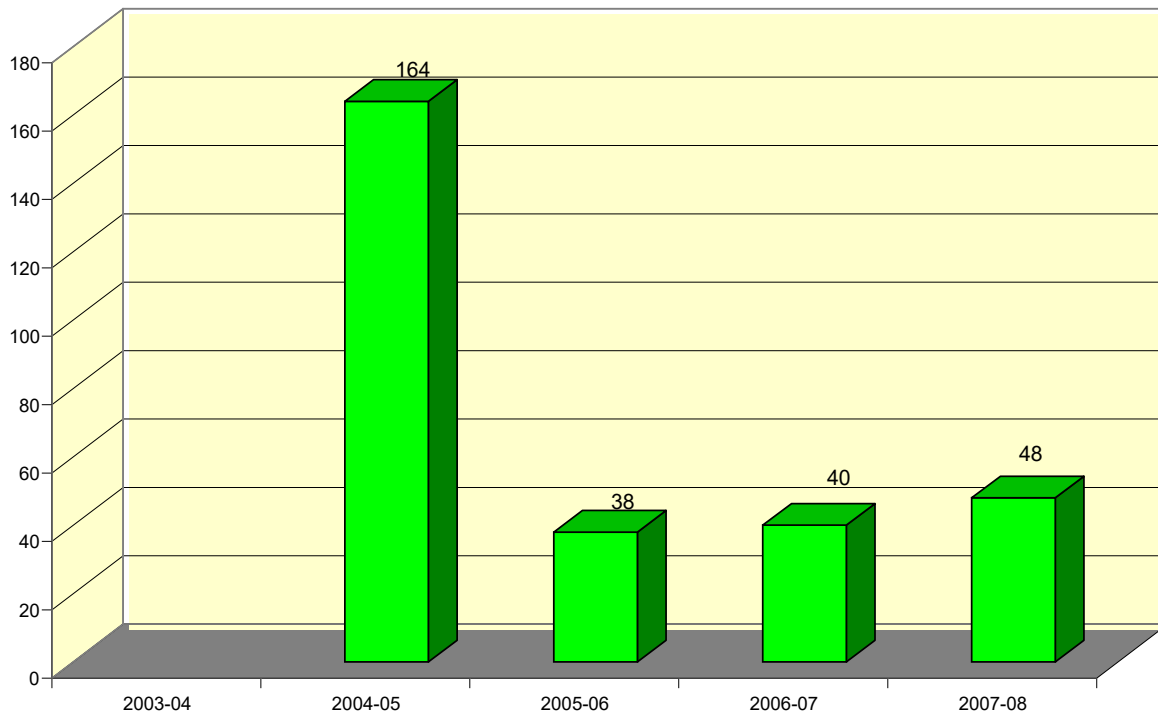
with our Monroe County schools. We just didn't want to pay quite so much. The Monroe County schools agreed and for these next few rounds our contributions to date will suffice.

5. **Assessment Growth:** The chart below shows the assessment growth we have experienced over the past five years. Assessment growth comes from two places; 1) the construction of new buildings/additions and 2) increased assessment of existing property. The first reason is particularly advantageous because it means that there are more people to share the tax burden. The advantage of assessment growth is that the district receives increased revenue without raising the tax rate.



This second chart shows the actual increase each year. Note that the 2004-05 increase was largely due to the re-negotiation of Ginna.

**Increased Assessment
(in millions of dollars)**



If next year's growth was the smallest of the past four years (\$38,000,000), and we kept the tax rate at \$21.35, we would generate an additional \$811,300 in revenue with no tax rate increase. If we use the same scenario of \$38,000,000 in growth but drop the rate .34 to 21.01, we will still generate more than \$400,000 in increased revenue.

6. **AASA Conference:** As part of my personal staff development I will be attending the AASA conference next Thursday through Sunday. The following week is recess and I am going to be away. That means you probably won't get a letter from me for the next couple of weeks. If any issues come up I will still keep you informed.

7. **Upcoming Events:**

- 2/8 – Ontario Bicentennial Grand Finale “Ontario Through The Decades -200 Years of Music”
HS PAC – Free Performance (donations accepted to Pines of Peace & Food Pantry) – 7:00 p.m.
- 2/14 – Valentine’s Day
- 2/18 – President’s Day – School’s Closed - All Staff
- 2/18 – 22 – Winter Recess

Athletic Events:

- 2/8 – Girls’ JV & V Basketball vs. Geneva – 6:00 & 7:30 p.m.
- 2/12 – Boys JV & V Basketball vs. Newark – 6:00 & 7:30 p.m.

8. **Attachments**

- A) Mumps letter Re: High School Student
- B) CFE Motion to file Amicus
- C) Ontario Town Board Meeting Minutes – 1/28

- D) Four County Workshop – Fiscal Management
- E) Walworth Town Board Meeting Minutes – 12/6/07
- F) Walworth Town Board Meeting Minutes – 1/17

IMPORTANT NOTICE

Dear Parents:

We are writing to alert you that we were just notified a possible case of mumps has been identified in our building. While it is not a confirmed case, we thought it best to alert you of what information we have to date. The County Health Department and our school district physician, Dr. Cynthia Devore, are closely monitoring the situation with us. You may recall outbreaks of mumps in 2006 in the Midwest, so suspected cases now are handled somewhat more carefully than they were in prior times. Enclosed is some information about Mumps from the Centers for Disease Control (CDC) for your use. Most people born after 1957 have already been immunized against Mumps, and many born earlier than 1957 had the disease. Prior disease or immunization does decrease the risk of getting the disease. However, immunization does not guarantee that your child will not get the disease.

This is a good time to review all your children's immunizations. Ideally your children have already received two Mumps vaccines given as an MMR. If you have any questions about any of your children's immunizations, please contact your private physician or the County Health Department's Immunization Clinic. Children over 12 months of age are still able to get Mumps vaccine. Be aware adults can get Mumps, too, and if they are in contact with an ill person who is suspected to have Mumps, they need to investigate their own immunity (by disease or by two doses of mumps vaccine) and consult with their physician. As routine precaution with any potentially contagious disease we always advise pregnant women to discuss possible disease exposure with their own provider.

If you have any reason to suspect that your children may have Mumps based on the enclosed information sheet, please do not send them to school or allow them in a public area with others until you have discussed the matter with your private physician. Children with confirmed Mumps require exclusion from school. Any child without two Mumps vaccines and any child with a known immune compromised state should discuss the matter with their private health care provider.

If someone in your family has an immune deficiency or serious chronic condition, please alert your private provider that there is reasonable suspicion of mumps in our building. Be assured you will be advised of any other new developments as they occur. Please contact your school nurse, your own physician or nurse practitioner, or the County Health Department if you have specific concerns that this letter and the accompanying documents do not address.

Sincerely,

School Principal

School Nurse

Enclosures

Description

An acute viral illness caused by the mumps virus.

Symptoms

Fever, headache, muscle aches, tiredness, and loss of appetite; followed by swelling of salivary glands. The parotid salivary glands (which are located within your cheek, near your jaw line, below your ears) are most frequently affected.

Complications

Severe complications are rare. However, mumps can cause:

- inflammation of the brain and/or tissue covering the brain and spinal cord (encephalitis/meningitis)
- inflammation of the testicles (orchitis)
- inflammation of the ovaries and/or breasts (oophoritis and mastitis)
- spontaneous abortion
- deafness, usually permanent

Transmission

The mumps virus replicates in the upper respiratory tract and is spread through direct contact with respiratory secretions or saliva or through fomites.

The infectious period or time that an infected person can transmit mumps to a non-infected person is from 3 days before symptoms appear to about 9 days after the symptoms appear.

The incubation time, which is the period from when a person is exposed to virus to the onset of any symptoms, can vary from 16 to 18 days (range 12-25 days).

Diagnosis

Should be made by your physician and laboratory testing may be required.

Treatment

Currently, there is no specific treatment for mumps.

Prevention

The mumps vaccine, which is contained in the MMR (measles, mumps, and rubella) vaccine, can prevent this disease.

Vaccine

Mumps vaccine (contained in MMR) can prevent this disease.



Who Needs It?

As a child, do I need it? (immunization schedule)

As an adult, do I need it? (immunization schedule)

You do NOT need the measles, mumps, rubella vaccine (MMR) if:

- You had blood tests that show you are immune to measles, mumps, and rubella.
- You are a male born before 1957.
- You are a female born before 1957 who is sure she is not having more children, has already had rubella vaccine, or has had a positive rubella test.
- You already had two doses of MMR *or* one dose of MMR plus a second dose of measles vaccine.
- You already had one dose of MMR *and* are not at high risk of measles or mumps exposure.

You SHOULD get the MMR vaccine if you are not among the categories listed above, and

- You are a college student, trade school student, or other student beyond high school.
- You work in a hospital or other medical facility.
- You travel internationally, or are a passenger on a cruise ship.
- You are a woman of childbearing age.

Friday letter

Michael Havens

Superintendent Wayne Central Schools

Phone: 315-524-1001

Fax: 315-524-1049

6200 Ontario Center Road

Ontario, NY 14520

From: Greg Geer [mailto:ggeer@bbcs.k12.ny.us]

Sent: Tuesday, February 05, 2008 5:42 PM

To: Jeff_Crane@westiron.monroe.edu

Cc: Dennis T. Barrett; Adele Bovard-Webster; Alan Getter-Spencerport; Bruce Amey-Avon; Christopher Manaseri-Brighton; David Dimpleby-Hilton; David V. Dinolfo, Caledonia-Mumford; David Lippitt, School Atty; Howard Maffucci-E. Rochester; Jim Fichera-Webster; Julie Christensen-Kendall; James Fallon-Brockport; Joseph G. Shields; John Abbott-E. Irondequoit; Jon Hunter-Fairport; J. Kenneth Graham-Rush-Henrietta; Mark Sansouci-Penfield; Mary Alice Price-Pittsford; Timothy McElheran, Victor ; Matt Fletcher; Havens, Michael; Michelle M. Kavanaugh-Honeoye Falls; Dr. Pamela Kissel-Churchville-Chili; Phill Langton-Spencerport; Robert D'Angelo-Holley; Richard Stein-Gates Chili; Steven A. Achramovitch-Greece; Susan Allen-E. Irondequoit; Susan Gray-Penfield; Thomas Gallagher-Wheatland

Subject: Re: CFE Motion to file Amicus

Thanks to all the big guys...from the little guys.

Greg Geer

Jeff_Crane@westiron.monroe.edu wrote:

Thanks, Dennis...also, at our meeting on Friday, the Monroe County Superintendents voted to exempt Wheatland-Chili and the districts assigned 0.5 units from further legal costs (Round 3) in this action...Jeff

JANUARY 28, 2008

ONTARIO TOWN BOARD MEETING AND PUBLIC HEARING

A regular meeting of the Ontario Town Board was called to order by Supervisor Robert Kelsch at 7:00 PM in the Ontario Town Hall. Present were Supervisor Robert Kelsch, Council members: Jason Ruffell, Lori Eaton-Smith, James Switzer, Stephen Tobin, Superintendent of Highways Jerry Santangelo, Building Inspector/Code Enforcement Office Edward Collins, Director of Recreation and Parks William Riddell, Attorney for the Town Alan Knauf and Town Clerk Debra Kloiber.

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

Mr. Kelsch led the Pledge of Allegiance.

Mr. Kelsch opened a public hearing at 7:00 PM to consider proposed Local Law # 1 of 2008 which would amend Chapter 80 of the Town Code to eliminate the exemption for fences from the requirement for building permits consistent with changes made to the town Zoning Law, Chapter 150 of the Town Code. The legal notice of public hearing was published in the Wayne County Mail and posted on the Town Clerk's bulletin board on 1/17/08.

Mr. Kelsch asked for public comments. There were none.

A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **close the public hearing at 7:02 PM.**

5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Tobin seconded by Mr. Switzer, to **adjourn into an executive session at 7:03 PM for the interviews of specific persons for vacant advisory board positions.**

5 Ayes 0 Nays MOTION CARRIED

Reconvened at 7:54 PM.

Revisions to the Agenda - A motion was made by Mr. Ruffell, seconded by Mr. Switzer, to **approve the agenda with the following revisions:**

- remove Crew Chief position
- appoint planning board member
- appoint two (2) watershed members
- adopt proposed Local Law #1 5 Ayes 0 Nays MOTION CARRIED

Approval of Minutes – Mr. Kelsch asked for approval of the minutes of the January 14, 2008 Town Board meeting. A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the minutes as presented.** 5 Ayes 0 Nays MOTION CARRIED

New Business - A motion was made by Mr. Ruffell, seconded by Mr. Switzer, to **accept the Supervisor's fiscal report for the month of December 2007 as presented.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mr. Ruffell, to **authorize the Superintendent of Water Utilities to purchase a 2008 Ford F-250 Pickup Truck on State Bid Contract #PC62886, at a cost not to exceed \$19,011.50, as requested by the Superintendent of Water Utilities in memo #09-2008.**

5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Tobin, seconded by Mrs. Smith, to **accept and file the Town Clerk's report on the completed projects of inactive records at the Court and the Town Hall.** 5Ayes 0 Nays MOTION CARRIED

A motion was made by Mrs. Smith, seconded by Mr. Tobin, to **accept the lowest responsible quote for Hardie Siding for the community centers main building to Lakeside Roofing and Siding at a cost not to exceed \$6,468.00 as requested by the Director of Recreation and Parks in memo #PR04-2008.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mr. Ruffell, to **adopt a RESOLUTION for the acceptance of the Offer of Dedication of land for public highway purposes for the proposed extension of Timothy Lane.** 5 Ayes 0 Nays RESOLUTION ADOPTED

A motion was made by Mr. Switzer, seconded by Mr. Ruffell, to **adopt a RESOLUTION for the**

**DEDICATION OF A PARCEL OF LAND FOR HIGHWAY
PURPOSES FOR THE PROPOSED EXTENSION OF
TIMOTHY LANE IN THE TOWN OF ONTARIO, COUNTY OF WAYNE**

WHEREAS, Mercedes Wilbert (the "Grantor"), of 1272 Salt Road, Webster, New York 14580, by an "Offer of Dedication of Land for Public Highway Purposes," dated August 10, 2007 (the "Offer"), has offered to dedicate a portion (the "Property") of a parcel on the north side of Route 104 at 577 Route 104, Ontario, New York 14519 in the Town of Ontario, County of Wayne and State of New York (tax account no. 61117-00-577784), being an area of about 1.275 acres, as shown on a survey map (the "Survey") prepared by Kocher Surveying, P.C. on January 25, 2007 in the Town of Ontario, Wayne County, New York, and such Offer has been presented to the Town Board of the Town of Ontario (the "Town"), and it appearing from the Offer to the satisfaction of the Town Board that the Property so offered for dedication have been and are properly surveyed and mapped and should be accepted as lands of the Town, and that all claims for damage have been properly released; and

WHEREAS, the Property is described as follows:

ALL THAT TRACT OR PARCEL OF LAND, being part of Town Lot 16, Township 14, Range 3, situate in the Town of Ontario, County of Wayne, State of New York, bounded and described as follows:

BEGINNING at an iron pin marking the northeast corner of land now or formerly owned by Nazareno and Pietro Petrucci as recorded in the Office of the Wayne County Clerk in Liber 843 of Deeds at Page 29 and running thence:

- (1) Northerly, along the common division line between lands now or formerly owned by Andrew and Patricia Burke as recorded in the Office of the Wayne County Clerk as Document No. R9070149 on the west and lands owned by the party of the first part on the east, 60.00 feet more or less to a point; thence,
- (2) Through lands owned by the party of the first part, S 82° 29'

24" E, 925.4 feet more or less to a point on the westerly line of lands now or formerly owned by Frank P. Pitts as recorded in the Office of the Wayne County Clerk in Liber 869, of Deeds at Page 54; thence,

(3) Southerly along the westerly line of land now or formerly owned by said Pitts, 60.0 feet more or less to a point; thence,

(4) N 82° 29' 24" W, through lands owned by the party of the first part, 925.6 feet more or less to the point and place of beginning;

Comprising an area of 1.275 acres more or less (55,528 square feet more or less) according to a survey prepared by Kocher Surveying, P.C. on January 25, 2007.

and

WHEREAS, the Property is being offered subject to all covenants, easements and restrictions of record affecting the Property to the extent that they are presently in force and effect, if any, and subject to the reservation by the Grantor of an easement to cross the Property on the farm lane shown on the Survey until such time as the Town may construct and open a town highway on the Property, provided that such crossing shall not interfere with design or construction of such highway; and

WHEREAS, the Property is proposed to be used for purposes of extending Timothy Lane, a town highway (the "Proposed Extension"); and

WHEREAS, the Town is currently conducting a lengthy environmental review of the Proposed Extension under the New York State Environmental Quality Review Act ("SEQRA"), and will not authorize laying out the highway unless and until that environmental review process is completed; and

WHEREAS, the Town Board believes that the acceptance of the Offer would not be a physical activity or project, and therefore is not defined by 6 N.Y.C.R.R. §617.2(b) as an "action" subject to SEQRA; and

WHEREAS, even if acceptance of the Offer was subject to SEQRA, the Town Board believes that the circumstances warrant a segmented SEQRA review, and determines that such review is clearly no less protective of the environment, pursuant to 6 N.Y.C.R.R. §617.3(g)(1);

NOW, on Motion duly made and seconded, it is

RESOLVED, that the Town Board of the Town of Ontario does hereby consent that the Property, located in the Town of Ontario, Wayne County, New York, and as more particularly described above, be accepted in dedication for highway purposes; and be it further

RESOLVED, that the Town Board does not at this time consent to the issuance of an order by the Highway Superintendent of the Town of Ontario to lay out a highway on the Property, but rather will consider that issue upon completion of the SEQRA review on the Proposed Extension;

RESOLVED, that any taxes that are currently due or will become due on the Property, as a result of the assessment roll in effect at the time of this acceptance, shall be the responsibility of the Grantor.

5 Ayes 0 Nays RESOLUTION ADOPTED

A motion was made by Mr. Ruffell, seconded by Mr. Tobin, to **authorize the Supervisor to sign the Full Service Maintenance Agreement with Casco Security Systems, Inc., for a term of 5 years, as recommended by the Attorney for the Town.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Tobin, to **appoint Robert King to the Planning Board effective 2/1/08 – 12/31/09.** 4 Ayes 0 Nays 1 Abstention (Switzer) MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Switzer, to **appoint Brett Pevear to the Watershed Advisory Council effective 2/1/08 – 12/31/09.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Tobin, to **appoint Joseph Stramonine to the Watershed Advisory Council effective 2/1/08 – 12/31/09.** 3 Ayes 0 Nays 2 Abstentions (Switzer, Smith) MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Switzer, to **adopt proposed Local Law #1 of 2008**

RESOLUTION ENACTING LOCAL LAW

WHEREAS, Proposed Local Law No. 1 of 2008 (the “Local Law”) would amend Chapter 80 of the Town Code related to Fire Prevention and Building Construction Compliance, to eliminate the exemption for fences from the requirement for Building Permits, consistent with changes made to the Town Zoning Law, Chapter 150 of the Town Code; and

WHEREAS, the Local Law has been on the desks of all Town Board members since January 7, 2008; and

WHEREAS, Notice of a Public Hearing on that Local Law was published in the *Wayne County Mail* on January 17, 2008, and the Town Clerk also caused a copy of that Notice to be posted on the sign board of the Town maintained pursuant to Town Law §30(6) on January 17, 2008; and

WHEREAS, a public hearing was duly held on that Local Law on January 28, 2008, at 7:00 PM before the Town Board at the Ontario Town Hall, and all persons desiring to speak were heard; and

WHEREAS, the proposed local law is a Type II action under the State Environmental Quality Review Act, pursuant to 6 N.Y.C.R.R. §617.5(c)(10);

NOW THEREFORE IT IS RESOLVED that, pursuant to the Municipal Home Rule Law, Proposed Local Law No. 1 of 2008 is hereby enacted, and shall be filed with the Secretary of State.

5 Ayes 0 Nays RESOLUTION ADOPTED

Appointments/Resignations – A motion was made by Mr. Kelsch, seconded by Mr. Ruffell, to **appoint Michael VanHoover to the position of full time M.E.O./Laborer at \$15.24 per hour**

effective January 14, 2008 as requested in memo #08-03 from the Superintendent of Highways.
5Ayes 0 Nays MOTION CARRIED

Reports by Town Board Members –

Mr. Knauf reported on the meeting he, Trevan Houser and Robert Kelsch attended in Albany last Friday with the Department of Environmental Conservation (DEC) regarding the landfill closure.

Mr. Tobin announced that the Justice Court dockets were available at the Court for the Town Board's examination and audit.

Mr. Switzer stated Assemblyman Robert Oakes will be in the Ontario Town Board meeting room on February 9, 2008 at 10:30 AM

Approval of Claims – A motion was made by Mr. Switzer, seconded by Mr. Ruffell, to **approve the abstract of claims for January 2008 including vouchers #146 through #264 with a grand total of \$211,571.94 and to authorize the Supervisor to issue payments for same.** 5 Ayes 0 Nays
MOTION CARRIED

Adjourn – A motion was made by Mr. Switzer, seconded by Mr. Ruffell, **to adjourn at 8:34 PM.**
5 Ayes 0 Nays MOTION CARRIED

Respectfully submitted,

Debra Kloiber
Ontario Town Clerk

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

Next Business Meeting
February 11, 2008 at 7:00 PM
Ontario Town Hall

Next Workshop Meeting
February 4, 2008 at 7:00 PM
Ontario Town Hall



**FOUR COUNTY SCHOOL
BOARDS ASSOCIATION**

This workshop, will explore the Fiscal Oversight, Accountability, and Fiduciary Responsibility of School Board Members

Superintendents, School Business Officials and other appropriate staff are also invited.



Presented by the

**FOUR COUNTY SCHOOL BOARDS
ASSOCIATION**

*in collaboration with
Wayne-Finger Lakes Association
of School Business Officials*

Directions:

From 332: Take Route 96 North to the Village of Victor. Veer right onto High Street (second traffic light in the village.) Turn right into the first entrance of the school. Building is on the right.

From Thruway exit 45: Take Route 96 south. Turn left onto Lane Road. At High Street, turn right. School is on the left. Turn into 2nd entrance. Building is on the right.

FISCAL RESPONSIBILITY-

The School Board's Role

*(A State certified course meeting the 6
hour mandate)*

**Saturday, April 26, 2008
7:30 a.m. – 3:45 p.m.**

**Victor Education Center
Victor CSD
High Street
Victor, NY 14564
(off Rt 96)**



CONFERENCE AGENDA

- 7:30 Registration and Refreshments
8:15** Overview of the 5 Point Plan
Legislation & Education Law 2102-a -
- 8:35 The School Board Member's Role and Responsibilities –
- 9:35 Revenue Sources and the Budget Process
- 10:35 Break
- 10:50 Monitoring the Fiscal Condition and Maintaining Fiscal Health – Overview of Internal Controls and Risk Assessment
- 12:05 Lunch
- 1:05 Preventing Fraud, Waste, and Misuse of District Resources
- 2:05 Break
- 3:05 Internal and External Audit Functions and the Audit Committee
- 3:20 Final Questions & Answers
- 3:45 Adjournment

****For full 6 hour credit, participant must be seated by 8:15 am SHARP.**



A school board member elected, re-elected, or appointed “for a term beginning on or after July 1, 2005 shall, within the first year of his or her term, complete a minimum of six hours of training from a provider approved (by the State), on the financial oversight, accountability, and fiduciary responsibilities of a school board member.” (Education Law 2102-a)

The Four County School Boards Association and the curriculum presented have been certified by the State as meeting the above requirements. All participants meeting the requirements of attendance shall receive a certification of completion from the Association.



FISCAL RESPONSIBILITY-

The School Board's Role



REGISTRATION

(Deadline – April 21, 2008)

Cost Per Person:

Member (Participating SBA): \$ 90.00

Non-Member: \$130.00

Mail this form to:

**The Four County School
Boards Association
131 Drumlin Court
Newark, NY 14513
(315) 332-7294
(315) 332 7474 (Fax)
4countysba@edutech.org**

School District

Names

Enclosed is a check (made payable to The Four County School Boards Association)

Bill my district (for school board members and school district staff)

Billing Address

**WALWORTH TOWN BOARD - REGULAR MEETING
6 DECEMBER 2007**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, to order at 7:30 PM.

Present:	Daniel Keyes	Councilman
	Thomas Yale	Councilman
	Patti Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	George Schaller	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of November 1, 2007, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

MINUTES:

Motion by Councilman Yale to approve the Minutes of November 8, 2007, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

MINUTES:

Motion by Councilwoman Hawkins-Mance to approve the Minutes of November 15, 2007, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

CORRESPONDENCE:

PLANNING BOARD MEMBER RESIGNATION

1. Susie Jacobs, Town Clerk, read the following letter, dated November 27, 2007:

“Dear Robert, I’d like to formally submit my resignation as a sitting member of the Town of Walworth Planning Board effective immediately. A heartfelt thank you goes out to the Town Board and yourself for allowing me to serve the Town as a member of the Planning Board for the last five years and as a member of the Zoning Board for two years. As of the end of November my family and I will be relocated to Colorado to start a new chapter in our lives. Thank you again. Sincerely, Pete Schillaci.”

Motion by Councilman Keyes to accept and file the letter of resignation from Pete Schillaci.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

Councilman Keyes requested that a letter of appreciation be sent to Mr. Schillaci on behalf of the Town Board. Supervisor Plant asked Susie Jacobs, Town Clerk, to handle the correspondence.

SEWER SUPERINTENDENT RETIREMENT

1. Susie Jacobs, Town Clerk, read the following letter, dated November 30, 2007:

"I am submitting my resignation as Sewer Superintendent for the Town of Walworth. My last day will be Thursday, January 31, 2008. After working 45 years, the last 26 for the Town, I feel my retirement is a needed change for me. I will be available for limited part-time work if needed. I have enjoyed serving the residents of the Town of Walworth and working with all the Town employees over the years. Sincerely, George Schaller"

TELECONFERENCE

2. Susie Jacobs, Town Clerk, advised that the Office of the State Comptroller, Division of Local Government, will hold a Teleconference on Thursday, December 13, 2007. Registration forms are available.

TRAFFIC CONDITION – CANANDAIGUA ROAD

3. Susie Jacobs, Town Clerk, read a letter from the New York State Department of Transportation stating, "per the joint request Form TE-9 of the Walworth Town Board and Wayne County Superintendent of Highways, James Brady, this office will investigate traffic conditions on Canandaigua Road in the vicinity of Freewill Elementary School, relative to the establishment of a school speed limit. Upon completion of this study, you will be notified of our determination."

PUBLIC PARTICIPATION:

No one present offered any comments.

DEPARTMENT HEAD REPORTS:

HIGHWAY – Mike Frederes, Highway Superintendent, wished George Schaller "Best of Luck" in his retirement.

HIGHWAY – WASTE OIL HEATER DISCUSSION

Mike Frederes, Highway Superintendent, presented quotes for the purchase of a Waste Oil Heater for use at the Highway Barns. Mike explained that the Town generates about 500 gallons of waste oil a year, which we currently give away. The quotes are as follows:

Peter J. Schiller Corporation – Penfield, NY
Energy Logic – 200 B.T.U. Heater
Delivered with 250-gallon storage tank - \$6, 995.00

Peter J. Schiller Corporation – Penfield, NY
Firelake Horizon – 200 B.T.U. Furnace with
250-gallon storage tank delivered - \$6,695.00

Midstate Supply – Endicott, NY
175,000 Clean Burn – B.T.U. Furnace plus
250-gallon tank - \$6,125.00

Mike Frederes expressed his recommendation was for the first quote, explaining that this was a local distributor with parts available, stainless steel heat exchanger, and its own on-board air compressor; so there would be no need to use the existing shop compressor (using less electricity). Mike explained an estimated 4-year payback with the investment being made. Most of the installation would be by Highway Department employees, with the exception of the electrical circuit that has to be added.

Motion by Councilman Yale authorizing the purchase of an Energy Logic 200 BTU waste oil heater from Peter J. Schiller Corporation for an amount not to exceed \$6,995.00.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

SEWER –

Motion by Councilman Keyes authorizing John Pagliuso and Tim McMullen to attend training class in Victor on December 14, 2007, and pre-pay approval of \$115.00 registration fee.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

PARKS & RECREATION –

Jacqueline VanLare, Recreation Director, reported that the Senior citizens attended a Christmas program performed by the 6th grade band and chorus, hosted by the Gananda Junior National Honor Society. Transportation and lunch was provided.

ASSESSOR –

Nothing to report at this time.

TOWN CLERK –

Nothing to report at this time.

COMMITTEE REPORTS:

TOWN CLERK'S OFFICE SHREDDER PURCHASE AUTHORIZATION

Motion by Councilman Keyes authorizing Susie Jacobs, Town Clerk, to purchase a shredder for the Town Clerk's Office and Records Management from budgeted line A1410.42 for an amount not to exceed \$249.99.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

RESIDENT CONCERN – HALEY ROAD

Councilman Keyes commented that a resident from Haley Road approached him and inquired about "animals being in the roads" and what could be done. Supervisor Plant stated that there is nothing in Town Code, and the State and County Police Officers would have to handle this matter.

SNOWMOBILE COMMITTEE

Councilwoman Marini reported that she had received a letter from the District Attorney's Office regarding the proposed snowmobile ordinance, stating that their office does not prosecute violations of local law. She is waiting for responses from the State Police and Wayne County Sheriffs Department, and will advise as soon as she receives these recommendations.

TOWN COMPLEX STUDY GROUP

Councilwoman Hawkins-Mance stated that “after meeting with various departments, touring the building, looking at what space is being used and what additional space is probably going to be needed in the very near future; as Walworth is one of the towns in the County that is still growing, it is evident that the needs of this town are not going to be decreasing, and she believes the group will be coming before the Town Board within the next three to four months with some suggestions and recommendations.”

NEW YORK STATE RETIREMENT SYSTEM PRE-PAYMENT AUTHORIZED:

Motion by Councilwoman Hawkins-Mance authorizing the payment of \$104,446.00 to the New York State Retirement System, which will result in a \$1,009.00 savings.

Seconded by Councilwoman Marini.

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

CLOSE MEMORIAL TREE FUND CM4 AUTHORIZATION:

Motion by Councilwoman Marini authorizing the closing of Memorial Tree Fund CM4 and the transferring of remaining balance of \$133.85 to A2770 Other Income. All future purchases for Memorial Trees will be handled through General Fund.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

RESOLUTION 71-07 ESTABLISHING FUND ACCOUNT ENTITLED “CEMETERIES”:

Councilman Yale offered the following Resolution **71-07** and moved its adoption.

Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, the Town of Walworth has a Fund Entitled Baker Road Cemetery CM2 with a balance of \$4,152.69 plus interest; and

WHEREAS, the Town of Walworth has a Fund Entitled Freewill Cemetery CM5 with a balance of \$5,462.03 plus interest; and

WHEREAS, the recommendation from the State Senior Investigator, Division of Cemeteries is that the Town of Walworth join these two Funds and create one Cemetery Fund; and

WHEREAS, the Town of Walworth would like to merge these two funds to establish one Fund Account Entitled “Cemeteries” with a balance of \$9,614.72 plus interest; and

BE IT RESOLVED, that the Town of Walworth establish one Fund Account; Entitled “Cemeteries” and

AND NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Walworth adopt Resolution **71-07**.

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

PROPOSED LOCAL LAW NO. 5:

HEARING:

Motion by Councilwoman Hawkins-Mance to waive the reading of the legal notice. Seconded by Councilman Yale and unanimously carried. Copies of the proposed Local Law were available to the public. As there were no comments from the public, there was a motion by Councilman Yale to close the public hearing.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Time: 7:49 PM.

ADOPTION:

Councilman Yale offered the following Resolution **72-07** and moved its adoption. Seconded by Councilwoman Marini to wit:

1. That Chapter §85-1 entitled "Purpose" stated is hereby amended to read as follows:

The purpose of this chapter is to provide for enforcement procedures in the Town of Walworth, in the County of Wayne and shall provide for administration and enforcement of the Uniform Fire Prevention and Building Code (Uniform Code) in the Town of Walworth. This local law is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this law, state law, or within the Uniform Code, all premises regardless of use, are subject to the provisions, which follow.

2. That a new Chapter to be added and designated as Chapter §85-1.1 entitled "Intermunicipal Contracts" is hereby made a part of the Town of Walworth Code to read as follows:

§85-1.1 Intermunicipal contracts.

The Town Board may, by resolution, authorize the Supervisor to enter into a contract with other governments to carry out the terms of this local law.

3. That a new Chapter to be added and designated as Chapter §85-1.2 entitled "Partial Invalidity" is hereby made a part of the Town of Walworth code to read as follows:

§85-1.2 Partial Invalidity.

If any section of the local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

4. That Chapter §85-2 entitled "Building Inspector and Code Enforcement Officer; appointment; compensation; sharing of duties" is hereby amended to read as follows:

There is hereby designated in the Town of Walworth a public official to be known as the "Building Inspector," who shall be appointed by the Town Board of the Town at a compensation to be fixed by it. There is also designated in the Town of Walworth a public official to be known as the "Code Enforcement Officer," who shall be appointed by the Town Board of the Town of Walworth at a compensation to be fixed by it. Although the Building Inspector and the Code Enforcement Officer each may have different duties within the Town, each may carry out the duties of each other.

5. That Subdivision E of Chapter §85-5 entitled "Powers and duties" is hereby amended to read as follows:

E. The Building Inspector is authorized to pursue administrative actions and with authorization from the Town Board and in consultation with the Town attorney, legal action as necessary to abate conditions not in compliance with the Uniform Fire Prevention and Building Code, this local law, or other laws, rules or regulations of the Town of Walworth or of the State of New York.

6. That a new Chapter to be added and designated as Chapter §85-6.1 entitled "Program review and reporting" is hereby made a part of the Town of Walworth Code to read as follows:

§85-6.1 Program review and reporting.

Every municipality or other agency subject to 19 NYCRR Part 120 UNIFORM CODE: MINIMUM STANDARDS FOR ADMINISTRATION AND ENFORCEMENT, 1203.4

(a) The Building Inspector shall annually submit to the Secretary of State, on a form prescribed by the Secretary of State, a report of its activities relative to administration and enforcement of the Uniform Fire Prevention and Building Code. (b) Upon request of the Department of State, every municipality or other agency subject to this part shall provide from the records and related materials it is required to maintain excerpts, summaries, tabulations, statistics and other information and accounts of its activities in connection with administration an inference that the minimum standards of this Part have not been met.

7. That Chapter §85-8 entitled "Building permit required; exception" is hereby amended to read as follows:

No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure, or install a solid fuel burning heating appliance, inside or out, chimney or flue in any dwelling unit, without first obtaining a separate building permit from the Building Inspector for each such building or structure.

A. No permit shall be required for:

Construction or installation of one story detached structures associated with one-or two family dwellings or multiple single-family dwellings (townhouses) structures which are used for storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 64 square feet.

b. Installation of fences which are not part of an enclosure surrounding a swimming pool;

c. Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

d. Installation of window awnings supported by an exterior wall of a one or two family dwelling or multiple single-family dwellings (townhouses);

- e. Installation of partitions or movable cases less than 5'9" in height;
- f. Painting, wallpapering, tiling, carpeting/ or other similar finish work;
- g. Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- h. Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;
or
- i. Repairs, provided that such repairs do not involve:
 - (1) The removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
 - (2) The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress/
 - (3) The enlargement, alteration, replacement or relocation of any building system;
 - (4) The removal from service all or part of a fire protection system for a period of time.

8. That paragraph (7) of Chapter §85-9 entitled "Application" is hereby amended to read as follows:

(7) Such other information as may reasonably be required by the Building Inspector to establish compliance of the proposed work with the requirements of the Uniform Fire Prevention and Building Code, this Code and applicable building laws, rules and regulations.

9. That a new paragraph is to be added to Subdivision A of Chapter §85-9 entitled "Application" and designated as (8) and made part of the Town of Walworth Code to read as follows:

(8) Substantiate that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code.

10. That new paragraphs are to be added to Subdivision C of Chapter §85-9 entitled "Application" and designated as (4), (5) and (6) and made part of the Town of Walworth Code to read as follows:

(4) The Building Inspector shall stamp, sign and date all accepted construction documents. The Building Inspector shall retain one set of accepted construction documents. The Building Inspector shall return one set to the applicant to be kept at the work site so as to be available for use.

(5) The building permit shall contain a statement directing that all work shall be performed in accordance with the construction documents submitted and accepted as part of the application and shall include the

directive that the Building Inspector shall be notified immediately in the event of changes occurring during construction.

(6) Building permits shall be visibly displayed at the work site and to remain visible until the project has been completed.

11. That Subdivision(s) A and B of Chapter §85-11 entitled "Term of permit and conformance with plans required" is hereby amended to read as follows:

A. A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based. Building permits shall expire 12 months from the date of issuance. Permits shall become invalid unless the work authorized is commenced within 6 months following the date of issuance. Building permits may be renewed for a period 12 months, provided the work has commenced in such a manner as to be ongoing and upon payment of the appropriate fee.

B. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the Uniform Fire Prevention and Building Code, this Code and applicable building laws, rules and regulations. All work shall conform to the approved application, plans and specifications.

12. That a new Subdivision C is to be added to Chapter §85-11 entitled "Term of permit and conformance with plans required" and made part of the Town of Walworth Code to read as follows:

C. Building permits which are issued in error because of incorrect, inaccurate or incomplete information, or when the work for which such permit was issued violates the Uniform Fire Prevention and Building Code, shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed is and shall be in compliance with applicable provisions of the code.

13. That Chapter §85-14 entitled "Stop-work orders" is hereby amended to read as follows:

Whenever the Building Inspector, or his/her designated representative have reasonable grounds to believe that work on any building, structure, site, lot or parcel of land is being prosecuted or performed in violation of the provisions of the Uniform Fire Prevention and Building Code, the municipal Code of the Town of Walworth or other applicable building laws, rules or regulations, including work not in conformance with approved plans and specifications which have been approved pursuant to this Code, whether or not a building permit has been issued or in the event work is being carried out in an unsafe and dangerous manner, he or she shall notify the owner of the property or the owner's agent or the person performing the work to suspend all work or any portion of the work which is being performed, and any such person, persons, partnership, corporation, limited liability company or other entity shall forthwith stop work and suspend all building or construction activities which are set forth in the stop-work order, until the stop-work order has been rescinded. Rescission of the stop-work order may be made by the Town Board by resolution or the Building Inspector, his or her designated representative in writing and shall state the conditions under which the work may be resumed, including the payment by such person, corporation or other entity of the removal of stop-work order fee, and if made in writing by the Building Inspector, or his/her representative, the rescission order may be served upon a person or persons to whom it is directed either by delivering it personally to him, her or them or, if it is a partnership, corporation, limited liability company or other entity, to a person employed by or representing the entity who may be served with legal process (for the purpose of obtaining jurisdiction of a court of competent

jurisdiction) by posting the same in a conspicuous location at the construction site and sending a copy of same by registered mail to the person, persons, partnership, corporation, limited liability company or other entity who notice is directed to at his, her or its last known address. Removal of a stop-work order fee (referred to above) in the amount of fifty (\$50) shall be paid by the permit holder to the Town in the case of residential construction or development and one hundred (\$100) in the case of commercial/industrial construction or development.

14. That a new Chapter to be added and designated as Chapter §85-15.1 entitled "Construction inspections" is hereby made a part of the Town of Walworth Code to read as follows:

§85-15.1 Construction inspections.

A. Permitted work shall remain accessible and exposed until inspected and accepted by the Building Inspector or his or her representative. It shall be the responsibility of the owner, applicant, or his or her agent to notify the Building Inspector when construction work is ready for inspection.

1) If entrance to make an inspection is refused or cannot be obtained, the Town Board, after being notified by the inspector of the situation, may apply for an order to make inspection to any court of competent jurisdiction.

B. The following elements of the construction process shall be inspected as determined by the Building Inspector to be applicable.

- 1) Work site prior to the issuance of a permit;
- 2) Footing and foundation;
- 3) Preparation of concrete slab;
- 4) Framing;
- 5) Building systems, including underground and rough in;
- 6) Fire resistant construction;
- 7) Fire resistant penetrations;
- 8) Solid fuel burning heating appliances, chimneys, flues or gas vents;
- 9) Energy code compliance;
- 10) A final inspection after all work authorized by the building permit has been completed;
- 11) And any other inspection deemed necessary by the Building Inspector.

C. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Fire Prevention and Building Code. Construction work not in compliance with code provisions shall be required to remain exposed until it has been brought into compliance with the code, been re-inspected, and been found satisfactory as completed.

15. That Chapter §85-16 entitled "Certificate of occupancy or certificate of compliance required" is hereby amended to read as follows:

No building or structure hereinafter erected shall be used or occupied in whole or part until a certificate of occupancy or certificate of compliance shall have been issued by the Building Inspector as provided in §180-60 of the Zoning Chapter.

16. That Chapter §85-18 entitled "Issuance or refusal" is hereby amended to read as follows:

A. When after final inspection, it is found that the proposed work has been completed in accordance with the Uniform Fire Prevention and Building Code, this Code, applicable building laws and rules and regulations and also in accordance with the application, approved plans and specifications filed in connection with the issuance of the building permit, the Building Inspector shall issue a certificate of occupancy or certificate of compliance upon the form provided by him or her. If it is found that the proposed work has not been properly completed, the Building Inspector shall refuse to issue a certificate of occupancy or certificate of compliance and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations and shall notify the property owner in writing of the work to be completed in order to conform with the building permit and applicable building regulations.

17. That a new Subdivision B of Chapter §85-18 entitled "A certificate of occupancy or certificate of compliance shall contain the following information;

- 1) The building permit number, if any;
- 2) The date of issuance of the permit, if any;
- 3) The name, address and tax map number of the property;
- 4) If the certificate is not applicable to an entire structure, a description of that portion of the structure for which the certificate is issued;
- 5) The use and occupancy classification of the structure;
- 6) The type of construction of the structure;
- 7) The assembly occupant load of the structure, if any;
- 8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- 9) Any special conditions imposed in connection with the issuance of the building permit; and the signature of the Official issuing the certificate and date of issuance.

18. That a new Chapter to be added and designated as Chapter §85-19.1 entitled "A certificate of occupancy or certificate of compliance issued in error" is hereby made a part of the Town of Walworth Code to read as follows:

§85-19.1 A Certificate of occupancy or certificate of compliance issued in error.

A certificate of occupancy or certificate of compliance issued in error or on the basis of incorrect information shall be suspended or revoked if the relevant deficiencies are not corrected within a reasonable length of time as specified by the Building Inspector.

19. That a new Chapter to be added and designated as Chapter §85-19.2 entitled "Operating Permits" is hereby made a part of the Town of Walworth Code to read as follows:

§85-19.2 Operating Permits.

A. The Building Inspector shall issue operating permits for conducting the activities or using the categories of buildings listed below:

- 1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) of the Fire Code of New York State (see NYCRR Part 1225);
- 2) Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling.
- 3) Use of pyrotechnic devices in assembly occupancies.
- 4) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

5) Buildings whose use or occupancy classification may pose a substantial hazard to public safety, as determined by the Town Board by resolution.

6) Parties who propose to undertake the types of activities or operate the types of buildings listed in paragraph (A) of this subdivision shall be required to obtain an operating permit prior to commencing such operation. An application for an operating permit shall be provided by the Building Inspector and shall contain sufficient information to permit a determination that quantities, materials and activities conform to the requirements of the Uniform Code. Tests or reports necessary to verify conformance shall be required as determined by the Building Inspector.

B. An inspection of the premises shall be conducted prior to the issuance of an operating permit.

C. A single operating permit may apply to more than one hazardous activity as determined by the Building Inspector.

D. Operating permits for areas of public assembly shall be limited to one year. Operating permits for all other occupancies as noted in paragraph "A" shall be for not more than three years or shall coincide with the schedule of inspections as required by §85-19.3 of this law.

E. Where activities do not comply with applicable provisions of the Uniform Code, an operating permit shall be revoked or suspended.

19. That a new Chapter to be added and designated as Chapter §85-19.3 entitled "Fire Prevention, Property Maintenance Inspections" is hereby made a part of the Town of Walworth Code to read as follows:

§85-19.3 Fire Prevention, Property Maintenance Inspections.

A. The Building Inspector or his duly authorized deputies within the prescribed time frames and prior to issuance or renewal of any operating permit shall perform all such inspections.

1) Fire safety inspections of buildings or structures having areas of public assembly shall be performed at least once in every twelve (12) month's.

2) Fire safety inspections of buildings or structures being occupied as dormitories, shall be performed at least once in every twelve (12) month's.

3) Fire safety inspections of all other buildings, uses and occupancies (except one or two family dwellings) shall be inspected at least once in every thirty-six (36) month's.

4) An inspection of a building or dwelling unit may also be performed at any other time

upon;

(a) The request of the owner, authorized agent, or tenant.

(b) Receipt of a written statement alleging that conditions or activities failing to comply with the Uniform Code exists; or

(c) Other reasonable and reliable information that such a violation exists.

20. That a new Chapter to be added and designated as Chapter §85-19.4 entitled "Notification Regarding Fire or Explosion" is hereby made a part of the Town of Walworth Code to read as follows:

§85-19.4 Notification Regarding Fire or Explosion.

The chief of any fire department providing fire fighting services for a property within the Town of Walworth, shall notify the Building Inspector or Fire Marshall of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent, or any fire the origin of which has been traced to the electrical system of any building or structure.

21. That a new Chapter to be added and designated as Chapter §85-19.5 entitled "Complaints" is hereby made a part of the Town of Walworth Code to read as follows:

§85-19.5 Complaints.

A. Bona fide complaints, which assert that conditions or activities fail to comply with the Uniform Code or with local laws, ordinances or regulations adopted for administration and enforcement of the Uniform Code, shall be investigated by the Building Inspector. The process for responding to such complaints shall include:

- 1) Provisions for inspection of the conditions and/or activities alleged to be in violation of the Uniform Code or this law;
- 2) Written notification to any offending party and the property owner of any such violation, with a reasonable period of time as determined by the Building Inspector to cause any such violations to be corrected;
- 3) Written notification to the Town Board that a complaint has been received and a violation notice has been issued;
- 4) Upon abatement of a violation, an inspection shall be performed by the Building Inspector to ensure that the violation has been corrected, and a final written report shall be filed with the complaint.

22. That Chapter §85-20 entitled "Testing to prove compliance" is hereby amended to read as follows:

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of the Uniform Fire Prevention and Building Code, this code and applicable building laws, rules or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.

23. That a new Chapter to be added and designated as Chapter §85-20.1 entitled "Violations" is hereby made a part of the Town of Walworth Code to read as follows:

§85-20.1. Violations.

A. Upon determination that a violation of the Uniform Code or this local law exists in, on, or about any building or premises, the Building Inspector shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code or this local law the particular condition violates, and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by registered mail return receipt requested.

B. In addition to those penalties proscribed by State law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this local law, or the terms or conditions of any Certificate of occupancy issued by the Building inspector, shall be liable to a civil penalty of not more than two hundred fifty (\$250) dollars for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Town Board on its own initiative or at the request of the Building Inspector.

C. Alternatively or in addition to an action to recover the civil penalties provided by subsection (B) The Town Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code or the terms or conditions of any Certificate of Occupancy issued by the Building Inspector.

24. That Chapter §85-21 entitled "Independent electrical inspection firms; approval" is hereby amended to read as follows:

A. The Town Board of the Town of Walworth may, from time to time, approve independent electrical inspection firms to see that the properties and construction in the Town of Walworth conform to the Uniform Fire Prevention and Building Code the Code and such other applicable codes as the Town shall deem apply.

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

ASSESSMENT REVIEW BOARD MEMBER RESIGNATION:

Supervisor Plant stated that he had received a verbal resignation from Ronald Soucy, Assessment Review Board member, whose term expires December 31, 2011. A written resignation letter will be forthcoming.

SLUDGE SPREADING CONTRACT RENEWAL – GIBBS:

Motion by Councilman Keyes authorizing Supervisor Plant to renew the contract for one year with George and Trumaine Gibbs for land spreading/sludge disposal with no rate increase.

Seconded by Councilwoman Marini.

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

PROPOSED LOCAL LAW NO. 6:

HEARING:

Motion by Councilman Yale to waive the reading of the legal notice.

Seconded by Councilwoman Hawkins-Mance and unanimously carried. Copies of the proposed Local Law were made available to the public.

Supervisor Plant asked if anyone present had any comments.

Frederick Nudd, Jr., a resident from Arbor Road, commented on Local Law No. 5 of 2007 that the Town Board should consider Chapter 85-7 entitled "Building permit required; exception;" in his opinion, this appears to be too restrictive. Discussion ensued with regards to State Code requirements and the Town "not having a choice." Supervisor Plant stated that we have to be in compliance with State

regulations. Mr. Nudd shared his personal experience with a building permit. No further comments were made from the Board.

Supervisor Plant inquired if anyone else present would like to comment. As there were no other comments from the public, there was a motion by Councilwoman Hawkins-Mance to close the public hearing.

Seconded by Councilman Keyes.

Adopted: Vote Ayes 5 Nays 0

Time: 7:57 PM.

ADOPTION:

Councilman Yale offered the following Resolution **73-07** and moved its adoption. Seconded by Councilwoman Marini to wit:

1. That paragraph 16 of Subdivision B of Chapter §151-18 entitled "One-lot residential developments" is hereby amended to read as follows:

(16) Proposed sewage disposal: in accordance with §180-30 of Chapter 180, Zoning.
2. That Subdivision B of Chapter §180-21 entitled "Accessory Building" is hereby amended to read as follows:

B. No separate building shall be erected closer to the main building than five feet and not closer to the side yard line than 15 feet in RR-1, RR-1A, R residential zoning districts and in a Hamlet Zoning District, not closer than 8 feet, except in the case of a corner lot, then §180-13. Hamlet districts: Multifamily/Neighborhood Business K (1) shall apply where the permitted principal use of the property is noncommercial.
3. That subparagraphs (a), (1), [a], [b], [c], [d], [e], (2), [a], [b] of paragraph 1 of Subdivision C of Chapter §180-10 entitled "RR-1 Districts: Single-Family Residential" is hereby amended to read as follows:
 - (a) Golf courses and country clubs occupying an area of not less than 40 acres.

(1) "Golf course and country club" is defined to mean any privately, semiprivate or publicly owned golf course consisting of at least nine holes of conventional design and distance (excepting miniature golf) and may include the following facilities as also permitted with the principal use:
 - [a] Clubhouse including, kitchens, dining areas, game rooms, bar, grill, locker rooms and baths. In cases where a clubhouse is approved with dining facilities, said facilities may be utilized on a year round basis.
 - [b] Swimming, pools.
 - [c] Parking areas.
 - [d] Tennis, and/or paddleball courts.

[e] Designated area dedicated to outdoor events, such as ceremonies, banquet, weddings, musical functions, etc. Said area may be open-air or tented.

(2) In the case of a golf course containing 18 or more holes of play, there may be included the following additional facility as accessory to the principal use:

[a] Pitch, and putt course, unlighted.

[b] Driving range, unlighted.

4. That paragraph 1 of Subdivision C of Chapter §180-10 entitled "RR-1 Districts: Single-Family Residential" is hereby amended by adding subparagraph (g) and (h) to read as follows:

(g) Private elementary and high schools, institutions of higher education, public libraries and municipal buildings.

(h) Boarding of horses for hire, remuneration or sale not connected with a home occupation or business requiring a home occupation permit within definition of home occupation major-category B, as defined in §180-43.1, animal or veterinarian clinics and riding academies, any of which must be on a site of at least ten acres.

5. That Subsection D of Chapter §180-10 entitled "RR-1 Districts: Single-Family Residential" is hereby amended to read as follows:

D. Required lot area. Lot area shall not be less than one acre and lot width not less than 100 feet at the building setback line when sanitary sewers and public water are available to service the lot, except that the minimum lot width at the building setback line where the lot area is from two to five acres or five to 10 acres or over 10 acres shall be as provided in Subsection F (4) of this section. [Amended 1-6-2005 by L.L. No. 1-2005]

6. That paragraphs (a) and (b) of paragraph (4) of Subsection F of Chapter §180-10 entitled "RR-1 Districts: Single-Family Residential" are hereby amended to read as follows:

(a) For lots from two acres to five acres, the relationship between depth and width shall not exceed 2.5 to 1, with a minimum width at the front setback line of 100 feet; however, in cases of minimum deviation from the requirements set forth herein, the depth-to-width ratio allowable and the minimum width at the front setback line shall be determined by the Planning Board, at the Planning Board's discretion, after considering drainage, topography, vegetation patterns, geological formations, lot shape and dimension and taking into consideration the harmonious development of the community in the interest of good planning and the public health, safety and general welfare of the neighborhood and the community.

(b) For lots from five acres to 10 acres, the relationship between depth and width shall not exceed five to one, with a minimum width at the front setback line of 100 feet; however, in cases of minimal deviation from the requirements set forth herein, the depth-to-width ratio allowable and the minimum width at the front setback line shall be determined by the Planning Board, at the Planning Board's discretion, after considering drainage, topography,

vegetation patterns, geological formations, lot shape and dimension and taking into consideration the harmonious development of the community in the interest of good planning and the public health, safety and general welfare of the neighborhood and the community.

7. That Subdivision B of Chapter §180-15 entitled "B-2 Districts: General Business/Professional Office/Office Research/Park High-Density Residential" is hereby amended to read as follows:

B. (1) Permitted uses (including uses requiring special use permits, and, in such cases, application for special use permits must be made and granted by the Planning Board to permit the requested use) within a B-2 District.

8. That the Town of Walworth Code is hereby, amended by deleting and repealing Chapter §180-11. entitled "RR-2 Districts: Single-Family Residential" of Article IV entitled "District Regulations" and all areas previously zoned as "RR-2 Districts: Single-Family Residential" shall now be zoned as in Chapter §180-10. "RR-1 Districts: Single-Family Residential".

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

PATIO CONTRACT AUTHORIZATION:

Motion by Councilman Yale to rescind the approval for the contract with the lowest bidder authorized at the Town Board meeting on August 2, 2007, and re-award the contract to Contractor No. 2 for the work to be done in Spring, 2008.

Seconded by Councilwoman Hawkins-Mance.

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

WAYNE COUNTY HEALTH CARE DISCUSSION:

Motion by Councilman Yale authorizing the Supervisor to notify Wayne County Health of a "possible change" for 2009.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Discussion: Councilman Yale asked that it be understood that this is a "possible change" only.

NEW PHONE SYSTEM QUOTES DISCUSSION:

Four quote information packets were given to Council members for their review, and discussion was tabled until the next Town Board meeting on December 20, 2007.

BURN PERMIT – 241 MILDAHN ROAD:

Application was reviewed, and it was determined that location is farm/agricultural and does not require a burn permit.

NYS TOWN DELEGATE APPOINTMENT:

Motion by Councilman Yale appointing Phil Williamson as the Town Delegate at the Association of Towns Annual Conference.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

SEWER SUPERINTENDENT RETIREMENT ACCEPTANCE:

Motion by Councilwoman Marini to accept and file George Schaller, Sewer Superintendent's, letter of retirement.

Seconded by Councilman Keyes.

Adopted: Vote Ayes 5 Nays 0

Discussion: Councilwoman Marini extended her sincere gratitude for the past 26 years of service. Councilman Keyes seconded that and also added that he was on the committee that selected George and wished him the best. Supervisor Plant thanked him.

FINANCIAL TRANSACTIONS RESOLUTION:

Councilman Yale offered the following Resolution **74-07** and moved it adoption.

Seconded by Councilwoman Hawkins-Mance to wit:

BE IT RESOLVED that the Account Clerk be authorized to modify budget
. \$2,500.96 to establish Expense Line A1910.42 for County Tax Cablevision from General Fund Balance. To cover County Bill.
\$854.00 from Memorial Tree Fund Balance to CM4-7110.41 Trees. To cover cost of trees for Vallone & Ginegaw. Funds to offset transfer were credited to CM4-2705 Gifts & Donations.

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

Resolution carried.

EXECUTIVE SESSION:

Motion by Councilwoman Marini to adjourn to Executive Session to discuss proposed, pending or current litigation and the employment history of a particular person/corporation, or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 8:10 PM.

RECONVENE:

Motion by Councilman Yale to reconvene the regularly scheduled Town Board meeting.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 9:12 PM.

RESOLUTION 75-07 SUPPORTING CONCEPT PROPOSED BY EMPIRE STATE WIND ENERGY, LLC, TO DEVELOP WIND POWER GENERATION PROJECTS:

Councilman Yale offered the following Resolution **75-07** supporting concept proposed by Empire State Wind Energy, LLC to develop wind power generation project. Seconded by Councilman Keyes to wit:

WHEREAS, the Board of the Town of Walworth (the Board) believes that social, economic and environmental benefits could be realized through the development and deployment of renewable energy sources such as wind based power generation, and

WHEREAS, the Board believes that dependence on high cost foreign energy supplies, such as fossil fuels, has retarded economic growth, and

WHEREAS, the public health and resources, including forests, agricultural products and the air of Wayne County, are damaged by the use of fossil fuels for energy purposes, and

WHEREAS, the creation and expansion of renewable wind energy could increase economic growth, contribute to the tax base of the Town of Walworth and the County of Wayne and

reduce environmental pollution by decreasing the use of high cost foreign energy supplies, and

WHEREAS, New York State desires to accelerate renewable energy development to promote economic growth, to create employment, to protect the environment, to preserve resources for future generations and to promote the health and welfare of its people, and

WHEREAS, the 2002 New York State Energy Plan established a policy calling for an increase in renewable energy used in the State from 19% to 25% by the year 2013, and

WHEREAS, the Board desires to promote economic growth, to create employment, to protect the environment, to preserve resources for future generations and to promote the health and welfare of its people, and

WHEREAS, the New York State Energy Research and Development Authority's report on feasibility of establishing a renewable portfolio standard and the Public Service Commission's implementation of the renewable portfolio standard will result in statewide reductions of fossil fuel use, and

WHEREAS, the Board desires to be an active participant in the exploration and utilization of our wind resources, in order to support state and local efforts at promoting increases in renewable energy use, and

WHEREAS, Empire State Wind Energy, LLC of Oneida, New York's ("ESWE") has a community oriented business model for developing wind based power generation projects,

NOW THEREFORE, BE IT RESOLVED, that the Board generally supports the concept of wind power generation projects and supports the statewide efforts to reduce dependence on fossil fuels, and

BE IT FURTHER RESOLVED, that the Town of Walworth generally supports the efforts of ESWE to pursue wind power exploration in the Town of Walworth to determine the feasibility and practicality of wind power generation.

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

Resolution carried.

ASSEMBLYMAN BOB OAKS VISIT:

Supervisor Plant noted that Assemblyman Bob Oaks would be holding a Town meeting in the meeting room on February 28, 2007, at 7:30 PM.

AUTHORIZE HIRING CONSULTANT FOR LITIGATION:

Motion by Councilwoman Marini authorizing the Supervisor to negotiate with Harris Beach, LLC, to contract experts for representation in the Town of Walworth pending lawsuit.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

ORGANIZATIONAL MEETING ADVERTISEMENT AUTHORIZATION:

Motion by Councilman Yale authorizing Susie Jacobs, Town Clerk, to advertise the Organizational meeting for January 3, 2008.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

ADJOURNMENT:

Motion by Councilman Keyes to adjourn.

Seconded by Councilman Yale and unanimously carried.

Time: 9:20 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk

**WALWORTH TOWN BOARD – REGULAR MEETING
17 JANUARY 2008**

Presiding Supervisor Plant called the regularly scheduled Town Board meeting, held at the Walworth Town Hall, 3600 Lorraine Drive, to order at 7:30 PM.

Present:	Thomas Yale	Councilman
	Frank Maciuska	Councilman
	Patricia Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk
	Mike Frederes	Highway Superintendent
	George Schaller	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Ed Parrone	Parrone Engineering
	Diane Hermanet	Town Justice Court Clerk

MINUTES:

Motion by Councilwoman Hawkins-Mance to table the Minutes of January 3, 2008.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

CORRESPONDENCE:

Susie Jacobs, Town Clerk, read the following letter, dated January 14, 2008:

“Dear Supervisor Plant and members of the Walworth Town Board, I would like to inform you that I am resigning from my position on the Recreation Committee. I have enjoyed serving on this committee for many, many years. Thank you for the opportunities to work with and for Walworth residents of all ages. If I can be of any help to the committee in the future please let me know. Sincerely, Lorraine Rieck.”

Motion by Councilman Maciuska to accept and file.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Motion by Councilwoman Marini authorizing a letter be sent thanking Lorraine for her service to the Town.

Seconded by Councilman Maciuska.

Discussion: Supervisor Plant stated that Lorraine had been active in the Town for a very long time.

Adopted: Vote Ayes 5 Nays 0

Susie Jacobs, Town Clerk, read the following letter from the Walworth Food Pantry:

“Dear Town Hall, Library and Highway Department Staff, On behalf of the Walworth Food Pantry I would like to thank you for the generous donations to the Christmas Sharing Program. Christmas in the homes of several local families was definitely made brighter by your gifts. The Walworth Food Pantry was able to service twenty- three (23) families this year with gifts, food, warm clothes, hats and mittens, thanks to the help of many groups like yours. May peace be upon you all throughout the coming year. Sincerely, Elaine Leasure, Chairperson, Christmas Sharing Program.”

AD FOR RECREATION COMMITTEE:

Motion by Councilwoman Marini to advertise the opening for the Recreation Committee for a period of ten (10) days.

Seconded by Councilman Maciuska

Adopted: Vote Ayes 5 Nays 0

SUPERVISOR’S REPORT:

Motion by Councilwoman Marini to approve and file the Supervisor’s Monthly Report for December, 2007, as presented.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

PUBLIC PARTICIPATION:

No one present offered any comments.

AUDIT OF CLAIMS RESOLUTION 09-08:

Councilman Yale offered the following Resolution **09-08** and moved its adoption.

Seconded by Councilwoman Hawkins-Mance to wit:

WHEREAS, the following claims submitted at the scheduled Town Board Meeting of January 17, 2008, have been audited and approved by the appropriate Council members;

BE IT RESOLVED that the claims be paid on **Abstract #1**, numbered 1 through 82, in the following amounts:

GENERAL FUND	\$ 85,558.99
HIGHWAY FUND	\$ 15,503.29
WALWORTH SEWER DISTRICT #1	\$ 58,696.19
BROOKSIDE LIGHT DISTRICT	\$ 15.91
HARVEST HILL LIGHT DISTRICT	\$ 780.23
ORCHARD VIEW LIGHT DISTRICT	\$ 142.45
WALWORTH LIGHT DISTRICT	\$ 713.40
WALWORTH CONSOLIDATED DRAINAGE	\$ 5,855.00
SELF INSURANCE FUND	\$ 4,452.00

BE IT FURTHER RESOLVED that the claims be paid on **Abstract #1**, numbered 1 through 5, in the following amounts:

TRUST & AGENCY	\$ 20,581.01
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NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Walworth adopt resolution **09-08**.

Adopted this 17th day of January, 2008, at the meeting of the Town Council.

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

Resolution carried.

DEPARTMENT HEAD REPORTS:

HIGHWAY DEPARTMENT – DEC INSPECTION

Mike Frederes, Highway Superintendent, reported that the Highway Department was inspected by the DEC for their fuel storage and filling station. No violations were found; there were only a couple of suggestions for improvement.

HIGHWAY DEPARTMENT – WIND STORM

Mike Frederes, Highway Superintendent, reported that during last week's windstorm there were three (3) roads that were closed for part of the day. One road was closed overnight and well into part of the next day.

SEWER DEPARTMENT- PENN POWER OF SYRACUSE

Motion by Councilman Maciuska authorizing George Schaller, Sewer Superintendent, to sign a service contract with Penn Power of Syracuse for six (6) stand-by generators, with two visits each, for an amount not to exceed \$3,600.00, from budgeted line SS8130.409.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

RECREATION – GANANDA LACROSSE FIELD REQUEST – DOLOMITE PARK

Jacqueline Van Lare stated that she had received a request from the Gananda Youth Lacrosse Club for the use of Dolomite Park from mid-March through the end of June, 2008, as follows:

Practice - Mondays through Thursdays
Games - Saturdays

Motion by Councilwoman Marini authorizing the use of Dolomite Park by Gananda Youth Lacrosse as presented.

Seconded by Councilman Maciuska.

Discussion: Councilman Maciuska asked if this would conflict with any of the soccer programs or anything. Jacqueline said "no."

Adopted: Vote Ayes 5 Nays 0

ENGINEER – ROOF BIDS

Ed Parrone, Parrone Engineering, stated that the roof bids were taken back in December, 2007. He added that he and Phil Williamson, Code Enforcement Officer, met this past week to finalize the agreements.

ENGINEER – DESIGN CRITERIA

Ed Parrone, Parrone Engineering, stated that he hoped that within the next month he would be able to present a draft of the Design Criteria to the Town. Pending items are from Mike Frederes, Highway Superintendent.

JUSTICE COURT – CLERK TO THE JUSTICE

Diane Hermanet, Town Justice Court Clerk, spoke representing the Justice Court to advise the Town Council that the Justices had chosen a part-time Clerk. Diane stated that she had copies of the resume available if Council members would like to review it, as well as the background check, which had come back “no record.” She continued to say that letters to former employers had gone out and they were waiting for their return. If these letters came back with no major criticism, Diane would like for the employee to start the first week of February, 2008. She will be a part-time employee working 16 hours a week, four days a week, from 1:00 to 5:00 PM.

Motion by Councilman Yale authorizing the Justice Department budgeted position of the Clerk to the Justice employment hire.

Seconded by Councilman Maciuska.

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

Motion carried.

TOWN CLERK – CODE BOOK “SUPPLEMENT 20”

Susie Jacobs, Town Clerk, advised that General Code, Code Book Supplement #20 had arrived, and she had begun to issue them to those individuals with code books. General Code has completed the update on the Internet. She also stated that the PC Code Book on Share would be updated as soon as Integrated came out to do so.

COMMITTEE REPORTS:

TOWN CLERK’S ANNUAL REPORT

Councilman Maciuska stated that he would like to present the Town Clerk’s 2007 Annual Report for review and approval. He reported that the total receipts were \$118,790.13 and total disbursements were \$118,790.13. He further stated that the biggest disbursement was to the General Fund and the biggest revenue was from Recreation, followed by Building Permits.

Motion by Councilwoman Marini to accept and file the Town Clerk’s 2007 Annual Report.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

Discussion: Supervisor Plant asked, “Is this something that we’ve done in the past?”

Councilwoman Marini said, “I don’t think so.” Susie Jacobs, Town Clerk, stated that the Town Clerk is “required to file, on or before January 20, a written statement with the Town Board showing in detail her receipts and disbursements for the year.” Councilman Maciuska commented that being the liaison for Susie Jacobs, he would present the Report.

LIBRARY OPEN HOUSE –

Frank Maciuska reported that the Walworth Seely Public Library Board of Trustees Open House was being held this evening.

TOWN COMPLEX STUDY GROUP

Councilwoman Hawkins-Mance reported that the Town Complex Study Group would be meeting Saturday morning to tour Macedon's, Ontario's, and Williamson's Town Halls. This is to get an idea of what their facilities look like versus what we have here.

JUSTICE COURT REPORT

Justice Terrence Wolfe reported that while Council members would be reviewing the Court books, he felt a summary should be given prior to this. In the year 2007 the Court disposed of 1,105 cases, assessed \$61,955.00 in fines, \$43,150.00 in surcharges, \$988.77 in civil fees, for a grand total of \$106,093.77. He further reported that he had breakdown of DWI, AVO, speeding tickets and so forth, that he would respectfully like to submit to the Board, and advised that the Court books were open for their review.

RECESS - AUDIT COURT BOOKS

Time: 7:45 PM. 2008

RECONVENED:

Time: 7:57 PM.

REQUEST FOR PROPOSAL DISCUSSION:

Supervisor Plant asked if George Schaller, Sewer Superintendent, or Ed Parrone, Parrone Engineering, had any comments. Ed Parrone stated that this was a fairly generic RFP and asked if we were looking for input from the proposers and then we would put a more formal proposal back out? Councilman Yale stated "no, not necessarily," that what the Board was looking for was originality from the proposers. They were looking for a partner who could best meet our needs. He further said that this was part of the test, it was not for the Board to tell them how to manage or what the best product was for our community. "They are supposed to be the experts so I am burdening them to come back and say, how can we get the best value?" Councilman Yale stated that he had done this before in other arenas with quite good success. He further stated that he has received some very original ideas from some of the companies that respond. He said it was not in the same industry but a good parallel. Councilman Yale said that they are acknowledging that this group is not the expert in Waste Water Management; the only expert we have is retiring. Ed Parrone agreed that this is a unique way of doing things, and he hoped that the proposers clearly understood that you're not going to be comparing apples to apples; this is the beauty of the process. Councilman Yale agreed. George Schaller, Sewer Superintendent, stated that he was worried about the time frame. Councilman Yale stated that this process could not work - and work well - prior to George's departure. Councilman Yale stated that we would have an interim without George here and that would be something for another discussion as to George's availability on some sort of part-time basis; of course, this was just exploratory. Councilwoman Marini stated that in addition the Board would be doing interviews of the individuals that had applied so they would be able to scope out what the availability was in that arena as well. Councilman Yale stated that they had a discussion at the last Board meeting with one company and it peaked their interest enough that they decided to go and see what was out there. George Schaller commented that whatever the Board needed from him, he would be willing to help.

RECESS – AUDIT TOWN CLERK, RECEIVER OF TAXES AND CHIEF FISCAL OFFICER BOOKS:

Time: 8:02 PM.

RECONVENED:

Supervisor Plant reconvened the meeting.

Time: 8:42 PM.

REQUEST FOR PROPOSAL DISCUSSION CONTINUED:

Council members and George Schaller, Sewer Superintendent, clarified the title to be shown on the RFP, being Waste Water Pollution Control Facility. Councilman Yale suggested that the proposals be submitted on or before February 7, 2008, at 5:00 PM in the office of the Town Supervisor.

Motion by Councilman Yale authorizing that, with the noted changes, the RFP be sent out, the Town Supervisor identify suitable recipients, and it be advertised.

Seconded by Councilman Maciuska.

Adopted: Vote Ayes 5 Nays 0

PUBLIC HEARING – CHAPTER 166 ENTITLED “SNOWMOBILES, ALL- TERRAIN VEHICLES AND OFF-ROAD MOTORCYCLES”:

HEARING:

Motion by Councilman Yale to waive the reading of the legal notice.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

Time: 8:45 PM

Supervisor Plant declared the Public Hearing opened and asked if anyone from the public had any comments.

NEGATIVE DECLARATION:

Ken Cigna, resident, stated that he is a member of the Snowmobile, ATV and Off-Road Motorcycle Law Committee and actively participated in all of the meetings that he was informed of. He has personally lived the inconvenience of having a snowmobile trail within seventy-five (75) feet of his dining room, and to say it is an annoyance is an understatement. Snowmobilers come by from a single sled to packs of ten (10) to twelve (12) sleds at a time. There are some not so noisy sleds and there are some extremely noisy sleds. Without seeing them, he usually knows a snowmobile or 4-wheeler is coming by on the trail, no matter what room he is in. They come through at all hours of the day and night, on weekdays and especially on weekends. He urged the Town Board to pass this ordinance and to make some modifications in the process of doing so. While the ordinance specifies seventy-five (75) feet from a private residence without permission, he would like to see a larger distance. He does not think that twice the seventy- five feet or more, even up to two hundred (200) feet is unreasonable. If the Town Board insists on keeping the seventy-five (75) feet distance, he strongly urged to add the restriction that no trails are to be within two hundred (200) feet of a residence without permission of all the homeowners within that distance. He further stated that to have a couple of snowmobilers go by within two hundred (200) feet is one thing. To establish a trail where hundreds of snowmobilers go by on a daily basis is quite another thing and unacceptable. Doing this would not

hamper the adjoining neighbor who wants to do a little riding on their property, while at the same time would still give others, who are not so enamored by the various types of vehicles mentioned in the law, some recourse when it comes to more than a few vehicles. On a final note he thanked Councilwoman Marini for taking the time to chair the ordinance meetings, even though she may not have agreed with everything he said.

DISCUSSION:

Council members engaged in discussion with the general public regarding an organized trail. Councilman Yale stated that the Committee did not define any differentiation in this law. Councilwoman Marini agreed. Councilman Yale stated he was not sure how this could be done because a trail was not a property or entity held by any of the organizations. They mark it theoretically with the permission of the property owner; it's not legally a recognized entity. Supervisor Plant stated that "yes, it is, the snowmobile clubs and their trails receive money from the State of New York. It comes through the County and gets disbursed to them for trail maintenance." Further discussion ensued with a resident saying that this was not State money, but money that was from everyone's registration for the snowmobile club. Councilman Yale commented that this was State money. Another resident commented that this money goes to Parks and Recreation. Councilwoman Marini clarified that Parks and Recreation was a State agency. Councilman Yale stated again that a trail was not a legal entity. Councilwoman Marini commented that like a road, it was dedicated to the Town and we accept ownership with regard to the maintenance. Councilwoman said a trail could be modified; someone could pull their permission at any point in time through the club. It is not something that the Town could request of a person to do or enforce. Councilman Yale said that the idea of having organized trails at least two hundred (200) feet was more of an issue dealing with the "permission-giving" entity recommending that; enforcing that was not within the Town's power.

Supervisor Plant asked if there was another chapter that regulated dirt bike tracks, and their not being allowed in certain areas. Councilwoman Marini said that was by special use permit, and Councilman Yale stated this was more of a permissive usage situation. Councilman Maciuska suggested that the Board needed to define exactly what they were talking about – there should be a definition of what a "marked trail" was, especially if it was going to be referred to in this ordinance. "We need to define whether a marked trail is something that is established through covenants and agreements of homeowners to allow it." Someone from the public stated that a marked trail was going to be "between the landowner and the Club that was marking it." Council members agreed that a definition was needed. Marked trails increase the volume of traffic; both Councilwoman Marini and Councilman Yale agreed. Councilman Maciuska asked how many trails in town were marked. Supervisor Plant stated that there were both marked and unmarked trails in town. Discussion ensued as Councilwoman Marini tried to locate the trail map. Councilwoman Marini stated that the Wayne County Sheriff's Department had reviewed these provisions, and they said that they would be able to enforce them. She also said a couple of property owners have agreed to have "spot checks," allowing police to set up check points to check for mufflers and some of the other issues that might eliminate some of the people on the trails that aren't following the rules. Supervisor Plant suggested that the definition of a "marked trail" be something that is maintained by a club and is on the official map produced by the club and submitted to the Town. A resident stated that the definition of a marked trail would be one by a club that's affiliated with the New York State Snowmobile Association (NYSSA). Supervisor Plant agreed that this was a good idea as those were the only clubs that were reimbursed by the County. These maps would then be submitted to the Town prior to December 26, opening day of the trail system, and any time there is an

addition or change to the trail. Supervisor Plant suggested that there be a link from the Town website to the snowmobile clubs' (Canal Towns, Webster Ridge Runners, Williamson Drift Riders) websites.

Motion by Councilman Yale to close the Public Hearing.
Seconded by Councilwoman Hawkins-Mance.
Adopted: Vote Ayes 5 Nays 0
Time: 9:02 PM.

Councilwoman Marini stated that she would draft the wording and get it out to the Supervisor so that it could be placed on the agenda for the next meeting of February 7, 2008. She will also prepare and get the wording to Art Williams, Attorney for the Town.

FINANCIAL TRANSACTIONS:

Motion by Councilman Yale authorizing the Senior Account Clerk to transfer from the following:

\$4,452.20 from Self Insurance Fund Balance to MS9050.81 Unemployment Payments NYS. To cover payment to State 4th Quarter 2007.
Seconded by Councilwoman Hawkins-Mance.

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

Motion carried.

FINGER LAKES BUILDING OFFICIALS ASSOCIATION CONFERENCE:

Motion by Councilman Yale authorizing Phil Williamson, Code Enforcement Officer, and Norm Druschel, Building Inspector, to attend the annual Finger Lakes Building

Officials Association Conference the week of March 21, from budgeted line item A3620.43, for an amount not to exceed \$390.00 each.
Seconded by Councilwoman Hawkins-Mance.
Adopted: Vote Ayes 5 Nays 0

SMALL CITIES GRANT DISCUSSION:

Supervisor Plant explained that the Small Cities Grant submitted in conjunction with Home Leasing in 2007 had been turned down. He commented that he had met with the Grant Authority and they explained that the Home Leasing Grant had "wordings that needed to be changed which followed through into the Town's grant, so that wording was wrong in the Town's grant, too." He continued to explain that Home Leasing needed to submit a new grant request within the next couple of weeks and the Town's was due the first or the end of March, 2008. The Supervisor said the Town needed to decide if they would like to re-do the grant request. He had talked with Stu Brown; the cost of his time would be approximately \$3,000.00 to do the grant. Councilman Maciuska asked what the grant was for. The Supervisor explained that the grant was to extend the sewer up Canandaigua Road from where it ends now by the car wash, all the way to the apartments, which is halfway down Canandaigua Road going North. Councilman Yale stated that the big thing

was that it gets the sewer across the waterway. Supervisor Plant informed Councilman Maciuska that the initial grant request was for \$400,000.00. Councilwoman Hawkins-Mance asked if the revisions to be done by Stu Brown were big enough to warrant \$3,000.00, which was half the price of what the Town paid in 2007. Supervisor Plant stated, "I really don't know, not being a grant writer." Supervisor Plant stated that Stu Brown, Home Leasing, Edgemere and he would be meeting next week to go over the criteria that needed to be changed in Home Leasing's grant so that the Town's would match. Discussion ensued with Council members regarding the process of making the changes on the grant request. Councilman Maciuska asked if there had been a report issued to show where the Town erred? Supervisor Plant stated that no report had been issued; however, he had been invited to a meeting with the Small Cities people and had taken notes as best as he could regarding where the Town had been lacking on their grant application. Stu Brown also had representation at that meeting. Council members had some further discussion with regards to the economic benefits that the sewer line would bring to the Town; with the short time frame and need for coordination involved in such an immediate fashion, the majority agreed that Stu Brown should be contracted with again. Councilwoman Marini suggested that Councilwoman Hawkins-Mance be the contact person in working with them on the revision, as it would give her added insight as to what the Town was dealing with.

Motion by Councilman Yale to approve the re-submission of the Small Cities Grant, and contracting with Stu Brown for that submission, to submit and coordinate with the Town liaison, to be Councilwoman Suzi Hawkins-Mance, for an amount not to exceed \$3,000.00. Seconded by Councilwoman Marini.

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

Motion carried.

SET DATE TO INTERVIEW FOR WASTE WATER TREATMENT PLANT SUPERVISOR:

Councilwoman Marini stated that the interviews for the Waste Water Treatment Plant Supervisor would be scheduled for Thursday, January 24, 2008, at 7:00 PM. Four (4) candidates will be interviewed, in half-hour increments. Susie Jacobs, Town

Clerk, will advertise this Special Meeting with the intent to enter into Executive Session for the purpose of interviews. George Schaller, Sewer Superintendent, has agreed to sit in on these interviews. Councilwoman Marini will contact the individuals to be interviewed. She will also send letters to those not selected, thanking them for applying and letting them know their applications will be kept on file. Councilman Yale stated that this would be an Executive Session and no decision would be brought before the Board.

FRANKLIN COVEY SEMINAR:

Motion by Councilman Yale authorizing Philip Williamson, Code Enforcement Officer, to attend the Franklin Covey Seminar titled "7 Habits of Highly Effective People" on March 13, 2008, in Rochester from the Supervisor's Conference/Training line A1220.41, at a cost not to exceed \$399.00. Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

BANK RECONCILIATION RECOMMENDATION:

Motion by Councilwoman Hawkins-Mance making a recommendation that all bank statements are reconciled to the actual paper copy of the bank statements that come to each department.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

JUSTICE COURT CLERK PART-TIME POSITION:

Supervisor Plant reported that he checked with Civil Service and the position the Town Board approved is going to be called Clerk to Justice.

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn. Seconded by Councilwoman Marini and unanimously carried.

Time: 9:20 PM.

Respectfully Submitted,

Susie C. Jacobs
Town Clerk