



Michael Havens
Superintendent of Schools

Phone: 315-524-0201
Fax: 315-524-4233
mhavens@wayne.k12.ny.us

Wayne Central School District

LETTER to the BOARD

January 29, 2005

"Wisdom is knowing what to do next; virtue is doing it." - - David Star Jordan

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

Newsletter:

1. **CSEA Negotiation Training** – Neal Katz will be spending Friday evening and all day Saturday with our negotiating team to study the process of win-win negotiation. CSEA has a representative group; the district representatives are Frank Robusto, Mark Callahan, Michael Havens, Greg Atseff and Rick Johnson. Neal is from Syracuse University and worked with our WTA and the district at our last contract.
2. **Mid-Winter meeting** - My mid-winter meeting in Albany proved quite informative. In the wake of the financial scandal at Roslyn, Comptroller Hevesi proposed some changes in the financial laws. This week we learned that the legislature expects to enact as law many of these items. Those changes include requiring Board members to get 6 hours of training in financial oversight, establishing an internal audit function in each school district (we already have one), Mandating a competitive (bidding) process for auditors, and increasing the scope of the audit. The Superintendent's Council has been working with the legislature on this and generally supports the proposed legislation.

Incidentally, the company that was the accounting firm for Roslyn is dissolving. Apparently they lost almost all their client base and face some pretty harsh fines.

Greg reported last night on parts of the State budget however I do want to bring to your attention that the proposed additional \$325 million in Sound Basic Education aid would come from the proposed video lottery terminals. The governor has suggested the money would be guaranteed even if the terminals don't produce the expected funds. What I find interesting is that research suggesting lower middle class people make up the majority of gamblers. Creating this additional gambling opportunity appears to be a "steal from the poor, give to the schools" maneuver. While I wouldn't complain about the aid I'm not sure if in the end society is better off.

3. **Building Project** - It has been awhile since people have had a tour of the high school addition. I suggest you consider arriving early to the next Board meeting so we can take you through the new high school section. There is sheetrock up in many places and you can really begin to see how things are going to look.
4. **Trips** - I approved an overnight wrestling trip to Sweet Home for this weekend. The wrestling team has done another outstanding job this year. I believe Mr. Freischlag does a nice job with these boys. He expects much from them but he gives much in return.
5. **Pertussis** - Wayne Central has had several students (10) with confirmed cases of pertussis dating back to last summer. Recently a case was diagnosed in mid-January. The school physician has recommended that we send a reminder home to all parents noting that it has been confirmed in our school and community, what the symptoms are, and appropriate courses of actions.
6. **Audience question** - Enclosed is my response to one of the audience questions last night. Next time I don't follow our procedures and my own advice will someone please kick me!
7. **Able** - In an email to you earlier this week I told you that Mr. LaRuche's therapy dog jumped on one of our kindergarten students. The dog was being playful and it is not unusual for a puppy his age. However the parent was very upset. Mr. LaRuche has spoken with the parent as have Mr. Spring and myself. My most recent conversation with him occurred on Wednesday. The parent was very concerned about the safety of his child and the ability of an 80 pound dog to knock down and hurt a 40 pound child. I believe the parent is satisfied with my response to him but it is possible he would give you a call. We are concerned that Able is going through a jumping phase. We must make sure our children are safe and we would not want any accident to prevent Able from continuing to do great things for our children. Mr. LaRuche is taking some precautions in the office to control some of the surprise interactions between Able and the children. We feel comfortable that on a temporary basis this won't compromise Able's role but will prevent a reoccurrence of him jumping.
8. **Student Injury** - On Thursday a middle school student ran into the wall in gym class breaking his wrist. Most of the wall area is protected by padding, however, this is one area that wasn't. The student is a great young man with supportive parents. I have asked Greg to include sufficient funds in the budget to pad the entire gym area.
9. **Ambulance Call** – Ontario Elementary called an ambulance for a student on Friday (1/28) because of severe coughing and difficulty breathing.
10. **HS Phys Ed** – One of our high school phys ed teachers will be leaving at the end of this month. Mark Bunce failed to complete his coursework in a timely manner and will lose his

certification. Mr. Blankenberg has made arrangements to cover both his teaching and coaching responsibilities.

11. **Parent Request for Tuition Payment** - A parent has requested that we pay tuition for her son to attend a neighboring school. We have been battling with this parent for more than two years to get the son enrolled in school. He should currently be in 9th grade. Finally a PINS was filed. Now the parent wants him to go to Pal-Mac. I have denied her request for payment.
12. **Retirement Letters** – We have received several letters of intent to retire at the end of this school year from staff members turning 55. They are John DonVito (HS Social Studies), Silva DonVito (FE), Jim Adamo (OE/special assignment ELA coach) and Deb Adamo (FE), Nancy Driscoll (MS Science), Joanne Beach (OP), Dave Scott (HS English). There may be more coming, however, the window for taking the local incentive closes soon. These long time staff members will be missed.
13. **Frank Urbanik Recognition** – Many of you may be acquainted with Frank Urbanik in the community. For those who are not, I am attaching a newspaper article from the Wayne County Mail. The basketball team is recognizing him at next Saturday's game. Frank is a man that has worked hard to overcome his disabilities and has been a person that the community and school has embraced. I am proud of our basketball team for recognizing his contributions.
14. **Ed Keirsbilck** - A retired Wayne teacher that you may remember, passed away this morning. He was a history teacher at the middle school for 31 years. Details should be in the paper. I will pass along an email if I find out more.
15. **Events** –
 - 1/28 & 29 – CSEA/District Negotiations Training Team
 - 1/28 & 29 - Jr./Sr. Vocal All County Festival @ Newark
 - 1/31 – 2/4 – Grade 4 ELA Exams – OE & FE
 - Feb. 1-8 – Elementary level Book Fairs
 - Feb. 4 – Ontario Chamber of Commerce Comedy Dinner Theatre – OGC – 6:30 p.m.
(See Michael or Lori for tickets! \$24.00 per person)
 - Feb. 10 – Board of Education Meeting

Athletics: (Home games only)

- 1/28 – Boys JV & V Basketball vs. Newark – 6:00 & 7:30 p.m.
- 1/29 – Boys' JV & V Basketball vs. Webster Schroeder – 6:00 & 7:30 p.m.
- 1/29 – Girls JV & V Basketball vs. Pal-Mac – 3:00 & 2:30 p.m.
- 1/30 – Girls' Freshman Basketball vs. Gananda – 4:00 p.m.
- 2/1 – Boys' Freshman Basketball vs. Victor – 4:15 p.m.

- 2/2 – Girls' JV & V Basketball vs. Victor – 6:00 & 7:30 p.m.
- 2/4 – Boys' JV & V Basketball vs. Canandaigua - 6:00 & 7:30 p.m.
- 2/5 – Boys' Freshman Basketball vs. Midlakes – 4:00 p.m.
- 2/5 – Boys' JV & V Basketball vs. Bloomfield – 6:00 & 7:30 p.m.
- 2/8 – Boys' JV & V Basketball vs. Geneva – 6:00 & 7:30 p.m.

16. Attachments:

- a. Board Meeting Audience Response
- b. Walworth Town Board Meeting Minutes – 1/20
- c. Wayne's World
- d. Wayne County Mail Article

Att. a

January 28, 2004

Mrs. Susan Brown
7518 Knickerbocker Road
Ontario, NY 14519

Dear Mrs. Brown,

Thank you for your question regarding the district's need to buy a plow truck if the Town does the plowing for the school district. The Town of Ontario provides a number of services for the school district, including free use of their facilities and salting/sanding of driveways. They do not however plow our parking lots or roadways. The new truck replaces a 1987 model that has given us good service but is worn out.

I hope this answers your question regarding the proposed purchase. Thank you for your interest in the school budget.

Sincerely,

Michael Havens
Superintendent of Schools

MH/les
Xc: Board of Education

Motion carried.

3. HIGHWAY:

Motion by Councilman Keyes to approve payment of Highway Claims totaling \$17,395.31. Seconded by Councilwoman Marini.

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

Motion carried.

4. HIGHWAY GARAGE PROJECT:

Motion by Councilman Keyes to approve payment of Highway Garage Project Claims totaling \$54,476.25. Seconded by Councilwoman Marini.

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

Motion carried

5. LIGHTING:

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

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|------------------------------|----------|
| Walworth Light District | \$664.00 |
| Harvest Hills Light District | 638.02 |
| Brookside Light District | 9.72 |

Seconded by Councilwoman Marini.

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

Motion carried.

6. PARK SPECIAL REVENUE:

Motion by Councilman Maciuska to approve payment of the Park Expendable Trust Claim totaling \$179.10. Seconded by Councilwoman Marini.

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| Roll call vote: Supervisor Guelli | Aye |
| Councilman Keyes | Aye |

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| Councilman Maciuska | Aye |
| Councilwoman Marini | Aye |
| Councilman Yale | Aye |

Motion carried.

7. SEWER DISTRICT:

Motion by Councilman Maciuska to approve payment of Sewer District Claims totaling \$79,764.16. Seconded by Councilwoman Marini.

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

Motion carried.

8. TRUST & AGENCY:

Motion by Councilwoman Marini to approve payment of Trust & Agency Claims totaling \$232.00. Seconded by Councilman Keyes.

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

Motion carried.

“CATCH A BUSINESS” AWARD:

Supervisor Guelli presented Marlene Hall, owner of Walworth Hardware, a “Catch A Business Award “ in recognition for being No. 1 in the sale of home standby generators for all the Do It Best Stores in the USA, of which there are approximately 4,000. Dan Hall and Kelli Craig were also recognized as they were the primary sales agents.

TAX RECEIVER REPORT:

Susie Jacobs, Receiver of Taxes, stated that 3,635 tax bills were mailed and to date 8.7% of the revenue has been collected. She also thanked the Board for the recently installed vault drop box.

PUBLIC PARTICIPATION:

1. WAYNE COUNTY MAIL:

Mike Jacobs, 3366 Heatherbrook Drive, thanked the *Wayne County Mail* as he was able to purchase the paper in Town last week and he is hopeful that it will be available weekly.

CANANDAIGUA ROAD BRIDGE CONTRACT:

Paul Russell submitted a report with an estimated project budget of \$280,000, the Town's portion of which would be \$50,000. He noted that June or July is the approximate start date. The road will be closed 2-3 weeks.

MOTION: motion by Councilman Maciuska authorizing the Supervisor to sign a contract with the County, subject to the approval of the Attorney for the Town. Seconded by Councilman Keyes.

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

Motion carried.

ACADEMY BUILDING:

James McIndoe, from Clark Patterson Assoc., presented the Planning Phase Estimate. Copy is attached.

1. **SEQR: UNLISTED ACTION:**

In regard to the SEQR review in connection with the Town Board's proposed action to purchase and renovate the former Academy school building located at 3655 High Street in the Town of Walworth, being tax account nos. 63114-15-643351 and 63114-15-654378 (which was later converted to a 28-unit apartment building and is now unoccupied and in a dilapidated condition) (hereinafter referred to as the "Academy Building"), the review included the review of the Full Environmental Assessment Form dated December 16, 2004, which was circulated to members of the Town Board on December 16, 2004, the Academy Street Building Re-use Study, dated December 2, 2004, and the amended report dated January 20, 2005, prepared by Clark Patterson Associates, and various records and reports filed in the past with the Town, Councilman Yale moved that the Town Board declare the action to be an unlisted action.

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

Motion carried.

2. **NEGATIVE DECLARATION:**

Motion by Councilman Yale that the proposed action is one that will not have a significant impact on the environment and that a negative declaration be declared because after reviewing the Full Environmental Assessment Form, dated December 16, 2004, and the evaluation of all possible impacts set forth therein, reviewing the Academy Street Building

I. Re-use Study, dated December 2, 2004, and the amended report of January 20, 2005 prepared by Clark Patterson Associates, various records and reports filed in the past with the Town, And all the criteria as set forth in 6 NYCRR Part 617.7(c) to determine whether the acquisition, renovation and use as proposed of the Academy Building will result in a significant impact on the environment. Having reviewed all the facts concerning the proposed acquisition, renovation and use of the Academy Building and a hard look being made by the Town Board at all possible environmental impacts that the proposed acquisition, renovation and use of the Academy Building may have on the environment, the Board finds:

- (1) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise. In regard to possible increased traffic, recent past traffic studies which have been conducted of the area indicate an adequate system and it is expected that traffic will be less than when the premises was previously used as a school or an apartment complex, except on rare occasions when an activity may result in exceeding past experience for a short period of time (for a few hours at the most), which will only have a very small impact on the environment. Also in regard to noise levels, the acquisition, renovation and use of the Academy Building will result in less noise than experienced when the building was used as a school.
- (2) there will not be a substantial increase in solid waste production in comparison to the prior uses of the Academy Building.
- (3) there is no evidence of substantial increase in potential erosion, flooding, leaking or drainage problems based upon all information available to the Town and reviewed by Town employees including records on file with the Town.
- (4) there is a small to moderate impact on municipal facilities and services, such as Police and fire protection; however, existing capacities are sufficient to handle projected demand.
- (5) there is no significant conflict with the Walworth community's current plans or goals as officially approved, adopted or as proposed. As a matter of fact, the proposed action will help satisfy current demand for recreational and educational services. In regard to recreational services, the Parks and Recreation Master Plans Report, dated 2000 and 2001, due to an increase in young families, indicates an increased need for programs in the 6-20 year age bracket.
- (6) there is no evidence of any impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to Subdivision 617.14(g) of the SEQR Regulations since there is no Critical Environmental Area within the project which is the subject of the proposed action.
- (7) the proposed action will have no impairment of the character or quality of important historical, archaeological, architectural, aesthetics resources or existing community or neighborhood character. That all reports and information in the Town's possession indicate no such impacts and there will be no impairment of the community or neighborhood character and utilizing the existing building represents an excellent opportunity to maintain the historically significant Academy Building.
- (8) the proposed action will not cause a significant change in the use or intensity of use of land including agricultural, open spaces or recreational sources or in its capacity to support existing uses and as a matter of fact, because of the

location of the property, the action will not have impact at all on agriculture, will preserve the present open spaces as shown by the plan and some of the open space will be used for recreational uses such as basketball and tennis and one of the main uses within the Academy Building will be for recreational purposes.

- (9) there will not be a substantial encouragement to attract a large number of people to the place for more than a few days compared to the number of people who would come to the place absent of the action in that the prior uses of the Academy Building were of a school and apartment complex.
- (10) that upon the action being adopted, there will be no impairment of historical, archeological, wildlife or natural resources based upon all information within the knowledge of the Town that has been gathered in the past.
- (11) the proposed action has no impact whatsoever on the community's energy supply and as a matter of fact, it is projected that the requirement will be of less energy to be consumed than the previous apartment complex within the Academy Building;
- (12) the proposed action will not have any impact on public health and as a matter of fact, will have a positive influence on public health by reason of proposed recreational activities plus as a result of the use of various meeting rooms, there is a potential for more educational knowledge concerning health issues to be disseminated to the public.
- (13) there are no changes in two or more elements of the environment, which together would have a significant impact on the environment, even if alone they would not.
- (14) all such possible known impacts on the environment have been explored in depth and if as a result of future uses of the Academy Building, other than the planned uses or uses known at this time by the Town Board, the Town Board will again study any impacts and take steps to mitigate them.

Seconded by Councilman Maciuska.

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

Motion carried.

3. BOND RESOLUTION:

Councilman Yale offered a resolution to approve the Bond Resolution as prepared by the Attorney for the Town and submitted to the Town Board. Seconded by Councilman Keyes.

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

Resolution adopted. Copy is attached.

4. SPECIAL TOWN REFERENDUM:

Councilman Maciuska offered a resolution pursuant to Sections 82 and 92 of the Town law pertaining to the special Town referendum for the approval of the Bond Resolution and other matter in connection thereto, as prepared by the Attorney for the Town and submitted to the Town Board. Seconded by Councilwoman Marini.

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

Resolution adopted. Copy is attached.

LEGAL PAPER DESIGNATION:

Motion by Councilman Yale designating the *Wayne County Mail* as the legal paper for 2005, with the requirement that the *Wayne County Mail* is obligated to notify the Town Board, within two (2) weeks, if there are to be any changes in the delivery locations within the Town. Seconded by Councilman Keyes.

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

Motion carried. Councilman Maciuska stated that he was disappointed that the paper had been unavailable for purchase in town since August, 2004.

FIREFIGHTERS SERVICE AWARD PROGRAM:

Motion by Councilwoman Marini authorizing Penflex to redraft the Plan Document and to prepare a trust document for a cost not to exceed \$350.00. Seconded by Councilman Yale.

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

Motion carried.

CAREY HALL LIQUOR LICENSE APPLICATION:

Motion by Councilman Yale authorizing the Supervisor to sign a statement that the Carey Hall liquor license application has been received, is approved and that the 30 day notification requirement is waived. Seconded by Councilman Maciuska.

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

Motion carried.

TROY & BANKS CONSULTANTS AGREEMENT:

Motion by Councilman Maciuska authorizing Troy & Banks to audit the Town's utility bills, at no cost to the Town. Seconded by Councilman Yale.

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

Motion carried.

LOCAL LAW # 2 HEARING AUTHORIZED:

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

BE IT RESOLVED that Local Law No. 2 of the year 2005, entitled "A LOCAL LAW AMENDING THE TOWN OF WALWORTH MUNICIPAL CODE RELATING TO THE ADDITION OF DEFINITIONS OF GROUND COVER, BUILDING INSPECTOR, CODE ENFORCEMENT OFFICE AND NEW YORK STATE BUILDING CODE, ALL IN CHAPTER 180; AMENDING REQUIRED FRONT YARD DEPTHS IN RR-1, RR-2, HAMLET, R, AND GENERAL BUSINESS ZONING DISTRICTS; REQUIRED SIDEYARD WIDTH IN HAMLET DISTRICTS; REQUIRING SETBACK ON PROPOSED PLANS IN PD DISTRICTS; SETBACKS OF ACCESSORY BUILDING; PARKING OF MAJOR RECREATIONAL EQUIPMENT; FILL PERMIT; NON-CONFORMING LOTS; BUILDING STRUCTURES AND USES; BUILDING PERMITS; SITE PLANS IN ONE-LOT RESIDENTIAL DEVELOPMENTS; WAIVER OF SITE PLAN APPROVAL REQUIREMENTS; AUTHORIZATION TO ALLOW BUILDING INSPECTOR AND CODE ENFORCEMENT OFFICER TO CARRY OUT SAME DUTIES; STOP WORK ORDERS; SUPERVISOR'S RIGHT TO AUTHORIZE UNSAFE BUILDING REPAIRS OR DEMOLITION IN EMERGENCY AND RESEARCH FEES FOR LOCATING PUBLIC RECORDS AS SET FORTH IN CHAPTERS 180, 151, 85, 67 AND 133 OF THE TOWN OF WALWORTH MUNICIPAL CODE" be and is hereby introduced before the Town Board of the Town of Walworth in the County of Wayne and State of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Town Board, and

BE IT FURTHER RESOLVED that the Town Board hold a public hearing on said

Proposed local law at the Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at 8:00 o'clock P.M. on February 3, 2005, and

BE IT FURTHER RESOLVED that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of said public hearing at least five (5) days prior thereto.

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

Resolution adopted.

RAY WELKER HONORED:

A Proclamation was read honoring Ray Welker for the 50 years he has served as a volunteer fireman in the West Walworth Fire Department. His titles were numerous, including that of Chief and President of the Board of Directors. Ray is currently serving on the Wayne County Fire Advisory Board.

COMPUTER MONITORS DECLARED SURPLUS:

Motion by Councilman Yale to declare the following computer monitors surplus:

- 1 Vision C70 from Town Clerk's Office
- 2 Digiviews from Town Clerk's Office
- 1 Energy Star with speakers from Receiver of Taxes' Office.

Seconded by Councilwoman Marini.

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

Motion carried.

FINANCIAL TRANSACTIONS:

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

BE IT RESOLVED that the Account Clerk be authorized to transfer the following:
\$4,200.16 from SS8110.12 to SS8110.43.

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

Resolution adopted.

TOWN CLERK SEMINAR ATTENDANCE AUTHORIZATION:

Motion by Councilwoman Marini authorizing the Town Clerk and Deputy to attend the NYSTCA State Conference April 17-20, 2005 and authorizing prepayment as budgeted. Seconded by Councilman Keyes.

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

Motion carried.

MEETING WITH THE ATTORNEY FOR THE TOWN:

Motion by Councilman Yale to adjourn to a meeting with the Attorney for the Town to discuss legal matters. Seconded by Councilman Maciuska and unanimously carried. Time: 8:35 P.M.

RECONVENED:

Supervisor Guelli reconvened the meeting at 9:20 P.M.

MATZAN SETTLEMENT: 4855 ARBOR ROAD:

Motion by Councilman Yale that in settlement of any claim which Gregory Matzan (hereinafter referred to as "Matzan"), the owner of a lot located at 4855 Arbor Road, may have against the Town which he has threatened to make as the result of the Town's issuing a stop work order after a building permit had been issued and requiring removal of a partially built structure from where it was originally located to a setback in conformance with the site plan approval and also in an effort to avoid possible litigation with the contiguous neighbor, who has strenuously objected to the original setback of the house being built by Matzan, located in the subdivision wherein Matzan's lot is located, the Town pay from its contingency fund the sum of \$11,000.00 to Matzan in full settlement of any claim he may have, provided he provide the Town of Walworth with a General Release, wherein he releases all claims known or unknown, developed or undeveloped that he may have against the Town by reason of issues surrounding the granting of a building permit, which was not issued in conformance with the property's site plan and further provided he locate the house he is building with a setback as set forth on the site plan. Seconded by Councilman Maciuska.

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

Motion carried.

