



## Letter to the Board

Michael Havens

Superintendent of Schools

Phone: 315-524-1001

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February 3, 2009

It is never too late to be what you might have been.

-- George Eliot, English Novelist

### Board Agenda:

1. **Executive Session:** Each year at this time, we review our tenure staff members with the Board and also any staff members that aren't being asked back. We do this in executive session because it is a confidential item. Some of the people not being asked back are also not being replaced due to declining enrollment/change in special education needs. A question that might be asked is, "are we cutting these people loose in order to save money?" The answer is absolutely not. If they were good teachers who were good for our students they would be staying with us.

We also have had a parent complaint made to the Board about our Freewill principal. I want to give us some time to discuss it.

2. **Program Budget:** The program part of the 2009-10 budget is always the major part of the budget. It generally comprises about 70% of the budget. Balancing a budget usually comes in this area. Greg and I do believe we will have the budget balanced with no tax rate increase once you get the final part in March. If you look on page 13 you'll see that the instructional salary portion of the budget has increased very little. Keeping this number down has allowed us to bridge the budget gap. As explained in item one, it is that double edged sword of declining enrollments that has helped us here.
3. **Senecal Internship:** Assistant high school principal Holly Armitage will be presenting a proposal for an administrative internship for Jackie Senecal. That proposal is attachment 3. Jackie must complete an internship in order to be certified. Our administrative procedures require a formal proposal which be approved by both administrative council and the Board of Education. The internship is fairly in depth and, I am proud to say, much more comprehensive than required by her college. Following Board policy/protocol/culture, we will be presenting the internship at this meeting and you will be voting on it at the following meeting.
4. **Business Items:** We have personnel action and CSE/CPSE action for approval. The December treasurer's report is attached for approval. We are seeking approval of the purchase of the replacement of buses, per our replacement plan. These buses will be purchased from the Bus Reserve Fund. Also on the consent agenda is a budget transfer request. The board needs to formally accept the gift from Fastrac Markets of \$3,000 given to the HS for an educational purpose (kln). I sent you information on this in an earlier board letter. I recommend approval of all items as presented.

5. **Policy:** Attached re policies for first and second reading for approval.

### **Board Letter**

1. **Bus Accident:** Thursday morning we had a bus accident in our parking lot. A bus stopped and the car behind it did not. There was considerable damage to the front end of the vehicle, and no damage to the bus. The bus was empty as it was arriving at the high school for a pick up. The driver of the vehicle was not injured either. Her vehicle was towed.
2. **Parental Contact:** As mentioned in the e-mail to you, we have a parent displeased with the suspension of their son from the High School. I met with the parents this morning (Friday) to review the circumstances that led up to the suspension, the school policy, and some parental requests. The matter is on-going, and the child is currently still suspended.
3. **Ambulance at HS:** Also on Thursday, an ambulance was called to the high school for a student not feeling well. The student takes prozak as a prescribed medication on a daily basis. This student also took some cold/cough medicine (not sure if something else was taken as well), and I am not sure if these were taken for the treatment of a cold, or for other reasons. At any rate, the combination was not a good one. The mother was called to school, and she made the decision to call the ambulance and to transport him to the hospital for fear of complications of the drug interactions.
4. **Fastrak Gift:** We held a brief check presentation gathering at the DO Conference Room on Wednesday morning to receive the \$3,000 check from Fastrak. The call came in on Tuesday afternoon that Mr. Szkolnik would like to stop out the next morning and take care of it. Mr. Siracuse, Mrs. Wilson, and Mrs. Gebhardt put together a very nice reception in a very short few hours of planning time. We were fortunate that this happened just as the agenda planning meeting came to an end so Frank and Joyce joined the session, along with 2 high school art teachers, a few Art students, the HS Administration and all the DO admin and staff.
5. **Libraries Proposition Request:** Sandra Hylen, Director of the Ontario Public Library has set up an appointment with me on Monday to talk about the financial climate and the library. I will let you know how that meeting goes before the Board meeting on the 12<sup>th</sup>.

### 12. **Upcoming Events:**

2/6 – Ontario Parks & Recreation “Comics On The Rocks” – Carey Lake – 7:00 p.m.

2/7 – Ontario Parks & Recreation “WinterFest” @ Casey Park – Noon – 4:00 p.m.

2/7 – Ontario Parks & Recreation Chicken BBQ – 3:30 p.m. till gone.

### **Athletic Events:**

1/30 – Girls JV & V BB vs. Canandaigua – 6:00 & 7:30 p.m.

2/2 – Girls JV Basketball vs. Marcus Whitman – 5:00 p.m.

2/2 – Boys JV Basketball vs. Marcus Whitman – 6:30 p.m.

2/3 – V Co-Ed Bowling vs. Waterloo – 4:15 p.m.

2/3 – Boys JV & V BB vs. Newark – 6:00 & 7:30 p.m.

2/4 – V Co-Ed Bowling vs. Newark – 4:15 p.m.

2/5 - JV & V Wrestling vs Pal-Mac – 6:00 & 7:00 p.m.

2/6 – Boys Freshman BB vs. Waterloo – 4:15 p.m.

2/6 – Girls JV BB vs. Waterloo – 6:00 & 7:30 p.m.

13. **Attachments:**

## POLICY COMMITTEE MINUTES

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**DATE:** Tuesday, February 3, 2009 **TIME:** 4:00 p.m. **PLACE:** District Office

**COMMITTEE MEMBERS:** Mrs. Newman, Mr. Paz, Mr. Havens, Mr. Atseff, Mr. Switzer

**PRIOR MEETING MINUTES:** Minutes of the meeting of January 27, 2009 were filed as presented.

### **OLD BUSINESS:**

- (1) Working Draft – Policy 1500 - Notice & Agenda of Board of Education Meeting: Committee members reviewed options for amending this existing policy to incorporate the protocol matter. The final text was approved for first reading by the Board of Education on February 12<sup>th</sup>
- (2) Working Draft – Policy 1313 – Reorganizational Meeting of Board of Education Committee members reviewed options for amending this existing policy to incorporate IRS revisions for mileage reimbursement. The final text was approved for first reading by the Board of Education on February 12<sup>th</sup>
- (3) Draft #2 - Policy 5760 – Qualifications of Bus Drivers/Use & Operate Busses: Committee members continued review from the prior committee meeting of options to amend this existing policy as part of annual review of 50% of the policy handbook, The final text was approved for first reading by the Board of Education on February 12<sup>th</sup>
- (4) Policy 5620 - Facilities: Inspection, Operation & Maintenance: Mr. Atseff reported on his research that no change is necessary on the existing policy which was discussed as part of annual review of 50% of the policy handbook.
- (5) Policy 5550 – Maintenance of Fiscal Effort for Federal Programs: Mr. Atseff reported on his research that no change is necessary on the existing policy which was discussed as part of annual review of 50% of the policy handbook.
- (6) **Review of Required Annual Review of Existing Policies:** Tabled  
1410 Annual Review of Policy Handbook (Mr. Triou)  
3410 Code of Public Conduct on School Property (Policy and Regulations) (Mr. Triou)

- (7) **Review of Required Annual Review of Existing Regulations:** Tabled

3410 Public Conduct on School Property (Mr. Triou)  
3420 Sexual Harassment & Discrimination (Mr. Triou)

### **NEW BUSINESS:**

- (1) Annual Review – 50% of Handbook - Section 7000 (Personnel): Mr. Paz presented portions of this section for review by the committee. The discussion will continue at the next committee meeting.

**NEXT MEETINGS:** District Office @ 4:00 p.m. on Tuesdays, February 24, March 3 & 17

**ADJOURNMENT:** 5:00 p.m.  
Switzer

Recorded By Jim

**NEXT & FUTURE MEETING AGENDA ITEMS:**

- *Follow-Up:* First & Second Readings – Revisions - Section 5000 - Non-Instructional/Business Operations
- *Review of:* First Reading (Re-Submitted) – Revisions - Bylaws – 1350 - Appointment & Duties – Internal Claims Auditor
- *Review of:* First Reading (Tabled 06/08) – Revisions - Policy 5511 – Audit Committee - Charter
- *Review of:* First Reading - Policy 1500 – Meeting Agenda & Format (Protocol)
- *Review of:* First Reading - Policy 1313 - Annual Reorganizational Meeting (IRS Mileage Rates)
- *Review of:* Updated Revisions - Policy 5760 – Qualifications of Bus Drivers/Operation & Use of School Busses
- *Continue:* Annual Review – 50% Handbook – Section 7000 – Personnel
- *Review of:* Tabled Items, Noted Above

JES/jes:wp

WALWORTH TOWN BOARD - ORGANIZATIONAL MEETING  
8 JANUARY 2009

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

Present:	Frank Maciuska	Councilman
	Patricia Marini	Councilwoman
	Suzi Hawkins-Mance	Councilwoman
	Michael Jacobs	Deputy Town Clerk
	Rob Burns	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor
	Denise Munson	Attorney for the Town

Absent: Thomas Yale Councilman

**EXECUTIVE SESSION:**

Motion by Councilwoman Hawkins-Mance to enter into executive session to discuss the employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 4 Nays 0

Time: 7:44 PM.

**7:52 PM COUNCILMAN YALE ENTERED THE MEETING.**

**RECONVENED:**

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 8:48 PM.

**CORRESPONDENCE:**

Michael Jacobs, Deputy Town Clerk, read the following two items:

1. Walworth Food Pantry  
Walworth, NY  
January 2, 2009

Walworth Town Hall  
Attn: Susie Jacobs

“Dear Town Hall Staff:

On behalf of the Walworth Food Pantry, I would like to thank you for your generous donations to our Christmas Sharing Program. Christmas in the home of several Walworth families was definitely made brighter by your gifts.

The Walworth Food Pantry was able to service 23 families this year with gifts, food, warm clothes and toiletry bags, thanks to the generosity of many groups like yours in our community.

May God's peace be upon all of you throughout the New Year."

Sincerely,  
Elaine Leasure  
Chairperson  
Christmas Sharing Project

2. Association of Towns of the State of New York  
December, 2008

"Dear Town Clerk:

PLEASE READ AT FIRST 2009 TOWN BOARD MEETING

The 2009 Training School and Annual Meeting of this Meeting of this Association will be held at the Hilton New York & Towers, New York City, February 15-18, 2009. This is a training session for town officials. The following is a brief outline of events:

**INFORMATIONAL HEARING** from 3:00-5:00 p.m., Sunday Afternoon, February 15 - Beekman Parlor. See over page.

**GENERAL OPENING SESSION** for all town officers, 8:45 a.m., Monday Morning, February 16 - Grand Ballroom.

**GROUP SESSIONS** for various categories of town officers and special programs follow the Opening Session as will be set forth in the printed program:

TOWN BOARD MEMBERS	FISCAL OFFICERS
BUILDING OFFICIALS	ASSESSORS
PLANNING & ZONING OFFICIALS	PUBLIC WORKS & HIGHWAY
TOWN JUSTICES GENERALLY	TOWN CLERKS
TOWN JUSTICES (Advanced, Accredited)	TOWN COURT CLERKS
TAX COLLECTING OFFICERS	TOWN ATTORNEYS

**BREAKFAST WITH THE ASSOCIATION** 8:00 a.m., Tuesday Morning, February 17 - Grand Ballroom.

**ANNUAL BUSINESS SESSION** (Official Delegates) at 9:00 a.m., Wednesday Morning, February 18 - Beekman & Sutton (N) Parlors.

**NOTE:** All Justice and Court Clerk Classes will be held at the Sheraton New York!"

Mr. Jacobs indicated that that concluded the correspondence.

**MINUTES:**

Motion by Councilwoman Hawkins-Mance to approve the minutes of December 4, 2008, as presented.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**MINUTES:**

Motion by Councilwoman Marini to approve the minutes of December 18, 2008, correcting the "Draft" copy as follows:

Page 241, **2009 HOLIDAY SCHEDULE HIGHWAY,**

- noting the elimination of the following:  
NEW YEAR'S DAY                      JANUARY 1                              THURSDAY – 9 HOURS
- correction that the Motion was Seconded by Councilwoman Hawkins-Mance.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**PUBLIC PARTICIPATION:**

No one present offered any comments.

**RESOLUTION 01-09 – AUDIT OF CLAIMS:**

Councilwoman Marini offered the following Resolution **01-09** and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

**WHEREAS**, the following claims submitted at the scheduled Town Board Meeting of January 8, 2009, have been audited and approved by the appropriate Council Members.

**BE IT RESOLVED** that the claims be paid on **Abstract #13**, numbered 1930 through 2020, in the following amounts with the **exception** of voucher number 1995 in the amount of \$24.80, Claimant Times of Wayne County: voucher number 1996 in the amount of \$97.50, Claimant Quality Printers: voucher number 2017 in the amount of \$122.40, Claimant Susie C. Jacobs: voucher number 1998 in the amount of \$25.00, Claimant Karen Roach (NYSATRC Membership).

GENERAL FUND	\$ 25,828.07
HIGHWAY FUND	\$ 50,564.23
WALWORTH SEWER DISTRICT #1	\$ 18,244.92
PARK PAVILION CAPITAL FUND	\$ 23.98
GANANDA LIGHT DISTRICT	\$ 1,262.28
WALWORTH CONSOLIDATED DRAINAGE	\$ 85.00
PARK SPECIAL REVENUE FUND	\$ 173.07

**BE IT FURTHER RESOLVED** that the claims be paid on **Abstract #13**, numbered 238 through 242, in the following amounts:

TRUST & AGENCY	\$ 2,802.82
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**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of Walworth adopts Resolution 01-09.

Adopted this 8th day of January, 2009, at the meeting of the Town Council.

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



Resolution carried.

**DEPARTMENT HEAD REPORTS:**

**SEWER DEPARTMENT- AUTHORIZATION TO PURCHASE CAMERA**

Motion by Councilman Maciuska authorizing Rob Burns, Sewer Superintendent, to purchase a camera not to exceed the amount of \$9,847.00, from budgeted line item SS8120.21R.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Discussion: Supervisor Plant and Councilman Yale recognized and thanked the Wayne County Water & Sewer Authority and the Walworth Highway Department for their cooperative efforts coming to the aid of the Walworth Sewer Department in providing a decrease to interruption of service to a resident at a significant decrease of cost to the Town. Thank you.

**RECREATION**

Nothing reported at this time.

**ASSESSOR – EXEMPTION ADMINISTRATION COURSE AUTHORIZATION**

Motion by Councilwoman Hawkins-Mance authorizing Patty Anselm, Assessment Clerk, to attend Exemption Administration Course, Rochester, NY, on February 6, 2009, for an amount not to exceed \$110.00, from budgeted line A1355.41.

Seconded by Councilman Yale.

Adopted: Vote Ayes 5 Nays 0

**COMMITTEE REPORTS:**

**ALTERNATIVE ENERGY DISCUSSION**

Councilman Maciuska reported that the typographical errors have been corrected on the Windmill Law. He and Denise Munson were not able to meet during the holidays to review some of her comments regarding policy; this meeting has been scheduled for next week.

**CABLE TV**

Councilman Maciuska reported that the cable bill will have an increase.

**LEGAL PAPER DESIGNATION DISCUSSION:**

Supervisor Plant commented that two papers had requested to be the Town's Official Paper and had provided the following circulation information:

<i>Times of Wayne County</i>	Circulation in Walworth	728 (508 paid subscribers) (220 Newsstand)
<i>Wayne County Mail</i>	Circulation in Walworth	171 + (135 Newsstand)

Supervisor Plant continued to say that the only problem is he believes neither paper can accurately break-out Walworth; because so many people who live in the Lincoln area have Macedon or Ontario mailing addresses and therefore are not counted in Ontario's 1,117 for the Wayne County Mail - same thing for the *Times of Wayne County*. We do not know how many actually are read by Town residents. The Town has used the *Times* and in his opinion this the most widely read paper in the County; their total paid circulation is over 12,000. But he also believes we do have residents who do not receive the *Times of Wayne County*, but receive *Wayne County Mail*. We have had a number of them speak-up here at public hearings in the last couple of years with requests to post "Legal Notices" in the *Wayne County Mail*. Councilwoman Marini commented that the other issue is the cost difference for legal notices, the charge per line.

Supervisor Plant stated that up to November, 2008, the Town had paid \$1,200 on Legal Notices. Discussion ensued.

**TOWN BOARD APPOINTMENTS:**

Motion by Councilwoman Hawkins-Mance to appoint the following:

Assessment Review Board	?	term expires	09/30/2013
Zoning Board	Mike Bagne	term expires	12/31/2013
Zoning Board Counsel:	Denise Munson	term expires	12/31/2009
Planning Board	Elaine Leasure	term expires	12/31/2013
Planning Board Counsel	Denise Munson	term expires	12/31/2009
Recreation Committee	Amy Chirdon	term expires	12/31/2010
Recreation Committee	Aimee Phillips	term expires	12/31/2013
Parks Committee	Joe Leone	term expires	12/31/2011
Town Historian	Eugene Bavis	term expires	12/31/2009
Dog Control Officers:	George Charnitski	term expires	12/31/2009
	Lea Dill	term expires	12/31/2009
Rabies Responders:	George Charnitski	term expires	12/31/2009
	Lea Dill	term expires	12/31/2009
Attorney for the Town	Denise Munson	term expires	12/31/2009
Sewer Superintendent	Robert Burns	term expires	12/31/2009
Budget Officer	Robert Plant	term expires	12/31/2009
Sewer Collection Clerk	Susie Jacobs	term expires	12/31/2009
Fire Marshall	Norman Druschel	term expires	12/31/2009
Code Enforcement Officer	Philip Williamson	term expires	12/31/2009
Justice Court Clerk	Diane Hermanet	term expires	12/31/2009
Deputy Highway Supt.	Kevin Switzer	term expires	12/31/2009
Kennel Custodian	Orchard Kennels	term expires	12/31/2009
Engineer for the Town	Parrone Engineering	term expires	12/31/2009

Discussion: Supervisor Plant stated "no one wants the position of Assessment Review Board." Discussion ensued. Councilman Maciuska asked if the Assessment Review Board could function with one less member; the reply was yes, because the Town increased the members from three (3) to five (5) members. Councilman Maciuska stated that the Town is looking for a good person to step forward; this position has a slight stipend, a training course is provided (required), and the Board meets once a year. Councilman Maciuska commented that he would like to make sure that the public has a Board that they can go to.

Seconded by Councilman Yale.

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

Motion carried.

**SUPERVISOR APPOINTMENTS:**

Supervisor Plant made the following appointments for 2009:

Thomas Yale	Deputy Supervisor
Barbara Kuelling	Secretary to the Supervisor

**JUSTICE COURT RESOLUTION 02-09:**

Councilman Maciuska offered the following Resolution **02-09** and moved its adoption.  
Seconded by Councilwoman Marini to wit:

**BE IT RESOLVED** that the Justice Court will be held at the Walworth Town Offices as follows:

- Every Tuesday - Regular Court at 7:30 PM
- 1<sup>st</sup> Tuesday - A.D.A. Court at 1:00 PM
- 4<sup>th</sup> Tuesday - A.D.A. Court at 1:00 PM
- 5<sup>th</sup> Tuesday - No Court

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

Resolution carried.

**LEGAL PAPER DESIGNATION RESOLUTION 03-09:**

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

**BE IT RESOLVED** that the *Times of Wayne County* shall remain the legal newspaper for the Town of Walworth for 2009.

**BE IT FURTHER RESOLVED** this is based on the current evidence of circulation of the *Times of Wayne County* within the Town of Walworth.

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

Resolution carried.

**2009 TOWN BOARD MEETINGS RESOLUTION 04-09:**

Councilwoman Hawkins-Mance offered the following Resolution **04-09** and moved its adoption.  
Seconded by Councilman Maciuska to wit:

**BE IT RESOLVED** that the Town Board meetings will be held the first and third Thursdays at the Walworth Town Offices, 3600 Lorraine Drive, Walworth, at 7:30 PM.

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

Resolution carried.

**EXPENDITURES RESOLUTION 05-09:**

Councilwoman Marini offered the following Resolution **05-09** and moved its adoption.  
Seconded by Councilwoman Hawkins-Mance to wit:

**BE IT RESOLVED** that the following expenditures by department heads be authorized without Town Board approval.

Supervisor	\$1,000.00	Highway Superintendent	\$2,500.00
Town Clerk	\$1,000.00	Sewer Superintendent	\$2,500.00
Recreation	\$1,000.00		

Roll call vote:

Councilman Maciuska	Aye
Councilwoman Marini	Aye
Councilwoman Hawkins-Mance	Aye
Councilman Yale	Aye
Supervisor Plant	Aye

Resolution carried.

**OFFICIAL DEPOSITORIES RESOLUTION 06-09:**

Councilwoman Hawkins-Mance offered the following Resolution **06-09** and moved its adoption. Seconded by Councilwoman Marini to wit:

**BE IT RESOLVED** that the following banks be declared official depositories for Town Officials:

SUPERVISOR:	Fleet Bank, HSBC, JP Morgan Chase, M&T Bank
JUDGE YOUNG:	Charter One
JUDGE WOLFE:	Charter One
TOWN CLERK:	M&T Bank
RECEIVER OF TAXES:	M&T Bank

Roll call vote:

Councilman Maciuska	Aye
Councilwoman Marini	Aye
Councilwoman Hawkins-Mance	Aye
Councilman Yale	Aye
Supervisor Plant	Aye

Resolution carried.

**MILEAGE ALLOWANCE RESOLUTION 07-09:**

Councilman Maciuska offered the following Resolution **07-09** and moved its adoption. Seconded by Councilwoman Marini to wit:

**BE IT RESOLVED** that Town Employees be reimbursed .55 cents per mile, or current IRS rate, when his or her personal vehicle is used for Town business.

**BE IT FURTHER RESOLVED** that the Town vehicle be used when available.

**BE IT FURTHER RESOLVED** that reimbursements have prior Town Board or Town Supervisor approval.

Roll call vote:

Councilman Maciuska	Aye
Councilwoman Marini	Aye
Councilwoman Hawkins-Mance	Aye
Councilman Yale	Aye
Supervisor Plant	Aye

Resolution carried.

**CHECK-SIGNING RESOLUTION 08-09:**

Councilwoman Marini offered the following Resolution **08-09** and moved its adoption.  
Seconded by Councilwoman Hawkins-Mance to wit:

**BE IT RESOLVED** that Supervisor Plant and Deputy Supervisor Yale be authorized to sign checks for monies deposited in the Official depositories Banks.

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

Resolution carried.

**ASSOCIATION OF TOWNS CONFERENCE:**

Motion by Councilman Maciuska authorizing Town officials to attend the Association of Towns Conference and name Phil Williamson as the Town Delegate.  
Seconded by Councilwoman Marini.

Discussion: Councilwoman Hawkins-Mance asked did we know which Town officials would be attending? Councilwoman Marini noted that they were waiting on Elaine Leasure. Supervisor Plant stated the possibility of one Town Planning Board member attending but they may have chosen to stay closer and attend numerous different training classes. Councilman Yale stated that the Association of Towns is a really good program, but the expenses to attend in New York City have gotten out of hand.

Adopted: Vote Ayes 5 Nays 0

**COMMITTEE APPOINTMENTS:**

Supervisor Plant appointed Council members to the following Committees:

**Councilwoman Marini:**

Drainage & MS4  
Personnel Chair  
Recreation  
Sewer  
Zoning

**Councilman Maciuska:**

Cable TV  
Insurance  
Library  
Public Safety  
Sewer Chair  
Town Clerk

**Councilwoman Hawkins-Mance:**

Animals  
Cemeteries  
Drainage & MS4 Chair  
Highway  
Water

**Councilman Yale:**

Assessment  
Building  
Development Review Chair  
Highway Chair  
Personnel  
Planning

**DESIGN CRITERIA:**

Discussion ensued. Tabled for February Agenda.

**WAYNE COUNTY SIGN GRANT RESOLUTION 09-09:**

**AUTHORIZE APPLICATION TO THE NYS DEPARTMENT OF STATE FOR A LOCAL GOVERNMENT EFFICIENCY GRANT FOR THE WAYNE COUNTY CONSOLIDATED SIGNAGE PROGRAM**

Councilman Maciuska offered the following resolution **09-09** and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

**WHEREAS**, Wayne County in partnership with its (15) fifteen Towns conducted a signage study that established a database that includes all required highway sign design and placement specifications; and

**WHEREAS**, the study also assigned GPS locations for all highway signs on County and Town Roads; and

**WHEREAS**, Wayne County and its 15 Towns would like to continue this partnership by applying to the NYS Department of State for a Local Government Efficiency Implementation Grant to consolidate the administration, maintenance, and replacement of all signs located on Town and County Roads into the Wayne County Highway Department, which will reduce costs to local highway departments and establish continuity regarding compliance with new signage regulations; now, therefore, be it

**RESOLVED**, that the Town of Walworth designates Wayne County as the lead applicant for the NYS Local Government Efficiency Grant; and be it further

**RESOLVED**, that James D. Hoffman, Chairman of the Wayne County Board of Supervisors, is designated as the lead applicant contact person and is authorized to submit an application to the NYS Local Government Efficiency Grant Program (LGE) for the 2008-2009 Program Year for the Wayne Country Consolidated Signage Program and to execute all financial and/or administrative processes related to the grant program; and be it further

**RESOLVED**, that the Town of Walworth intends to enter into an intermunicipal agreement with Wayne County authorizing the centralized and consolidated administration, maintenance and replacement of all signs located on Town and County Roads; and be it further

**RESOLVED**, that the Town of Walworth authorizes the following co-applicants:

The Town of Arcadia  
The Town of Butler  
The Town of Galen  
The Town of Huron  
The Town of Lyons  
The Town of Macedon  
The Town of Marion  
The Town of Ontario  
The Town of Palmyra  
The Town of Rose  
The Town of Savannah  
The Town of Sodus  
Town of Williamson

The Town of Wolcott; and be it further

**RESOLVED**, that the Town of Walworth authorizes a total LGE funding request of not to exceed \$900,000 and be it further

**RESOLVED**, that the Town of Walworth will commit to a not to exceed cost of \$6500 as its share of the required 10 percent funding match.

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Walworth adopt Resolution 09-09. Adopted this 8<sup>th</sup> day of January, 2009.

Discussion: Councilman Yale noted that although it is necessary for the Town to go through this, the Law dictating the changing of these signs was, to him, ridiculous. He further commented that it was "environmental pollution." Council members stated "but the Law is the Law."

Roll Call Vote:	Councilwoman Hawkins-Mance	Aye
	Councilman Yale	Aye
	Supervisor Plant	Aye
	Councilwoman Marini	Aye
	Councilman Maciuska	Aye

Resolution carried.

**WEST WALWORTH ROAD - FILL PERMITS:**

Supervisor Plant noted that the Wayne County Highway Department has requested two (2) fill permits for the West Walworth Road Project. Supervisor Plant stated that the permits have gone to the Engineer and they were approved. Councilman Maciuska asked how many cubic yards were requested. Supervisor Plant replied that is unknown because some of it will be spoils: placed in an area, covered with soil and seed. Some will be in areas that will change the height of the road so much that it could change the farmer's fields, so WCHD would want to fill it in and grade it.

Motion by Councilman Yale authorizing Wayne County Highway Department two (2) fill permits for the West Walworth Road project.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**AMEND RESOLUTION 98-08 INTERMUNICIPAL AGREEMENT AMONG THE ONTARIO-WAYNE COUNTIES' STORM WATER COALITION MEMBERS:**

Motion by Councilman Maciuska amending Resolution 98-08 INTERMUNICIPAL AGREEMENT AMONG THE ONTARIO-WAYNE COUNTIES STORM WATER COALITION MEMBERS, adopted December 18<sup>th</sup>, 2008, to read: BE IT FURTHER RESOLVED that the Town Board of the **Town of Macedon** has agreed to act as Lead Applicant for a 2008-2009 Local Government Efficiency Program High Priority Planning Grant Project proposal.

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.

**DRUG POLICY FOR NEW HIRES DISCUSSION:**

Motion by Councilwoman Marini that the Employee Hand Book be revised to adopt a policy regarding a pre-employment Drug and Alcohol screening for all new employees effective January 9, 2009.

Seconded by Councilwoman Hawkins-Mance.

Discussion: Councilman Yale questioned did this include all Board appointments; discussion ensued with comments from Council members.

Councilman Yale stated that before we enact this, it might be wise if there were a way to do some investigating. Councilwoman Marini withdrew her Motion. Councilwoman Hawkins-Mance withdrew her Second.

**NEW YORK ALLIANCE CONTRACT FOR DRUG & ALCOHOL TESTS:**

Motion by Councilman Yale authorizing Supervisor Plant to enter into contract with Newport Alliance for Drug and Alcohol Tests.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**GINEGAW PARK PAVILION CHANGE ORDER:**

Motion by Councilwoman Hawkins-Mance authorizing the Change Order to Ginegaw Park Pavilion:

1. Eliminate (1) box truss – to a scissors truss
2. Change scissors trusses on porch to standard trusses
3. Adding metal roof \$6,110.00

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.

**NEW YORK MUNICIPAL INSURANCE RECIPROCAL CAPITAL DISTRIBUTION:**

Supervisor Plant stated that he received a letter from NYMIR stating they will begin to return a substantial portion of the initial capital contribution which the NYS Insurance Law requires of all Subscribing Members to our Reciprocal. The amount of distribution will be based on the capital that each Member contributed when they first joined the program. NYMIR will be returning 75% of the initial contribution, an amount that should be approximately 10% of the first year's premium, each of the three years beginning 2009.

**INSURANCE ARCHAEOLOGY GROUP AUTHORIZATION:**

Motion by Councilwoman Hawkins-Mance authorizing Insurance Archaeology Group to perform a History Insurance Research proposal for the Town of Walworth, not to exceed \$9,750.00 plus disbursements.

Seconded by Councilwoman Marini.



Comment: Councilman Maciuska commented that we are going back in time and finding the old insurance policies. Councilman Yale stated that the Town does not have a good archive of insurance policies for the past ten (10) years or so.

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

Motion carried.

**WILLIAMSON LAW BOOK COMPANY AUTHORIZATION - TOWN CLERK:**

Motion by Councilman Maciuska authorizing the annual Software Support Contract with Williamson Law Book Company for the Town Clerk Plus program, for 2009.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**ADJOURNMENT:**

Motion by Councilman Yale to adjourn.

Seconded by Councilwoman Hawkins-Mance and unanimously carried.

Minutes transcribed by Susie C. Jacobs.

Respectfully Submitted,

Michael S. Jacobs  
Deputy Town Clerk



WAYNE-  
FINGER LAKES  
Board of  
Cooperative  
Educational  
Services

Administrative Offices  
Regional Support Center  
Eisenhower Building  
131 Drumlin Court  
Newark, NY 14513-1863  
(315) 332-7284  
FAX (315) 332-7425

Thomas K. DeRue  
Board  
President

Jeanne Durfee  
Vice-President

Board Members

Patrick Crowe  
Stuart Einstein  
Lynn Gay  
Terrie Meyn  
Anna Morgan  
O.J. Sahler, MD  
Nancy Scher

Joseh J. Marinelli, Ph.D.

TO: Component Board Members

FROM: Thomas DeRue, President

DATE: February 5, 2009

RE: Activities Related to BOCES Annual Meeting,  
Administrative Budget, and Election of Board Members

Enclosed is an outline of the major activities that need to be undertaken concerning the BOCES annual meeting and special vote date for the BOCES administrative budget and election of board members. The law requires, by February 1, the establishment of a date for the Annual Meeting and the designation of a special public meeting date of all the component school boards to elect BOCES Board members and vote on the administrative budget. As determined in July 2008, the Annual Meeting has been scheduled for Monday, April 6, 2009 at the Regional Support Center in Newark. The date of Wednesday, April 22, 2009 has been set to vote on the administrative budget and election of BOCES board members.

According to Education Law, "...no more than one person residing in a particular component district may be elected to serve as a member of a board of cooperative educational services at one time unless the number of seats on such board exceeds the number of component districts or unless an unrepresented district declines to make a nomination..." In the event that a school district, which currently has a representative on the BOCES board whose term does not expire on June 30, 2009, makes a nomination, it will be acknowledged but only accepted and placed on the ballot if less than three nominations are received by 4:00 PM on Monday, March 23, 2009 from unrepresented districts.

The Clerk of the BOCES Board will send each district's Board Clerk a Certificate of Nomination form to use in nominating a person for election to the BOCES Board. Nominations must be received no later than 4:00 PM on Monday, March 23, 2009. A ballot will be forwarded to the Board Clerk two weeks prior to Wednesday, April 22, for the BOCES board member election and administrative budget vote.

Should you have any questions, feel free to contact Cindy Murray, Board Clerk, at (315) 332-7284.

cc: District Clerks

Serving Ontario, Seneca, Wayne, and Yates Counties

WAYNE-FINGER LAKES BOCES  
2009 BOARD MEMBER ELECTION &  
ADMINISTRATIVE BUDGET VOTE

The BOCES Board has established **Monday, April 6, 2009 as the Annual Meeting** date and has designated **Wednesday, April 22, 2009 for a special public meeting of each component school board** for the purpose of voting to elect BOCES board members and voting on the BOCES administrative budget.

#### ANNUAL MEETING

- **Mail to all component district board members budget information and print public notice of the time and location of the annual meeting in two newspapers, once each week for two weeks beginning March 9. Notice will include a summary of the administrative, capital and program budgets including salary and supplemental benefits of supervisors and administrators and detail information on the District Superintendent**
- **Comply with reasonable requests for additional information**
- **Present administrative, capital and program budgets at the Annual Meeting on Monday, April 6, 2009**

#### ELECTION OF BOCES BOARD MEMBERS/ADMINISTRATIVE BUDGET VOTE

- BOCES Board Clerk mails certificate of nomination to component district boards by Friday, February 6, 2009
- Component district board nominations returned to BOCES Board Clerk no later than 4:00 PM on Monday, March 23, 2009
- Ballot from BOCES mailed to component districts by Wednesday, April 8, 2009
- All component district nominations will be listed on the ballot **except** for:
  - ⒸA resident of a district where an incumbent sits on the Board whose term will not be ending for this election *unless fewer than three nominations are received from unrepresented districts; **or***
  - ⒸIf the person nominated is not a resident of a component school district of this BOCES; **or**
  - ⒸIf the person is an employee of a school district in the supervisory district
- The component district board can cast a maximum of one vote per vacant seat and may only cast one vote per candidate. **The three terms will be for 3 years each (July 1, 2009 – June 30, 2012). BOCES board members whose terms will expire on June 30, 2009 are: Jeanne Durfee, Lynn Gay, and O.J. Sahler.**
- Results transmitted the next day (Thursday, April 23) to BOCES Board Clerk
- Single component district vote cast regarding BOCES administrative budget at the special meeting on Wednesday, April 22, 2009 and the results are transmitted the next day (Thursday, April 23) to the BOCES Board Clerk
- Majority of component districts voting must be positive votes - if defeated, submit previous year's administrative budget separate from capital budget to the Commissioner for approval

Dated: 2/05/09

WALWORTH TOWN BOARD – REGULAR MEETING  
15 JANUARY 2009

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
	Rob Burns	Sewer Superintendent
	Jacqueline Van Lare	Recreation Director
	Karen Ambroz	Assessor

**RECESS:**

Supervisor Plant requested a short recess of 5 minutes to finish the audit of vouchers.

**MINUTES:**

Motion by Councilman Maciuska to approve the Minutes of December 8, 2008, Special Meeting as presented.

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.

**CORRESPONDENCE:**

Susie Jacobs, Town Clerk, had nothing to enter into record.

**SUPERVISOR'S REPORT:**

Motion by Councilwoman Marini to approve and file the Supervisor's Monthly Report for January, 2009, as presented.

Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**FLBOA CONFERENCE AUTHORIZATION:**

Motion by Councilman Yale authorizing Phil Williamson, Code Enforcement Officer, to attend 2009 Finger Lakes Building Officials Association conference in Hilton, NY, March 16 – 19, for an amount not to exceed \$390.00, from budgeted line item A3620.41.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

**PUBLIC PARTICIPATION:**

No one present offered any comments.

WALWORTH TOWN BOARD – REGULAR MEETING CONTINUED  
15 JANUARY 2009

**AUDIT OF CLAIMS RESOLUTION 10-09:**

Councilwoman Marini offered the following Resolution 10-09 and moved its adoption.  
Seconded by Councilwoman Hawkins-Mance to wit:

**WHEREAS**, the following claims submitted at the scheduled Town Board Meeting of January 15, 2009, have been audited and approved by the appropriate Council Members.

**BE IT RESOLVED** that the claims be paid on **Abstract #1**, numbered 1 through 67, in the following amounts:

GENERAL FUND	\$ 85,085.52
HIGHWAY FUND	\$ 18,486.33
WALWORTH SEWER DISTRICT #1	\$ 63,314.68
BROOKSIDE LIGHT DISTRICT	\$ 12.97
PARK PAVILION CAPITAL FUND	\$ 23,116.57
HARVEST HILL LIGHT DISTRICT	\$ 711.55
ORCHARD VIEW LIGHT DISTRICT	\$ 124.67
WALWORTH LIGHT DISTRICT	\$ 625.13
WALWORTH CONSOLIDATED DRAINAGE	\$ 5,858.03
GANANDA SIDEWALK DISTRICT	\$ 572.70
PARKVIEW GREEN DISTRICT	\$ 343.56

BE IT FURTHER RESOLVED that the claims be paid on **Abstract #1**, numbered 1 through 11, in the following amounts:

TRUST & AGENCY	\$ 23,301.92
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NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Walworth adopts resolution 10-09.

Adopted this 15th day of January, 2009, 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

Ready for Spring!

Supervisor Plant asked how many days had the Highway Department not worked in the last month. Mike Frederes responded that today was the 70<sup>th</sup> trip for the season.

Councilman Yale asked Mike Frederes if there had been any issues with salt this year like last year. Mikes Frederes responded that he thought it might well be an issue by the end of the season, but so far we were okay.

### SEWER DEPARTMENT

Nothing to report at this time.

### RECREATION

Nothing to report at this time.

### JANUARY 2009

### ASSESSOR

Nothing to report at this time.

### TOWN CLERK – COMMITTEE ON OPEN GOVERNMENT LAWS

Susie Jacobs commented that she had given Council members a copy of the New York State Department of State's Committee on Open Government "Your Right to Know" New York State Open Government Laws, Revised, February, 2008. Copies are available for the public.

### TOWN CLERK – DEPUTY CLERK APPOINTMENT TERMINATED

Susie Jacobs, Town Clerk, stated for the record that she terminated the Appointment of Linda Kleeman as Deputy Town Clerk on December 5, 2008.

### TOWN CLERK – DEPUTY CLERK APPOINTMENTS

Susie Jacobs stated that according to Town Law 30 subdivision 10 effective July, 2007, the Town Clerk is authorized to appoint up to three deputies; they are as follows:

First Deputy - Michael Jacobs, serving without compensation

Second Deputy - Joyce Gumina

Third Deputy - Diane Board, serving without compensation

## **COMMITTEE REPORTS:**

### WIND ENERGY

Councilman Maciuska reported that he sent the revision on Wind Energy as well as his response to the Attorney for the Town's letter. Councilman Maciuska stated that if he were to summarize what the Attorney's concerns were, it would be that she had a misconception about what the law was trying to address. The law was attempting to allow individual users to have wind turbines/roof turbines but made it very difficult for wind farms. Councilman Maciuska noted that he did incorporate most of her recommended changes. He said that Denise Munson, Attorney for the Town, recommended more regulations than the Town needed; i.e., the use of professional engineers a lot more than was required. Councilman Maciuska asked Council members to review what he had sent them and give him some feedback.

### LIBRARY COMMITTEE

Councilman Maciuska reported that the Library was still interested in space. He also reported that the Library Board of Trustees met with the new Trustees; everything went well - there is a lot of enthusiasm this year.

**WALWORTH AMBULANCE AGREEMENT – RESOLUTION 11-09:**

Councilman Maciuska offered the following resolution 11-09 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:

**AGREEMENT**

THIS AGREEMENT, made the 15th day of January, 2009, by and between the Town of Walworth, a municipal corporation situated in the County of Wayne, State of New York (hereinafter “Town”), and Walworth Ambulance, Inc., a Not-For-Profit corporation, organized and existing under the laws of the State of New York and having its principal place of business in Walworth, New York (hereinafter “Ambulance”).

**WITNESSETH**

WHEREAS, Ambulance is a Not-For-Profit Corporation organized exclusively for charitable and educational purposes and for the purpose of operating, conducting, and maintaining an emergency ambulance service to serve the persons in the Town of Walworth; and

WHEREAS, in order to defray the cost of purchasing and maintaining an ambulance and other equipment and to defray the overhead expense of operating said ambulance services, it is necessary for Ambulance to receive payments from municipalities as well as user fees for services; and

WHEREAS, such emergency services are vital and necessary to the health and welfare of the inhabitants of the Town.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties hereto mutually agree as follows:

1. PROVISION OF EMERGENCY MEDICAL SERVICES

(a) Ambulance will provide Town an ambulance staffed with volunteers, which complies with the regulations of the New York State Department of Health, Bureau of Emergency Medical Services, to serve the 24 hour per day emergency medical needs of those persons within the boundaries of the Town of Walworth.

(b) Such provision of equipment, services and transportation are limited to the extent reasonable and possible based upon Ambulance’s available resources and personnel.

2. TERM

The term of this Agreement shall commence on the 1st day of January, 2009, and shall continue for a period of one (1) year unless sooner terminated as herein provided.

3. COMPENSATION

Town shall pay that amount as provided for in **Schedule A**, no later than March 15 of the contract year.

7/22/2024

Town and Ambulance have attempted to calculate the portion of user fees that are attributable to any Town resident-user’s share of insurance payments. Town agrees to pay as part of an up-front contract fee, an



estimated amount of the resident-user's portions of insurance to Ambulance so that users who are residents of the entire corporate limits of Town do not have to pay them directly. Town also agrees to pay Ambulance an annual sum on top of such insurance related fees to permit Ambulance to have sufficient funds to operate, and both amounts are included in the annual fees payable under this Agreement.

#### 4. REPORTING REQUIREMENTS

Ambulance shall submit annual reports to Town containing the following information, no later than January 31 (of the following contract year) for the prior twelve-month period:

- (a) Number of requests for ambulance assistance received
- (b) Number of responses by Ambulance to each of those requests for assistance

#### 5. RECOGNITION OF LIMITATIONS

Town recognizes that in some or all cases, only a limited number of volunteers may be available. Town also recognizes that on some occasions no ambulance may be available due to Ambulance's lack of vehicles and/or personnel to respond to all emergencies for which it contracts to provide services, both within and without the Town's boundaries.

#### 6. INSURANCE

Ambulance agrees to maintain liability insurance sufficient to insure itself against claims for unintentional torts resulting in personal injuries in the amount of Three Million Dollars (\$3,000,000.00). Ambulance agrees to maintain automobile insurance for injuries arising out of the operation of emergency vehicles for at least One Million Dollars (\$1,000,000.00). Ambulance shall have the Town named as an additional insured in the insurance policy and present the Town with a certificate of insurance within 5 business days of the signing of this Agreement. (or see attached)

Town shall be responsible for providing the Volunteer Ambulance Workers Benefit Law benefits or appropriate insurance to provide for such benefits, as required by such law.

#### 7. EXPENSES

Ambulance agrees that it will cover the costs of maintenance, repair, and supplies for the vehicles and equipment used in connection with the service it provides.

#### 8. BILLING

Town recognizes that Ambulance bills patients directly for services and transportation it renders and approves of this practice. Ambulance may collect these fees directly. Ambulance shall not bill any user, who is also a resident of Town for any co-payment, but shall bill or pursue a user or third party insurer for any insurance portion owed by the user, or for 80% of any deductible due from the user. Nothing herein shall require Ambulance to waive any co-payments or deductibles for non-residents. Ambulance is also permitted to obtain the insurance amount directly from the insurance company of a resident or non-resident. Ambulance reserves the right to initiate legal action against any person who is delinquent and does not tender payment for Ambulance's services in a timely manner. Delinquency shall be defined as having a payment overdue more than ninety (90) days from the date of billing. Attached as **Schedule B** is the list of user fees Ambulance may bill. Incorporated by reference into **Schedule B** and this Agreement are any rates paid by any government, private employer-based or third-party insurance.

## 9. CERTIFICATIONS

Ambulance agrees to keep in force its Ambulance Service Certificate and to maintain compliance with the requirements of Article 30 of the Public Health Law and State Emergency Medical Services Code.

## 10. NO EMPLOYMENT

Ambulance's employees shall not be deemed employees of the Town. Nothing herein creates an employment relationship which subjects Ambulance or its employees to the supervision and control of the Town nor creates municipal liability on behalf of the Town. The relation of the Ambulance to the work to be performed by it under this Agreement shall be that of Independent Contractor.

## 11. CONFIDENTIALITY

Nothing herein shall entitle the Town to the name, address or social security number of any patient served. The Town will not require Ambulance to release any patient's medical information without a proper judicial subpoena as required by New York State law.

## 12. CONTINUATION OF SERVICES

If Ambulance's services continue to be provided by the request of the Town beyond the expiration of the term hereof, the terms of this Agreement shall continue on a year-to-year basis as set forth in this Agreement unless and until the parties enter into a subsequent written Agreement. Should Town desire to cancel the Agreement, Town must provide Ambulance written notice of at least sixty (60) days.

## 13. EXPIRATION OR TERMINATION OF RESPONSIBILITIES

Upon expiration or termination of the Agreement as provided hereunder, Ambulance shall have no liability or responsibility for providing services under this Agreement to any person within the Town's boundaries. Town agrees to defend, indemnify and hold Ambulance harmless for any claim arising from Ambulance's failure to provide any services to any person within the Town's boundaries after this Agreement expires or terminates. In the event of early termination, Town's Contract amount shall be pro-rated to the date of the termination and Town shall be reimbursed for the unused portion thereof.

## 14. GROUNDS FOR TERMINATION

This Agreement shall terminate prior to the expiration of the term hereof upon the happening of any of the following events:

- (a) upon the Town's failure to deliver the monies due Ambulance under this Agreement by the date due, so long as Ambulance provides seven (7) days written notice to the Town of the date it will stop providing services;
- (b) upon the loss or suspension of Ambulance's ability to deliver emergency medical services due to the loss of a certificate of need, the loss of operating permits or licenses, or the cessation of its corporate existence;
- (c) upon the Ambulance's failure to comply with all applicable laws or ordinances, or in the event it violates this Agreement or fails to deliver emergency medical services to the Town of Walworth.

## 15. NOTICES

All notices, requests, demands and other communications required or permitted to be given hereunder shall be in writing, and shall be deemed duly given if delivered by hand or mailed by registered or certified mail, return receipt requested, to the parties at their respective addresses hereinabove stated or to such other addresses as may be designated by written notice complying as to delivery with the terms of this Section.

## 16. INDEMNIFICATION

Ambulance agrees to indemnify and save Town harmless from any liability imposed upon the Town, its officers, agents or employees, arising from the negligence, active or passive, of Ambulance.

## 17. SAVINGS CLAUSE

If any provision of this Agreement is determined to be legally invalid, inoperative or unenforceable, only that particular provision shall be affected, such determination shall have no effect whatsoever on any other provision of this Agreement, and all other provisions shall remain in full force and effect.

## 18. WAIVER

No delay or failure to exercise any remedy or right occurring upon any default shall be construed as a waiver of such remedy or right, or acquiescence in such default, nor shall it affect any subsequent default of the same or a different nature. All rights and remedies herein conferred shall be in addition to and not exclusive of any and all other rights or remedies now or hereafter existing at law or in equity.

## 19. HEADINGS

All headings and captions in this Agreement are for convenience only. They shall not be deemed part of this Agreement and shall in no way define, limit, extend or describe the scope or intent of any provisions hereof.

## 20. FURTHER ASSURANCES

The parties shall execute and deliver all documents, provide all information and take or forbear from all such action as may be necessary or appropriate to achieve the purposes set forth in this Agreement.

## 21. BINDING EFFECT

This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, executor, administrators, successors and assigns.

## 22. COUNTERPARTS

This Agreement may be executed in counterparts and each such counterpart, when taken together, shall constitute a single and binding Agreement.

## 23. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of New York. The County of Wayne in the State of New York is hereby designated as the place of trial for any action or proceeding arising from or in any way connected to this Agreement.

## 24. NO ASSIGNMENT



Supervisor Plant requested authorization to authorize “change orders” to Ginegaw Park Pavilion “as may occur.” Motion moved by Councilwoman Marini.  
Seconded by Councilwoman Hawkins-Mance.

Discussion: Councilman Maciuska asked what “as may occur” meant. Discussion ensued. Supervisor Plant stated that he would not be doing change orders that would increase the price on any of this stuff. Councilman Yale stated the following clarification:

Motion by Councilwoman Marini to authorize non-price change “Change Orders,” with no increase in price, for the Ginegaw Park Pavilion.  
Seconded by Councilwoman Hawkins-Mance.

Adopted: Vote Ayes 5 Nays 0

**RG&E BILL PREPAYMENT – RESOLUTION 13-09:**  
**RESOLUTION 13-09 ROCHESTER GAS & ELECTRIC PREPAYMENT AUTHORIZATION GAS LINE – GINEGAW PARK PAVILION:**

Councilwoman Hawkins-Mance offered the following Resolution **13-09** and moved its adoption. Seconded by Councilman Yale to wit:

**WHEREAS**, the Town Council of the Town of Walworth would like to Contract with Rochester Gas & Electric for; and

**WHEREAS**, the Town of Walworth would like the installment of a Gas Line, for the Ginegaw Park Pavilion; and

**WHEREAS** the Claimant RG&E, voucher 69, requests prepay in the amount of \$816.13;

**THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Walworth directs the Supervisor to prepay RG&E for Installment of a Gas Line for Ginegaw Park Pavilion in the amount of \$816.13 from Budgeted Line HP8310.43; and

**BE IT FURTHER RESOLVED**, that the Town Council of the Town of Walworth adopts Resolution **13-09**.

Adopted this 15th day of January, 2009, 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.

**PROCLAMATION OF APPRECIATION – ROBERT TURCOTTE:**

Supervisor Plant read the following Proclamation.

Councilwoman Marini moved the following Proclamation and moved its adoption. Seconded by Councilman Maciuska to wit:

**WHEREAS**, Robert Turcotte has been a lifelong resident of the hamlet of West Walworth; and

**WHEREAS**, Robert has provided valuable support to the Town of Walworth through his services to the West Walworth Fire Department; and

**WHEREAS**, Robert has been a member of the West Walworth Fire Department since August, 1958, giving 50 years of dedicated service; and

**WHEREAS**, Robert served as the Property Clerk of the West Walworth Fire Department from 1960-1966, Secretary in 1967, Vice President for the years 1968 and 1969 and has served from 1977 until the present as the Financial Secretary; and

**WHEREAS**, it is the sense of the Walworth Town Board that we should give special recognition to those who work so diligently for the betterment of the communities;

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Walworth extends its deepest appreciation to Robert Turcotte for the outstanding work he has performed over the past fifty years for the West Walworth Fire Department and the Town of Walworth.

Adopted: Vote Ayes 5 Nays 0

Supervisor Plant stated that this proclamation would be presented to Mr. Turcotte at a banquet next Saturday night.

**EXECUTIVE SESSION:**

Motion by Councilwoman Hawkins-Mance to enter into executive session to discuss pending or possible litigation.

Seconded by Councilwoman Marini.

Adopted: Vote Ayes 5 Nays 0

Time: 7:50 PM.

**RECONVENE:**

Supervisor Plant reconvened the regularly scheduled meeting.

Time: 8:27 PM.

**ATTORNEY AUTHORIZATION - BROADVIEW:**

Motion by Councilman Maciuska authorizing the Attorney to proceed against Broadview.

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.

**EMPLOYEE APPLICATION:**

Councilman Maciuska reported that back in December, 2008, when the Board talked about hiring a new employee, that he wanted to make sure the Board vetted the application and was successful. He went on to say that there was no problem with the application.

**APPROVAL OF VOUCHER 1996:**

Motion by Councilman Maciuska authorizing the approval of voucher 1996.

Seconded by Councilwoman Marini.

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

Motion carried.

**ADJOURNMENT:**

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

Time: 8:30 PM.

Respectfully Submitted,

Susie C. Jacobs, Town Clerk