

A Work Session of the Town Board of the Town of Williamson, County of Wayne and State of New York was held in the Town Complex Court Room located at 6380 Route 21, Suite II, at 7:00 PM on Tuesday, August 8, 2017. The following were

- PRESENT: Supervisor Anthony Verno
- Councilman Gary Orbaker
- Councilman Thomas D. Watson
- Councilman Nancy Gowan
- ABSENT: Councilman Michael Bixby

The Regular Meeting of the Town Board of the Town of Williamson was held in the Town Complex Court Room located at 6380 Route 21, Suite II, following the Worksession and called to order at 7:30 PM on Tuesday, August 8, 2017 by Supervisor Verno. The following were

- PRESENT: Supervisor Anthony Verno
- Councilman Gary Orbaker
- Councilman Thomas D. Watson
- Councilman Nancy Gowan
- ABSENT: Councilman Michael Bixby

Abram Moll, Thomas Legendy, Allen Polvino & Record and the undersigned Town Clerk was also present.

Public Comment: Mr. Polvino addressed his concerns with the Board regarding the bid for Demolition Services his company bid on. He was the only bidder for the project. He stated his bid was reasonable and fair and did not want the Board to reject it.

A notice having been published for a Public Hearing regarding the Community Development Block Grant Program [CDBG]. Supervisor Verno declared the Hearing open at 7:33 PM. Supervisor Verno explained CDBG is a Community Development Block Grant Program funded by New York State. The Town is applying for this grant to get reimbursed for the expenses entailed from the flooding from the high lake levels. These expenses totaled to \$43,000. As no one wished to comment or ask questions, the Public Hearing was closed at 7:35 PM with a motion made by Councilman Watson, seconded by Councilman Orbaker. The motion was carried.

Supervisor Verno made a motion, seconded by Councilman Orbaker, to accept the Consent Agenda containing the following items:

- a. previous minutes: July 11, 2017
- b. presentation of the Town Clerk's report

The motion was carried.

Supervisor Verno made a motion, seconded by Councilman Watson, to authorize the Town Clerk to advertise in the official Town papers the week of August 13, 2017 to receive applications for the upcoming opening on the Board of Assessment Review. Applications will be accepted until September 5, 2017 at 4:00 PM. The motion was carried.

Supervisor Verno made a motion, seconded by Councilman Gowan, to authorize the Town Supervisor to sign a maintenance agreement with WaterWise inc. for complete water treatment service program of the Evaporator Cooler, Glycol Loop and Hot Water Loop. The cost of this maintenance agreement will be \$1,494.49 from July 1<sup>st</sup>, 2017 to June 30, 2018. The motion was carried.

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FYI – the cost of this contract last year was \$1,450.96. This does not include NYSDOH Cooling Tower Compliance Program.

Supervisor Verno made a motion, seconded by Councilman Watson, to authorize the Town Clerk to sign the annual software support agreement with Williamson Law Book Co. for technical and software support for the Town Clerk program with dog quick pay. The cost of this support contract will be \$740.00 per year. The motion was carried.

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FYI – The cost has increased from \$725.50.

Supervisor Verno made a motion, seconded by Councilman Gowan, to direct the Town Clerk to advertise the cancellation of the August 22, 2017 Town Board meeting. The motion was carried.

Supervisor Verno announced a Budget Worksession is scheduled on Tuesday, August 29, 2017 @ 1:00 PM to be held in the Town Complex Meeting/Conference Room.

Supervisor Verno presented the following Resolution and moved its adoption. It was seconded by Councilman Gowan.

WHEREAS: Rite Aid Corporation has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2017 in Wayne County Supreme Court under index number 81093, and

WHEREAS: The litigation costs of these challenges may be more than the Town can anticipate and afford, the County of Wayne has adopted a policy of participating in the costs and expenses of such litigation and has approved the above litigation for county, town and school participation by resolution 591-15 dated October 20, 2015, and

WHEREAS: Rite Aid Corporation has filed grievances, after receipt of the decision by members of the Williamson Board of Assessment Review, claiming excessive and unequal values against the assessment for the property listed below and request the following assessment rolls be reviewed, and

2017: Index 81093

Assessment:	\$3,750,100
Grievance:	\$ 375,010
In dispute:	\$3,375,090

WHEREAS: The Town of Williamson, the Williamson Central School System and the County of Wayne are all stakeholders in resolving this issue equitably, in accordance with Real Property Tax Law, and

WHEREAS: The County of Wayne has already established minimum standards for participation and permitted change in an assessment challenge,

NOW THEREFORE, BE IT RESOLVED: That all three (3) stakeholders will share equally in litigation costs and associated court fees for this assessment challenge, and

BE IT FURTHER RESOLVED: That the proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies, and

BE IT FURTHER RESOLVED: That the Town of Williamson hereby requests approval for county and school participation in this litigation commenced under the index numbers set forth above for the year 2017.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Anthony Verno  
Councilman Gary Orbaker  
Councilman Thomas Watson  
Councilman Nancy Gowan

NAYES: None

The Resolution was declared adopted.

Supervisor Verno presented the following Resolution and moved its adoption. It was seconded by Councilman Orbaker.

WHEREAS: A Tax Certiorari was filed by SWIIRD Preservation, LLC [Orchard Estates], and

WHEREAS: The services of a Law Firm are needed for the Tax Certiorari, and

NOW, THEREFORE, BE IT RESOLVED: That the Town Supervisor be authorized to sign a contract with E. Stewart Jones with Hacker & Murphy, LLP, to retain their professional services for this defense, with fees ranging from \$280.00 per hour as needed, and

BE IT FURTHER RESOLVED: That these expenses will be paid jointly by Williamson Central School District, the County and the Town, with each paying one- third.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Anthony Verno  
Councilman Gary Orbaker  
Councilman Thomas Watson  
Councilman Nancy Gowan

NAYES: None

The Resolution was declared adopted.

Supervisor Verno presented the following Resolution and moved its adoption. It was seconded by Councilman Gowan.

WHEREAS: SWIIRD Preservation, LLC [Orchard Estates] has commenced a proceeding pursuant to Article 7 of the Real Property Tax Law for the year 2017 in Wayne County Supreme Court under index number 81116, and

WHEREAS: The litigation costs of these challenges may be more than the Town can anticipate and afford, the County of Wayne has adopted a policy of participating in the costs and expenses of such litigation, and

WHEREAS: SWIIRD Preservation, LLC has filed grievances, after receipt of the decision by members of the Williamson Board of Assessment Review, claiming excessive and unequal values against the assessment for the property request the following assessment rolls be reviewed, and

WHEREAS: SWIIRD Preservation, LLC, request that the following assessment rolls be

reviewed:

2017: Index 81116

Assessment: \$1,015,000

Grievance: \$ 600,000

In dispute: \$ 415,000

WHEREAS: The Town of Williamson, the Williamson Central School System and the County of Wayne are all stakeholders in resolving this issue equitable, in accordance with Real Property Tax Law, and

WHEREAS: The County of Wayne has already established minimum standards for participation and permitted change in an assessment challenge,

NOW THEREFORE, BE IT RESOLVED: That all three (3) stakeholders will share equally in litigation costs and associated court fees for these assessment challenges, and

BE IT FURTHER RESOLVED: That the proceedings will involve the County Attorney and Real Property Tax Services Director as consultants regarding appraisals and/or settlement strategies, and

BE IT FURTHER RESOLVED: That the Town of Williamson hereby requests approval for county school participation in this litigation commenced under the index number set forth above for the year 2017.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Anthony Verno  
Councilman Gary Orbaker  
Councilman Thomas Watson  
Councilman Nancy Gowan

NAYES: None

The Resolution was declared adopted.

Supervisor Verno made a motion, seconded by Councilman Gowan, to authorize the Town Clerk to advertise, in the appropriate papers the weeks of July 30<sup>th</sup> and August 6<sup>th</sup>, 2017 to receive applications for the mowing of Town properties. A job description can be obtained in the Town Clerk’s office. Applications will be received until August 11, 2017 at 5:30 PM. The motion was carried.

Supervisor Verno made a motion, seconded by Councilman Watson, to adopt proposed Local Law #2, “Peddling and Soliciting”. The motion was carried.

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“PEDDLING AND SOLICITING”

Chapter 129

LL # 2017 – 2 , ADD Section 129-1A entitled “Purpose and Intent” , renumber Section 129-1 to “129-1B entitled “Definitions and Word Usage” and AMEND Section 129A(6) and ADD Section 129A(7)

ADDED: ~~§33-4~~ - §129

§ 129-1A. Purpose and intent

This chapter is intended to regulate peddling and soliciting activities in the Town of Williamson to ensure the public welfare and to protect against criminal activity, including fraud and burglary; minimize the unwelcome disturbance of citizens and the disruption of privacy; and to otherwise

preserve the public health, safety and welfare by regulating, controlling and licensing peddlers and solicitors, including but not limited to door-to-door peddlers and solicitors. This chapter also provides a means by which property owners may enjoy the use of their properties by allowing seasonal sales of various items while at the same time, protecting pedestrians, traffic and motorist on roadways and at intersections.

AMENDED: ~~Chapter §33-1~~ §129-B

~~Chapter §33-1~~ § 129-1B. Definitions and word usage.

A. As used in this chapter, the following terms shall have the meanings indicated:

CHARITABLE — Patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal.

CLERK — The Town of Williamson Town Clerk.

CONTRIBUTIONS — Alms, money, subscriptions, property and any donations

FIXED LOCATION — Any permanent structure.

HAWKER — One who offers for sale his or her goods by calling out in the streets.

HAWKING — The selling or vending or offering for sale of any goods, wares or merchandise for immediate delivery, which the person selling or offering for sale carries with him or her traveling or has in his or her possession or control, upon any of the streets or sidewalks or from house to house in the Town of Williamson.

PEDDLER — Any person who goes upon the premises of any property, not his or her own, carrying or transporting goods, wares, merchandise, or personal property of any nature and offering the same for sale. This includes any person who solicits orders and as a separate transaction makes deliveries to purchasers. The word "peddler" shall not apply to the following:

- (1) Farmers seeking or taking orders for or selling or offering the sale of their own produce.
- (2) The seeking or taking of orders for or the selling or offering for sale of bread or bakery products, meats or meat products or milk or milk products by any manufacturer or producer to a commercial business for resale

PEDDLING — All activities described under the definition of "peddler" of this section. PERSON — A person or any firm, corporation, association, club, society, or organization SOLICITATION — All activities described under the definition of "solicitor" of this section

SOLICITOR — Any person who goes upon the premises of any private property, not his or her own, for the purpose of taking or seeking or attempting to take orders or make contracts for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery or for services to be performed in the future. This includes any person who, without invitation, goes to upon private property to request subscriptions or contribution of funds or anything of value or to sell goods or services for political, charitable, religious, or other noncommercial purposes.

TRANSIENT MERCHANT — A person who engages or proposes to engage temporarily in merchandising business in the Town of Williamson and occupies a room, building, tent, lot, stand, table or other premises for the purpose of selling, trading, or bartering goods, wares and merchandise.

B. Usage. The singular shall include the plural.

~~Chapter §33-1~~ § 129-2. A(6&7) Permit requirements; exemptions.

A. It shall be unlawful for any person to engage in peddling or soliciting activities within the Town of Williamson without first obtaining a permit issued by the Town Clerk; provided, however, that the following are exempt from the provisions of this section:

- (1) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made

- (2) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation.
- (3) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person organization.
- (4) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary.
- (5) Yard sales, garage sales or conducted residential auctions of personal household property or sales of a like nature conducted in connection with a dwelling in a zoned residence district shall not be deemed to be conducting a transient retail business so long as no more than two such sales of not more than three days each per year are conducted on any parcel or private property. The person conducting such sale, whether resident or auctioneer, shall not require a permit.
- (6) ~~Persons engaged in interstate commerce selling or soliciting subscriptions, books, magazines or periodicals, including educational, religious and reference materials, (for schools, religious organizations, charity groups). These organizations are required to inform the Town Clerk of their presence, organization, and duration of sales and provide valid identification for each member engaged in the soliciting.~~

AMENDED:

- (6) The seasonal sale of fireworks, chicken barbecues and the like held on private property with the consent of the owner of said property shall not be deemed to be conducting a transient retail business.

The Code enforcement officer for the Town of Williamson shall have the authority to regulate the location of any tent, stand or booth to be utilized for any seasonal sales so as not to impede pedestrians, traffic or motorists unobstructed view of public roadways and intersections.

ADDED:

- (7) Students of local schools engaged in selling or soliciting subscriptions, books, magazines or periodicals for fund raising activities.

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Supervisor Verno presented the following Resolution and moved its adoption. It was seconded by Councilman Watson.

WHEREAS: The State of New York has enacted a law establishing the Justice Court Assistance Program, L. 1999, C.280 that will enable communities to apply to the Justice Courts, and

WHEREAS: The availability of grant funding would enhance the ability of the Town Justice Court to provide suitable and sufficient services to the community,

NOW, THEREFORE, BE IT RESOLVED: The Town Board of the Town of Williamson hereby authorizes the Williamson Town Justice to file an application for a Justice Court Assistance Program grant for the New York State fiscal year ending March 31, 2018, and

BE IT FURTHER RESOLVED: That a certified copy of this resolution will be included in the grant application.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Anthony Verno  
 Councilman Gary Orbaker  
 Councilman Thomas Watson  
 Councilman Nancy Gowan

NAYES: None

The Resolution was declared adopted.

Supervisor Verno presented the following Resolution and moved its adoption. It was seconded by Councilman Orbaker.

WHEREAS: The Town of Williamson is eligible to apply for grant money through the Community Development Block Grant program for reimbursement for expenses as a result of the flooding, and

WHEREAS: A Public Hearing was required as part of the grant process,

NOW, THEREFORE, BE IT RESOLVED: That the Town Clerk was directed to advertise in the official Town papers the week of July 30<sup>th</sup>, 2017 for a Public Hearing to be held on August 8<sup>th</sup>, 2017 at 7:30 PM.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Anthony Verno  
Councilman Gary Orbaker  
Councilman Thomas Watson  
Councilman Nancy Gowan

NAYES: None

The Resolution was declared adopted.

Supervisor Verno made a motion , seconded by Councilman Orbaker, to direct the Town Clerk to advertise in the official Town papers the week of August 27, 2017 to hold a Public Hearing for proposed Local Law #3, 2017 to amend Chapter §32-18 “Parks – Hours of Operation”, and to insert it into Chapter §123 “Parks” . The Public Hearing will be held on September 12, 2017 at 7:30 PM. The motion was carried.

Supervisor Verno made a motion, seconded by Councilman Orbaker, to direct the Town Clerk to advertise in the official Town papers the week of August 14, 2017 to hold a Public Hearing to repeal Chapter §32 “Parks” of the Town Code. The Public Hearing will be held on September 12, 2017 at 7:45 PM. The motion was carried.

Councilman Gowan made a motion, seconded by Councilman Watson, to accept the resignation from Alex Reid, Planning Board member. His resignation is effective as of August 31, 2017. The motion was carried.

Councilman Gowan made a motion, seconded by Councilman Watson, to direct the Town Clerk to advertise in the official Town papers the week of August 13, 2017 to receive applications for those wishing to serve on the Planning Board. Applications will be accepted until August 30, 2017 at 4:30 PM. The motion was carried.

Councilman Gowan made a motion, seconded by Councilman Watson, to approve the Assistant Code Enforcement Officer to attend the 2017 Fire Marshals and Inspectors Seminar from October 17 – 20, 2017 at the Academy of Fire Science to be held in Montour Falls, New York. The registration and accommodations fee is \$181.00 with all other actual and necessary expenses to be a Town charge. The motion was carried.

A Bid having been opened at 3:00 PM on Thursday, July 13, 2017 for the demolition of property at Route 21, Williamson, were as follows:

ROC Demo LLC

\$12,906.00

P.O. Box 101  
Macedon, New York 14502

Councilman Gowan presented the following Resolution and moved its adoption. It was seconded by Councilman Watson.

WHEREAS: a bid was received and opened on Thursday, July 13, 2017 at 3:00 PM for the demolition of property at 6283 Route 21, Williamson [65117-12-937669], and

WHEREAS: The bid was examined to determine if it met all of the specifications of the bid requirements and is in the best interest of the Town, and

WHEREAS: The Town Board of the Town of Williamson reserves the right to reject any and all bids, and

WHEREAS: The Town Board has determined that it would be in the best interest of the town to rebid the project as only one bid was received,

NOW THEREFORE BE IT RESOLVED: That the bid be rejected and the Town Clerk is directed to readvertise to receive bids for the demolition of property at 6283 Route 21, Williamson, in additional publications to expand the possibility for additional bids,

NOW THEREFORE BE IT FURTHER RESOLVED: That the Town Clerk is directed to send letters to the bidder to that effect, and

Roll call vote on the Resolution was as follows:

AYES: Supervisor Anthony Verno  
Councilman Gary Orbaker  
Councilman Thomas Watson  
Councilman Nancy Gowan

NAYES: None

The Resolution was declared adopted.

Councilman Orbaker made a motion, seconded by Councilman Gowan, to authorize the Town Supervisor to sign a Waste Transporter Permit Application. The Application is for the Town of Williamson to transport waste to the Town of Williamson Wastewater Treatment Plant using the vector truck. The permit is an annual permit and the permit fee is \$450.00. The motion was carried.

Bids for materials for the Ridge Rd, Locust St. and Sherman Ave. watermain construction project having been opened and read on July 20, 2017 at 2:30 PM at the Town Hall were as follows:

Blair Supply	\$169,752.15
785 Beahan Road	
Rochester, NY 14624	

HD Supply Waterworks	\$172,222.00
1220 Brighton Henrietta Townline Road	
Rochester, New York 14623	

Councilman Watson presented the following Resolution and moved its adoption. It was seconded by Councilman Gowan.



WHEREAS: Bids were received, opened and read on July 20, 2017 at 2:30 PM for the Ridge Rd, Locust St., and Sherman Ave. watermain project, and

WHEREAS: The bids have been reviewed by the engineer to determine that they meet all of the bid specification requirements, and are in the best interest to the Town, and

WHEREAS: The lowest bid meeting the bid requirements is from Blair Supply,

NOW, THEREFORE, BE IT RESOLVED: That the bid be awarded to Blair Supply in the amount of \$169,752.15.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Anthony Verno  
Councilman Gary Orbaker  
Councilman Thomas Watson  
Councilman Nancy Gowan

NAYES: None

The Resolution was declared adopted.

Councilman Watson made a motion, seconded by Councilman Gowan, to direct the Town Clerk to advertise in Sun and Record paper on Thursday August 24, 2017 and the Times of WC Sunday August 27, 2017 to receive bids for a Drying Building at the Wastewater Treatment Plant. Bid specs can be obtained from the Town Clerk's office and from the Engineer. Bids will be accepted until September 8, 2017 at 2:00 PM at which time they will be opened and read. The motion was carried.

Councilman Orbaker made a motion , seconded by Councilman Gowan, to direct the Town Clerk to advertise in the official Town papers the week of August 13, 2017 to hold a Public Hearing for proposed Local Law #4, 2017 to amend Chapter §81 – "Drainage". The Public Hearing will be held on September 12, 2017 at 7:45 PM. The motion was carried.

Public Comment: No one wished to comment.

Supervisor Verno announced Baldwin Richardson was awarded a "Community Development Block Grant" from the State. This is a grant to expand operations in Williamson and grow the economy. The company will install new machinery and equipment, add at least 50,000 square-feet to its current facility, supporting the creation of up to 30 new jobs and retention of 275 positions. The company plans to break ground on the project in spring of 2018.

Councilman Orbaker asked if there was any plan to offer a shredding event this year. Supervisor Verno stated when it was offered last year it was very costly and only seven individuals participated.

The following bills were audited and paid on July 25, 2017:

Voucher #s: 17-757 – 17-798

GENERAL FUND	\$ 4,036.58
HIGHWAY	\$ 13,024.60
WATER	\$ 4,013.89
SEWER	\$ 1,886.50
LIGHTING DIST	\$ 3,214.95

GRAND TOTAL:

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\$ 26,176.52

The motion was carried.

Supervisor Verno made a motion, seconded by Councilman Orbaker, to adjourn the meeting at 8:05 PM. The motion was carried.

Respectfully Submitted,



Marlene A. Gulick

Williamson Town Clerk