

**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, January 25, 2011. The following were**

PRESENT: Supervisor James D. Hoffman  
Councilman Gary Orbaker  
Councilman Michael Bixby  
Councilman Anthony Verno  
Councilman Thomas D. Watson

ABSENT: None

**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 was called to order at 7:30 PM on Tuesday, January 25, 2011 by Supervisor Hoffman with the Pledge of Allegiance. The following were**

PRESENT: Supervisor James D. Hoffman  
Councilman Gary Orbaker  
Councilman Michael Bixby  
Councilman Anthony Verno  
Councilman Thomas D. Watson

ABSENT: None

Marjory Jock & Nicole, Jeremy Jock, Stanley & Marlene Niles, David Jock, James Jock, Laurie Niles, Carolynn, and Stephen Niles, Kelli Carpenter, Brittany Dunn, Sam Nkone, Jewel Mastrodonato, George Harland, Monica Deyo; Times of Wayne Co. and Wilma Young; Sun & Record, and the undersigned Town Clerk were also present.

The Town Board presented Marjory Jock with the Diann Roffe Award. She introduced her family and thanked the Board and community for all their support throughout all her life in Williamson.

Public Comment: No one wished to comment.

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

- a. previous minutes: January 11, 2011
- b. approve the Supervisor's report for December
- c. accept the annual reports of the Wastewater Treatment Plant, Justices
- c. pay the Library bills as audited by the Library Board of Trustees:  
vouchers 105 - 120, total \$12,804.69

The motion was carried.

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

WHEREAS: The Williamson Town Board adopted the Comprehensive Plan for the Town of Williamson on March 23, 2010, and

WHEREAS: Under the Policy Area: "Commerce and Industry", of the

Comprehensive Plan, Objective 3 defines as an objective to “Attract, retain, and expand business and industry as a means to diversify the local tax base and provide local employment opportunities”, and

WHEREAS: Objective 3(B) further defines as an objective to “Establish a community development and marketing plan that outlines a strategy for promotion and outreach to prospective new businesses”,

NOW THEREFORE, BE IT RESOLVED: That the Williamson Town Board hereby creates the Williamson Marketing Plan Committee to establish a community development and marketing plan for the Town of Williamson, and

BE IT FURTHER RESOLVED: That the following individuals are appointed as members to the Williamson Marketing Plan Committee,

Jim Hoffman - Town Supervisor

Nan Hance - Proprietor of Artisan’s Loft

Gary Manuse - At-Large

Kim Davis - At-large

Luke Cino - Owner/Broker, Cornerstone Realty Associates

Angela Van De Walle - Angela’s Hair Salon

Mike Orr - President, Williamson Business Improvement District, and

BE IT FURTHER RESOLVED: That Supervisor Hoffman will chair the committee, give periodic reports to the Town Board on the activities of the committee, and schedule the anticipated monthly meetings except for July and August when no meetings will be held, and

BE IT FURTHER RESOLVED: This is a citizen committee, with only advisory powers, for which the spending of public moneys is not authorized and the Committee shall expire at the end of 2011 but may be renewed at the pleasure of the Williamson Town Board.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Hoffman  
Councilman Orbaker  
Councilman Verno  
Councilman Bixby  
Councilman Watson

NAYES: None

The Resolution was declared adopted.

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

WHEREAS: The Town of Williamson was awarded a grant for \$30,000 in 2009 from the New York State Energy Research and Development Authority (NYSERDA) to conduct a study of town buildings, lighting and vehicles. This study included creating four focus groups of stakeholder in the community and a public meeting, and

WHEREAS: The results of the focus groups recommendations and feedback from the public and the town board members are summarized in a report entitled *Energy Conservation & Sustainability Study* (May 2010), and

WHEREAS: The Town of Williamson has separately pursued several initiatives to reduce the cost of energy which included solar panels and other improvements at the Williamson Waste Water Treatment Plant and solar panels at the Williamson Town Complex, and

WHEREAS: One of the recommendations set forth in the above referenced study is to create an energy task force as a means to continue the discussion of stakeholder meetings as well as adopt a long-term strategy to fund future projects, promote sustainable green initiatives for residents as well as commercial, industrial and institutional establishments in an effort to promote development in our town,

NOW THEREFORE, BE IT RESOLVED: That the Williamson Town Board hereby creates the Williamson Energy Conservation & Sustainability Committee, and

BE IT FURTHER RESOLVED: That the following individuals are appointed as members to the Williamson Energy Conservation & Sustainability Committee,

Jim Hoffman - Town Supervisor

Jim Verbridge - President, KM Davies

Craig Logan - Principal, BOCES

Chip Bailey - Fruit Grower;

Bill Bishop - Mechanical Engineer, Pathfinder Engineers & Architects LLP

John Manahan - Chief Operator Waste Water Treatment Plant

Todd LaBarr - Managing Partner, Watchdog Building Partners

Steve Smalley - resident, Wind Turbine owner, and

BE IT FURTHER RESOLVED: Supervisor Hoffman will chair the committee, give periodic reports to the Town Board on the activities of the committee and schedule anticipated monthly meetings except for July and August when no meeting will be held,

BE IT FURTHER RESOLVED: This is a citizen committee, with only advisory powers, for which the spending of public moneys is not authorized and the Committee shall expire at the end of 2011 but may be renewed at the pleasure of the Williamson Town Board.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Hoffman  
Councilman Orbaker  
Councilman Verno  
Councilman Bixby  
Councilman Watson

NAYES: None

The Resolution was declared adopted.

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

WHEREAS: The Town was awarded a grant for \$110,000.00 for the construction of a Park Lodge, and

WHEREAS: The Town has received an advance of these grant monies and the Williamson Town Budget needs to be amended to reflect receipt of this grant,

NOW THEREFORE, BE IT RESOLVED: That the General Fund budget be amended as follows: line item A3897 State Aid be added with \$110,000.00 and line item A7110.410 Contractual Lodge be added with \$110,000.00

Roll call vote on the Resolution was as follows:

AYES: Supervisor Hoffman  
Councilman Orbaker  
Councilman Verno  
Councilman Bixby  
Councilman Watson

NAYES: None

The Resolution was declared adopted.

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

WHEREAS: The Williamson Town Board adopted the Comprehensive Plan for the Town of Williamson on March 23, 2010, and

WHEREAS: Under the *Policy Area: Quality of Life* Objective 3 defines as an objective to “Provide recreation programming and activities for all Town residents regardless of age, race or income level.”, and

WHEREAS: Under the *Policy Area: Quality of Life* Objective 3(E) further defines as an objective to “Identify supervised, organized activities and programs for teenagers in the community. Work with the Williamson Central School District to expand community programs for this age group including the potential utilization of school facilities above and beyond existing school based programs.”

NOW THEREFORE, BE IT RESOLVED: That Williamson Town Board hereby creates the Activities for Youth Committee to explore recreational opportunities for Williamson’s young people and make recommendations to the Williamson Town Board.

BE IT FURTHER RESOLVED: That the following individuals are appointed as members to the Activities for Youth Committee:

Michael Collins - President, WCSD Board of Education, Chairperson  
Wendy Havens - Assistant Superintendent, WCSD  
Catherine Abdunassir - Teaching Assistant, WCSD  
Mike Bixby - Town Council  
Ajaleah Bobowski - Williamson Apple Blossom Committee  
Karen Williams - At Large  
Rev. Fran Gasparri - Williamson Fellowship of Churches  
Charity Baker - Student Representative, and

BE IT FURTHER RESOLVED: Michael Collins will chair the committee, give periodic reports to the Town Board on the activities of the committee and schedule anticipated monthly meetings except for July and August when no meeting will be held,

BE IT FURTHER RESOLVED: This is a citizen committee, with only advisory powers, for which the spending of public moneys is not authorized and the Committee shall expire at the end of 2011 but may be renewed at the pleasure of the Williamson Town Board.

Roll call vote on the Resolution was as follows:

AYES: Supervisor Hoffman  
Councilman Orbaker  
Councilman Verno  
Councilman Bixby  
Councilman Watson

NAYES: None  
The Resolution was declared adopted.

Councilman Verno made a motion, seconded by Councilman Bixby, to adopt the revised Personnel Policy for the Town of Williamson to go into effect upon adoption. The motion was carried.

Councilman Watson made a motion, seconded by Councilman Verno, to appoint Timothy Wozniak to the Planning Board. His term of office will be for five years, from January 12, 2011 until January 11, 2016. The motion was carried.

Councilman Orbaker made a motion, seconded by Councilman Verno, to adopt amended Local Law #2011-1 Chap. §136, Nuisances. The motion was carried.

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**TOWN OF WILLIAMSON**

Local Law #1-2011, Chapter 136 “NUISANCES”

- § 136-1. Title.
- § 136-2. Findings; purpose.
- § 136-3. Public nuisance defined.
- § 136-4. Powers of Town Board
- § 136-5. Service of notice.
- § 136-7. Enforcement.
- § 136-8. Orders to close premises.
- § 136-9. Closing no possession by Town.
- § 136-10. Penalties for offenses.
- § 136-11. Rules and regulations.

**§ 136-1. Title.**  
This chapter shall be known as the “Nuisances” Law of the Town of Williamson.

**§ 136-2. Findings; purpose.**  
The Town Board finds that public nuisances exist in the Town of Williamson in the operation of certain establishments and the use of property, including residential premises, in violation of the Penal Law of the State of New York, the New York State Uniform Fire Prevention and Building Code and the code of the Town of Williamson, which nuisances substantially and seriously interfere with the interest of the public in the quality of life and total community environment, commerce in the Town, property values and the public health, safety, peace, comfort, conveniences or welfare. The Town Board further finds that the continued occurrence of such activities and violations is detrimental to the health, safety and welfare of the people of the Town of Williamson and the businesses thereof and the visitors thereto. It is the purpose of this chapter to authorize the Town to impose sanctions and penalties for such public nuisances and remediate the same, and such powers may be exercised either in conjunction with, or apart from the powers contained in other laws without prejudice to the use of procedures and remedies available under other such laws. The Town Board further finds that the sanctions and penalties and remedial measures authorized herein constitute an additional and appropriate method of law enforcement in response to the proliferation of public nuisances. The sanctions, penalties and remedial measures are reasonable and necessary in order to protect the health and safety of the people of the Town and to promote the general welfare.

**§. 136-3. Public nuisance defined.**  
A. A public nuisance is declared to exist where behavior in the use of or on the premises unreasonably interferes with the health, safety, peace, comfort or convenience of the general

community occurring within a period of six months of such frequency or duration that the continued occupancy of the premises presumes continuation of such unreasonable interference regardless of whether or not any person has been convicted for violation of any provisions of the Penal Law of the State of New York, the New York State Uniform Fire Prevention and Building Code or the Code of the Town of Williamson; or

B. A public nuisance is declared to exist whenever, through violations of any of the following provisions resulting from separate incidents at a building, structure or place, 12 or more points are accumulated within a period of six months or 18 or more points within a period of 12 months, in accordance with the following point system. Where more than one violation occurs during a single incident, the total points for the incident shall be the highest point value assigned to any single violation.

(1) The following violations shall be assigned a point value of six points:

- (a) Article 220 of the Penal Law – Controlled Substances Offenses.
- (b) Article 221 of the Penal Law – Offenses Involving Marihuana.
- (c) Article 225 of the Penal Law – Gambling Offense.
- (d) Article 230 of the Penal Law – Prostitution Offenses.
- (e) Sections 165.40, 165.45, 165.50, 165.52 and 165.54 of the Penal Law – Criminal possession of stolen property.
- (f) The Alcoholic Beverage Control Law.
- (g) Article 265 of the Penal Law – Firearms and other Dangerous Weapons.
- (h) Sections 260.20 and 260.21 of the Penal Law – unlawfully dealing with a child.
- (i) Article 263 of the Penal Law – Sexual Performance by a Child.
- (j) Section 415-a of the Vehicle and Traffic Law – vehicle dismantlers.
- (k) Section 175.10 of the Penal Law – falsifying business records.
- (l) Sections 170.65 and 170.70 of the Penal Law – forgery of and illegal possession of a vehicle identification number.
- (m) Possession, use, sale or offer for sale of any alcoholic beverage in violation of Article 18 of the Tax Law, or of any cigarette or tobacco products in violation of Article 120 of the Tax Law.
- (n) Article 158 of the Penal Law – Welfare Fraud.

(2) The following violations shall be assigned a point value of three points:

- (a) Chapter 51 of the Town Code – Adult Uses.
- (b) Chapter 54 of the Town Code – Alcoholic Beverages.
- (c) Chapter 58 of the Town Code – Animals.
- (d) Chapter 68 of the Town Code – Building Code Administration.
- (e) Chapter 85 of the Town Code – Electrical Inspections.
- (f) Chapter 97 of the Town Code – Games of Chance.
- (g) Chapter 116 of the Town Code – Noise.
- (h) Chapter 169 of the Town Code – Vehicles, Unlicensed.
- (i) Disorderly Conduct, Penal Law § 240.20.
- (j) Harassment Second Degree, Penal Law § 240.26.
- (k) 9 NYCRR Subtitle S, Chapter I – New York State Uniform Fire Prevention and Building Code.

(3) For purpose of this section, where a violation is continuous, each week a violation continues shall be deemed a separate violation. A conviction for a violation shall not be required, and such violation shall be established by a preponderance of the evidence. However, a conviction as defined in accordance with the provisions of § 1.20 of the Criminal Procedures Law shall constitute conclusive proof of a violation. Conviction of an attempt to commit a violation of any of the specified provisions shall be considered a conviction for a violation of the specified provision.

**§ 136-4. Powers of the Town Board.**

In addition to the enforcement procedures established elsewhere, the Town Board or the Town Boards' designee, after notice and opportunity for a hearing with respect to a public nuisance, shall be authorized:

- A. To order the closing of the building, structure or place to the extent necessary to abate the nuisance; or
- B. To suspend for a period not to exceed six months or revoke for a period of one year a Certificate of Occupancy issued for such premises, and to prevent the operator from obtaining a new Certificate of Occupancy for another location for the period of suspension or revocation; or
- C. To suspend for a period not to exceed six months or revoke for a period of one year any occupational license or permit issued by the Town related to the conduct of a business or trade at the premises, which suspension or revocation shall also apply to any other locations operated by the holder for which the license or permit is required; or
- D. Any combination of the above.

**§ 136-5. Service of notice.**

Prior to the issuance of orders by the Town Board or the Town Boards' designee pursuant to this section, the Town Board or the Town Boards' designee shall give notice and opportunity for a hearing to the owner, lessor, lessee and mortgagee of a building, structure or place wherein the public nuisance is being conducted, maintained or permitted. Such notice shall be served upon an owner pursuant to Article 3 of the Civil Practice Law and Rules, upon a lessor or lessee pursuant to § 735 of the Real Property Actions and Proceedings Law and upon a mortgagee by means of certified mail, return receipt requested, sent to the mortgagee's last known address, provided that any service other than delivery to the person to be served shall be complete immediately upon delivery, mailing or posting without the necessity of filing proof of service with the clerk of any court before the hearing. The person in whose name the real estate affected by the orders of the Town Board or the Town Boards' designee is recorded in the office of the County Clerk shall be presumed to be the owner thereof. Proceedings shall be commenced by service of the notice and opportunity of a hearing within sixty (60) days after the occurrence of the most recent violation cited in the notice.

**§ 136-6. Lack of knowledge no defense.**

The lack of knowledge of, acquiescence or participation in or responsibility for a public nuisance on the part of the owners, lessors, lessees, mortgagees and all those persons in possession or having charges of as agent or otherwise, or having any interest in the property, real or personal, used in conducting or maintaining the public nuisance, shall not be a defense by such owners, lessors and lessees, mortgagees and such other persons.

**§ 136-7. Enforcement.**

Five business days after the posting of an order issued pursuant to this chapter and upon the written directive of the Town Board or the Town Boards' designee, the Town Code Enforcement officer is authorized to act upon and enforce such orders.

**§ 136-8. Orders to close premises.**

Where the Town Board or the Town Boards' designee closed a building, structure or place pursuant to this chapter, such closing shall be for such period as the Town Board or the Town Boards' designee may direct, but in no event shall the closing be for a period of more than one year from the posting of the order pursuant to this chapter. If the owner, lessor or lessee shall file a bond in an amount determined by the Town Board or the Town Boards' designee, but which may not exceed the value of the property ordered to be closed, and submit proof satisfactory to the Town Board or the Town Boards' designee that the nuisance has been abated and will not be created, maintained or permitted for such period of time as the building, structure or place has been directed to be closed by

the order of the Town Board or the Town Boards' designee, then the Town Board or the Town Boards' designee may vacate the provisions of the order that directs the closing of the building, structure or place.

**§ 136-9. Closing no possession by Town.**

A closing direct by the Town Board or the Town Boards' designee pursuant to this chapter shall not constitute an act of possession, ownership or control by the Town of the closed premises.

**§ 136-10. Penalties for offenses.**

A. It shall be a misdemeanor for any person to use or occupy or to permit any other person to use or occupy any building, structure or place, or portion thereof, ordered closed by the Town Board or the Town Boards' designee. Mutilation or removal of a posted order by the Town Board or the Town Boards' designee shall be punishable by a fine of not more than \$250 or by imprisonment not exceeding 15 days, or both, provided such orders contain therein a notice of such penalty.

B. Intentional disobedience or resistance to any provision of the orders issued by the Town Board or the Town Boards' designee pursuant to this chapter, in addition to any other punishment prescribed by law, shall be punishable by a fine of not more than \$1,000 or by imprisonment not to exceed six months, or both.

**§ 136-11. Rules and regulations.**

The Town Board or the Town Boards' designee; may promulgate rules and regulations to carry out and give full effect provisions of this chapter.

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Public Comment: No one wished to comment.

Supervisor Hoffman made a motion, seconded by Councilman Watson, to pay the following bills as audited:

ABSTRACT # 2	2011 <u>VOUCHER #</u>	<u>AMOUNT</u>
GENERAL FUND	28 - 59	\$ 59,296.49
YOUTH	60 - 62	
HIGHWAY	63 - 78	\$ 48,069.75
WATER	79 - 95	\$ 40,717.34
SEWER	96 - 102	\$ 19,991.71
LIGHTING	103	\$ 4,794.43
<u>CAPITAL H-18</u>	<u>104</u>	<u>\$ 3,153.90</u>
<b>GRAND TOTAL</b>		\$ 176,023.62

The motion was carried.

Supervisor Hoffman made a motion, seconded by Councilman Watson, to adjourn the meeting at 7:48 PM. The motion was carried.

Respectfully Submitted,

Marlene A Gulick  
Town Clerk