

Presiding Supervisor Jacobs called the Town Board Meeting Work Session, County of Wayne, State of New York, held at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY to order at 7:00 PM and led the reciting of the Pledge of Allegiance.

PRESENT:

Susie Jacobs	Supervisor
Larry Ruth	Councilman
Cody Phillips	Councilman
Timothy Vendel	Highway Superintendent
Vaughn Pembroke	Councilman
Karel Ambroz	Councilman
Aimée Phillips	Town Clerk

ABSENT: No members of the Town Board were absent.

OTHERS PRESENT: Jacqueline VanLare, Park and Recreation Director; Phil Williamson, Code Enforcement Officer; Norman Druschel, Building Inspector; Donald Young and David Hou, Town Attorneys; Martin Aman, Executive Director, Wayne County Water and Sewer Authority; two (2) Town Newspaper Reporters and nineteen (19) attendees.

7PM – Presentation by the Canal Connection Chamber of Commerce, Mr. Stephen MacNeal

Prior to the business portion of the meeting, Stephen MacNeal provided the background and history of the Canal Connection Chamber of Commerce. He distributed informational cards to the Town Board members and reviewed the purpose and goals of the Chamber of Commerce. Additionally, Mr. MacNeal shared information that can be found on the organization's website. A brief question and answer session ensued, and prior to concluding his presentation, Mr. MacNeal encouraged members of the community to visit the Chamber of Commerce's Facebook page.

At 7:09 PM, Supervisor Jacobs cited that the Town Board requested an attorney/client privilege meeting with Town Attorney David Hou and Phil Williamson. The Town Board, attorney and Mr. Williamson exited the Main Meeting Room.

At 7:51 PM, the Town Board re-entered the Main Meeting Room and Supervisor Jacobs reconvened the meeting.

MINUTES

May 16, 2019 Work Session and Regular Meeting

Motion by Councilman Phillips that the minutes of May 16, 2019 Work Session and Regular Meeting are approved as submitted by the Town Clerk. Seconded by Councilman Pembroke.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Motion carried.

June 13, 2019 Special Meeting

Motion by Councilman Ruth that the minutes of June 13, 2019 Special Meeting are approved as submitted by the Town Clerk. Seconded by Councilman Phillips.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilman Ambroz	Abstain
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Motion carried.

PUBLIC PARTICIPATION

The following members of the public addressed the Town Board:

1. Mr. Gene Bavis regarding the upcoming Wayne County Bicentennial Celebration. He encouraged community members and county-wide organizations to become involved.
2. Mr. Stephen MacNeal concerning the use of the closed Freewill Elementary School building as a community center. Supervisor Jacobs informed the public that an e-mail had been sent to the Wayne Central School District regarding setting up a meeting between the Town Board and Wayne Central School Board to discuss the possible uses of the Freewill building.

ELECTED OFFICIAL REPORTS:

SUPERVISOR'S REPORT: Financial report

Motion by Councilman Ambroz to accept the Supervisor's Report for the month of May as submitted. Seconded by Councilman Ruth.

**WALWORTH TOWN BOARD – REGULAR MEETING
JUNE 20 2019**

06/04/2019 14:12:08

MONTHLY REPORT OF SUPERVISOR

TO THE TOWN BOARD OF THE TOWN OF WALWORTH:
Pursuant to Section 215 of the Town Law, I hereby render the following detailed statement
of all moneys received and disbursed by me during the month of May, 2019.

DATED June 4, 2019

James Jacobs
SUPERVISOR

	Balance 04/30/2019	Increase	Decrease	Balance 05/31/2019
A GENERAL FUND				
CASH IN CHECKING	120,500.00	150,481.68	150,480.94	120,600.00
CASH IN SAVINGS	89,634.49	286,118.04	275,480.94	94,271.69
MONEY MARKET ACCT	324,433.24	19,487	0.00	324,449.41
RETTV CASH	880.00	0.00	0.00	880.00
ROAD TRIP EQ RESERVE SAVINGS	1,000.00	0.00	0.00	1,000.00
URGENT DELIVERY REPAIR/ALDIENA	23,434.22	0.00	0.00	23,434.22
TOWN CLERK EQUIPMENT RESERVE	3,133.52	2,364.07	0.00	5,497.59
COMPUTER EQ RESERVE SAVINGS	14,144.24	10,600.79	0.00	24,745.03
TOWN HALL CAPITAL RESERVE	109,210.50	40,503.57	0.00	149,714.07
JOHN KEMERSON RESERVE FUND	2,845.08	0.04	0.00	2,845.12
EMPLOYEE BENEFIT RESERVE	2,941.73	0.04	0.00	2,941.77
PARK EQ RESERVE SAVINGS	39,466.37	28,033.37	0.00	67,499.74
MATTHEWSON CONTRIBUTION RESERVE	10,923.47	0.21	0.00	10,923.68
WAGLEY ESTATE/CP RESERVE FUND	27,740.00	0.00	0.00	27,740.00
RESERVE FOR RECORDS MANAGEMENT	21,463.24	0.46	0.00	21,463.70
TOTAL	1,499,156.84	363,988.38	485,941.72	1,377,193.50
CG - PARK SPECIAL REVENUE FUND				
CASH - CHECKING	0.00	784.67	784.67	0.00
CASH - SAVINGS	103,409.41	2,460.00	784.67	103,084.74
TOTAL	103,409.41	3,224.67	1,569.34	105,064.74
CM - CEMETERIES				
CHECKING	0.00	120.00	120.00	0.00
CASH - SAVINGS	17,819.54	0.00	120.00	17,699.54
TOTAL	17,819.54	120.00	240.00	17,699.54
DA HIGHWAY FUND				
CASH IN CHECKING	123,409.00	318,439.79	314,435.75	127,409.00
CASH IN SAVINGS	119,432.63	129,144.87	314,435.75	134,141.65
MONEY MARKET ACCT	897,429.55	18.96	0.00	897,448.51
EMPLOYEE BENEFITS RESERVE	6,321.01	0.14	0.00	6,321.15
MUNICIPAL RESERVE SAVINGS	49,829.22	1.34	0.00	49,830.56
MATTHEWSON CONTRIBUTION RESERVE	13,153.47	0.23	0.00	13,153.70
TOTAL	1,819,629.78	457,422.07	433,271.50	1,843,879.36
E LIBRARY FUND				
CASH	0.00	0.00	0.00	0.00

	Balance 05/31/2019	Increase	Decrease	Balance 06/30/2019
TOTAL	0.00	0.00	0.00	0.00
M8 - HELP INSURANCE FUND				
CASH IN SAVINGS	0.00	0.00	0.00	0.00
CASH IN CHECKING	4,144.93	0.00	0.00	4,144.93
TOTAL	4,144.93	0.00	0.00	4,144.93
M01 - WALWORTH CONSOLIDATED				
CASH IN CHECKING	0.00	5,191.44	5,191.44	0.00
CASH IN SAVINGS	81,470.19	202.00	3,371.44	78,298.75
TOTAL	81,470.19	5,393.44	8,562.88	74,700.75
M02 - CRUZZAL CREEK DRAINAGE				
CASH IN SAVINGS	0.00	0.00	0.00	0.00
CRUZZAL CREEK DRAINAGE RES. FUND	4,474.91	0.00	0.00	4,474.91
CASH IN CHECKING	4,454.20	0.14	0.00	4,454.34
TOTAL	8,929.11	0.14	0.00	8,929.25
M1 - WALWORTH FIRE DISTRICT				
CASH	0.00	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00	0.00
M2 - WEST WALWORTH FIRE PROTECTION				
CASH IN SAVINGS	33,942.13	0.72	0.00	33,942.85
TOTAL	33,942.13	0.72	0.00	33,942.85
M3 - LINCOLN FIRE PROTECTION				
CASH IN SAVINGS	0.00	0.00	0.00	0.00
CASH IN CHECKING	36,289.40	0.41	0.00	36,289.81
TOTAL	36,289.40	0.41	0.00	36,289.81
M11 - WALWORTH LIGHT DISTRICT				
CASH IN CHECKING	0.00	1,347.42	1,347.42	0.00
CASH IN SAVINGS	4,420.48	0.00	1,347.42	3,073.06
TOTAL	4,420.48	1,347.42	2,694.84	1,725.64
M12 - HARVEST HILL LIGHT DISTRICT				
CASH IN CHECKING	0.00	494.18	494.18	0.00
CASH IN SAVINGS	11,718.84	0.00	494.18	11,224.66
TOTAL	11,718.84	494.18	988.36	11,224.66
M13 - CANANDA LIGHT DISTRICT				
CASH IN CHECKING	0.00	2,142.18	2,142.18	0.00
CASH IN SAVINGS	14,188.04	0.00	2,142.18	12,045.86

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**WALWORTH TOWN BOARD – REGULAR MEETING
JUNE 20 2019**

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MONTHLY REPORT OF SUPERVISOR				
	Balance 04/30/2019	Increase	Decrease	Balance 05/31/2019
TOTAL	14,284.04	7,142.19	4,224.00	14,198.89
84- BROOKSIDE LIGHT DISTRICT				
CASH IN CHECKING	0.00	8.85	8.85	0.00
CASH IN SAVINGS	444.00	0.00	8.85	435.27
BROOKSIDE RESERVE RESERVE	4,473.00	0.00	0.00	4,473.00
TOTAL	5,117.00	8.85	17.70	5,108.15
85- CHANDLER VIEW LIGHT DISTRICT				
CASH - CHECKING	0.00	80.71	80.71	0.00
CASH - SAVINGS	2,939.45	0.00	80.71	2,858.74
TOTAL	2,939.45	80.71	161.42	2,858.74
86- GANNON EISENBERG DISTRICT				
CASH IN SAVINGS	0.00	0.00	0.00	0.00
CASH IN CHECKING	29,974.04	0.00	0.00	29,974.04
TOTAL	29,974.04	0.00	0.00	29,974.04
87- JOHN S PARK DISTRICT				
CASH - CHECKING	0.00	80.00	80.00	0.00
CASH - SAVINGS	2,314.29	0.00	80.00	2,234.29
TOTAL	2,314.29	80.00	160.00	2,234.29
88- WALWORTH CENTER DISTRICT #1				
CASH IN CHECKING	0.00	31,427.42	31,427.42	0.00
CASH IN SAVINGS	141,001.31	181,460.19	127,714.00	194,747.50
MINER MARKET	371,771.23	35,274.74	0.00	407,045.97
WOTY CASH	400.00	0.00	0.00	400.00
SEWER TREAT MILLIARD MEDIUM	223,014.85	1.35	0.00	223,016.20
SEWER IN PROGRESS SAVINGS	156,274.42	44,719.41	0.00	200,993.83
SEWER CAPITAL RESERVE	177,719.04	4,251.32	0.00	181,970.36
TOTAL	1,272,891.85	249,732.54	182,138.42	1,339,485.97
89- WALWORTH WATER DISTRICT #1				
CASH IN SAVINGS	0.00	0.00	0.00	0.00
CASH IN CHECKING	14,440.14	0.00	0.00	14,440.14
RESERVE WATER STORAGE	2,318.41	0.04	0.00	2,318.45
TOTAL	16,758.55	0.04	0.00	16,756.64
8913- WATER EXT #19 LIN/PAV/CO				
CASH IN SAVINGS	0.00	0.00	0.00	0.00
CASH IN CHECKING	4,322.43	0.00	0.00	4,322.43
TOTAL	4,322.43	0.00	0.00	4,322.43
8916- WATER EXT #20 ARBOR/TIMBERDALE				
CASH IN SAVINGS	0.00	0.00	0.00	0.00
CASH IN CHECKING	1,484.18	0.00	0.00	1,484.18
TOTAL	1,484.18	0.00	0.00	1,484.18

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MONTHLY REPORT OF SUPERVISOR				
	Balance 04/30/2019	Increase	Decrease	Balance 05/31/2019
TOTAL	1,454.14	0.00	0.00	1,454.14
TA TRUST & AGENCY				
CASH	86,898.35	187,022.48	136,714.14	86,706.69
TOTAL	86,898.35	187,022.48	136,714.14	86,706.69
V DEBT SERVICE				
BRANCH/TIMBERDALE RESERVE SAVINGS	0.00	0.00	0.00	0.00
LIN/PAV RESERVE SAVINGS	12,413.47	0.27	0.00	12,413.74
LIN/PAV RESERVE SAVINGS	21,925.10	0.44	0.00	21,925.54
TOTAL	34,338.57	0.71	0.00	34,339.28
TOTAL ALL FUNDS	5,364,043.95	1,440,537.11	1,478,616.40	5,325,964.66

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**WALWORTH TOWN BOARD – REGULAR MEETING
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Roll call vote: Councilman Ruth Aye
 Councilman Pembroke Aye
 Councilman Ambroz Aye
 Councilman Phillips Aye
 Supervisor Jacobs Aye

Motion carried.

TOWN CLERK

Town Clerk Phillips stated that two Permits to Discharge Fireworks had been issued: Carey Lake for the evening of June 22, 2019, and The Ballroom at Carey Lake for the evening of July 6, 2019. Notices have been posted.

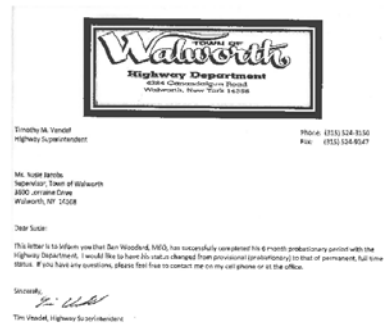
HIGHWAY SUPERINTENDENT

Highway Superintendent Vendel reported that Knollwood Drive, Hillside Circle and Sweets Corners Road will be paved starting on Tuesday, June 25, 2019 and concluding on Wednesday, June 26, 2019, weather-permitting.

RESOLUTION 139-19: AUTHORIZE THAT DAN WOODARD, MEO, IS MOVED FROM PROVISIONAL TO PERMANENT FULL-TIME EMPLOYMENT AT THE HIGHWAY DEPARTMENT, EFFECTIVE JUNE 9, 2019

Councilman Ruth offered the Resolution and moved its adoption. Seconded by Councilman Ambroz to wit:

The following was submitted:



BE IT RESOLVED the Walworth Town Board hereby authorizes that Dan Woodard, MEO, be moved from Provisional to Permanent Full-Time employment at the Highway Department, effective June 9, 2019.

Adopted this 20th day of June, 2019 at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

COMMITTEE / LIAISON REPORTS:

COUNCILMAN PEMBROKE

Councilman Pembroke shared that the Sewer Department hauled approximately 116,000 pounds of sludge last month and thanked the Sewer Department for its beautiful job mowing in preparation for Memorial Day.

COUNCILMAN RUTH

Councilman Ruth stated that he and Norm Druschel had visited three sites in Gananda regarding drainage issues and those issues are being addressed.

COUNCILMAN PHILLIPS

Councilman Phillips shared that the Walworth Seely Library has been awarded grant funds through the Pioneer Library System in the approximate amount of just under \$100,000 which will allow the Library to expand by at least 1,300 square feet.

RESOLUTION 140-19: AUTHORIZE THE FINANCIAL TRANSFER FROM FUND BALANCE TO FUND OVERTIME FOR ASSISTANT PARKS AND RECREATION DIRECTOR KEVIN WEISS, NOT TO EXCEED 70 HOURS AND \$2475.90

Councilman Ruth offered the Resolution and moved its adoption. Seconded by Councilman Ambroz to wit:

WHEREAS, the Parks and Recreation Director has requested that Assistant Parks and Recreation Director Kevin Weiss be compensated for overtime, not to exceed 70 hours; and

WHEREAS, a financial transfer from Fund Balance is required to complete this request;

BE IT RESOLVED the financial transfer from Fund Balance to fund overtime for Assistant Parks and Recreation Director Kevin Weiss is hereby authorized, not to exceed 70 hours and \$2475.90.

Adopted this 20th day of June, 2019 at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

COUNCILMAN AMBROZ

Councilman Ambroz reported that the next Walworth Ambulance Subcommittee meeting will take place in the Main Meeting Room at 4:30 PM on Friday, June 28, 2019.

SUPERVISOR JACOBS

Supervisor Jacobs shared the following report:

LIAISON / COMMITTEE APPOINTMENTS REPORT:

DATE: June 20, 2019

ANIMALS: Nothing to report at this time.

COMPLIANCE AND ORDINANCE REVIEW: Phil Williamson, Code Enforcement Officer, reports he is working with the Attorney for the Town reviewing / preparing updates to several Town of Walworth Local Laws; more information forthcoming.

CABLE TV & INTERNET: Nothing to report at this time.

INSURANCE: Nothing to report at this time.

WAYNE CENTRAL SCHOOL DISTRICT: Nothing to report at this time.

FACILITIES:

- Parking lot project is coming along.
- Area above Troopers area project is ready to be scheduled; those affected have been notified.
- Integrated Systems has begun to take a look at the updating of Windows 2010 throughout all departments; 2010 software will no longer be supported. More information forthcoming.
- Some tiles in the Town Hall lobby have come loose; we will evaluate and have re-grouting done in the near future.
- Vinyl Flooring will be striped and wax VCT tile in the downstairs Recreation Department, Hallway outside Town Clerks Office and the Kitchenette Area; date for the project to be scheduled.

SUPERVISOR:

- Coordinated a meeting with Wayne County IDA, Mr. David Kords, Realtor and myself regarding the building known as Walworth Grange in the Hamlet. Discussions will continue.
- Attended training at Wayne County Emergency Management to be introduced and to begin working on Continuity of Operations Planning (COOP) for the Town of Walworth. I will be meeting with employees to continue working on this plan. COOP Plans are essential to ensure that the Town of Walworth is able to continue performance of essential functions under a broad range of circumstances.
- Addressed concerns regarding the condition of the Dollar General lawn; these concerns were given to Phil Williamson for his follow up. He reported that a letter was sent on June 11th to the owner of the property; notifying that the Town has received complaints from neighbors that the property has overgrown condition of the grassed areas at the side of the building and between the parking area and Penfield-Walworth Road. The grass is extremely high and does not present a good impression of the property. No further action from the Town at this time.
- Received a phone call from a resident on Walworth Ontario Road with concerns about the speed on the road; he asked if speed monitoring by Law enforcement can be done again? He also inquired about lowering the speed on Walworth Ontario Road. We discussed the process requesting a speed reduction on a road. I have requested speed monitoring by law enforcement. And will follow up with the resident next week.
- I had a phone discussion with Walworth Plaza LLC regarding additional possibilities for businesses in the Hamlet (TOPS Plaza). We discussed some options, he is going to follow up with the Leasing Office and he and I will have a phone meeting within the next 15 days.

Respectfully submitted,

Susie C. Jacobs, MMC

Town Supervisor

DISCUSSION:


Supervisor Jacobs referred to packets that the Town Board members had received from Code Enforcement Officer Phil Williamson with recommendations on a variety of topics. This packet is on file in the Town Clerk's office.

Supervisor Jacobs addressed an e-mail from Norm Druschel regarding a matter that he wished to discuss with the Town Board in an executive session. She explained that the matter does not meet the criteria for which an executive session may be called. She offered to set up a meeting with Norm at a later date or to have the discussion at that moment. Mr. Druschel expressed that he would prefer to have a meeting with Supervisor Jacobs at a later date.

RESOLUTION 141-19: AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE CUSTOMER SERVICE ORDER FROM SPECTRUM TO UPGRADE TO FIBER INTERNET 50 MBPS, PERIOD OF 60 MONTHS AT \$448.00

Councilman Ruth offered the Resolution and moved its adoption. Seconded by Councilman Ambroz to wit:

The following was submitted:



Customer Service Order

THIS SERVICE ORDER ("Service Order"), is executed and effective upon the date of the signature set forth in the signature block below ("Effective Date") and is by and between Charter Communications Operating, LLC on behalf of those operating subsidiaries providing the Service(s) hereunder ("Spectrum") and Customer (as shown below) and is governed by and subject to the Spectrum Enterprise Commercial Terms of Service posted to the Spectrum Enterprise website, <https://enterprise.spectrum.com/> (or successor url) or, if applicable, an existing services agreement mutually executed by the parties (each, as appropriate, a "Service Agreement"). Except as specifically modified herein, all other terms and conditions of the Service Agreement shall remain unamended and in full force and effect.

Account Executive: Donald Young
 Phone: 5857561794 text
 Cell Phone: 5854351588
 Fax:
 Email: donald.young@charter.com

Order # 11296872

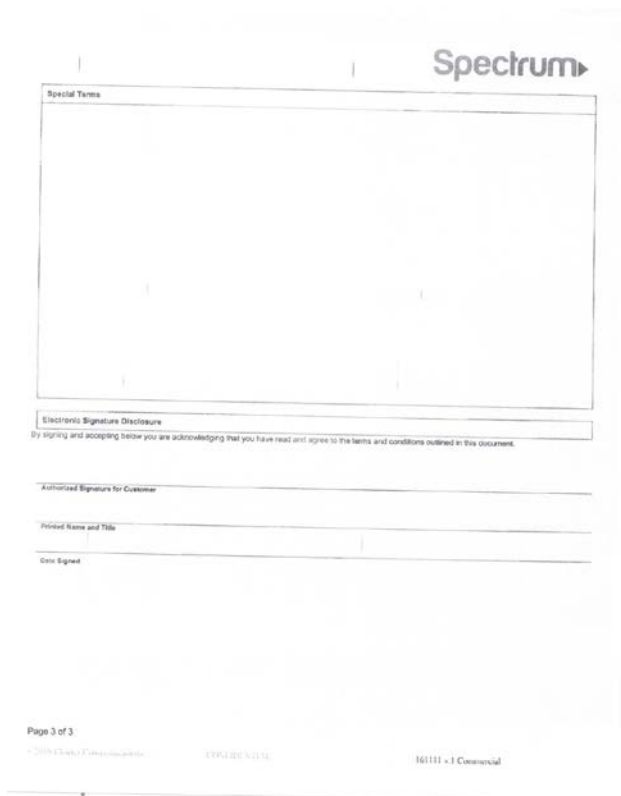
Customer Information: Customer Code		
Business Name	TOWN OF WALWORTH	Customer Type: Existing Customer
Federal Tax ID	Tax Exempt Status	Tax Exempt Certificate #
*****1187		
Billing Address	Account Number	
Attention To:	2036164-01	
3800 LORRAINE DR. WALWORTH NY 14588		
Billing Contact	Billing Contact Phone	Billing Contact Email Address
Susie Jacobs	(315) 866-1440	supervisor@townofwalworthny.gov
Authorized Contact	Authorized Contact Phone	Authorized Contact Email Address
Doug Brown	315-925-9544	doug.brown@integratednet.com
Technical Contact	Technical Contact Phone	Technical Contact Email Address

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New and Revised Services and Monthly Charges At 3600 Lorraine Dr Unit office, Walworth NY 14568				
Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
5 Static IP	1	\$0.00	\$0.00	60 Months
Fiber Internet 50Mbps	1	\$448.00	\$448.00	60 Months
*Total			\$448.00	
*Prices do not include taxes and fees.				
One Time fees At 3600 Lorraine Dr Unit office, Walworth NY 14568				
Description	Quantity	Sales Price	Total	
Fiber Access Account Setup Fee	1	\$0.00	\$0.00	
Total			\$0.00	
*Prices do not include taxes and fees.				

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BE IT RESOLVED the Town Supervisor is hereby authorized to sign the Customer Service Order from Spectrum to upgrade to fiber internet 50 MBPS for a period of 60 months at \$448.00.

Adopted this 20th day of June, 2019 at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

OTHER BUSINESS:

RESOLUTION 142-19: FINANCIAL TRANSFERS

Councilman Phillips offered the Resolution and moved its adoption as amended. Seconded by Councilman Ambroz to wit:

June 20, 2019 TOWN BOARD MEETING

BE IT RESOLVED that the Town Comptroller be authorized to modify budget as follows:

\$2364.00 transfer from A231C Town Clerk Reserve to A1410.21 Town Clerk Equipment to cover current expenses

\$105,000.00 transfer from SS201 Sewer Money Market to SS202 Sewer Savings to cover current expenses

\$23,329.00 transfer from A599 Fund Balance to A9060.81 General Health Care to cover expenses for the premium increases and employee changes to Health Care for the rest of the year.

\$7492.00 transfer from DA599 Fund Balance to DA9060.81 Highway Health Care to cover expenses for the premium increases and employee changes to Health Care for the rest of the year.

\$3266.00 transfer from SS599 Fund Balance to SS9060.81 Sewer Health Care to cover expenses for the premium increases and employee changes to Health Care for the rest of the year.

\$1,100.00 from A599 Fund Balance to A1220.41 Conference Training to cover expenses.

\$5,000.00 from A599 Fund Balance to A1420.42 Town Council- Union Council to cover expenses.

\$15,000.00 from A599 Fund Balance to A1440.41 Contractual- Engineer to cover expenses.

\$4,000.00 from A599 Fund Balance to A1620.21 Town Office- Equipment Computer to cover expenses.

\$3488.00 from A1620.21R Computer Equipment Reserve to A1620.21 Town Office – Equipment Computer to cover expenses.

\$50,000.00 from A1620.42R Bldg Maint Reserve to A1620.42 Town Office Bldg Maint. to cover expenses.

\$600.00 from A599 Fund Balance to A1620.46 Town Offices Training to cover expenses.

\$12,500.00 from A599 Fund Balance to A1620.44 Town Office Computers to cover expense.

\$400.00 from A8020.43 P. B. Engineering Fees to A8020.42 P.B. Signs/Expenses to cover expenses.

Adopted this 20th day of June, 2019 at a meeting of the Town Board.

Roll call vote: Councilman Ruth Aye
 Councilman Pembroke Aye
 Councilman Ambroz Aye
 Councilman Phillips Aye
 Supervisor Jacobs Aye

Resolution carried.

RESOLUTION 143-19: ABSTRACT 6, APPROVAL

Councilman Ruth offered the Resolution and moved its adoption. Seconded by Councilman Ambroz to wit:

To: Walworth Town Board

From: Cheri LeMay-Town Comptroller

Date: 20-Jun-19

Re: Abstract #6
 Attached please find a copy of the Abstracts by Fund. I have audited

all claims and will be transferring funds to cover payments by Fund as follows:

Voucher Numbers	919-1123	
A	General Fund	\$240,671.66
DA	Highway Fund	\$187,230.73
	Sewer	
SS	Fund	\$226,249.55
CM1	Park Special Revenue Fund	\$972.25
SD1	Walworth Consolidated Drainage	\$3,079.60
SL1	Walworth Light District	\$429.37
	Harvest Hill Light	
SL2	District	\$513.21
SL3	Gananda Light District	\$1,066.90
SL4	Brookside Light District	\$7.70
SL5	Orchard View Light District	\$74.73
SM	Gananda Sidewalk District	\$0.00
CM6	Cemeteries	\$0.00
SP	John's Park District	\$480.00
SF3	Lincoln Fire Dept	\$0.00
SW19	Water Ext #19	\$0.00
SW20	Water Ext #20	\$0.00

**WALWORTH TOWN BOARD – REGULAR MEETING
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L	Library	\$0.00
SD2	Crystal Creek Drainage	\$0.00
SF2	West Walworth Fire Dept	\$0.00

Total Payments \$660,775.70

Voucher Numbers 57-67

Trust & Payroll \$43,014.81

Checks will be issued June 21,2019

Checks Reviewed Prior To Mailing 06/21/2019 _____

Adopted this 20th day of June, 2019 at the meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Abstain
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

RESOLUTION 144-19: AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE METRO GROUP, INC. ANNUAL CONTRACT, BUDGETED ITEM FROM A1620.42 FOR AN AMOUNT NOT TO EXCEED \$3,450.00

Councilman Ruth offered the Resolution and moved its adoption. Seconded by Councilman Phillips to wit:

The following was submitted:

To: Susie Jacobs, Supervisor
From: Phil Williamson
Date: May 20, 2019
Re: Annual contract(s) with The Metro Group, Inc.

Please find attached the two annual contracts (no change in pricing from 2018) with The Metro Group, Inc. as follows:

1. Regulatory Compliance Program Contract for the NY State Legionella Guidelines for the 35-ton cooling tower. \$2,000.00 annual contract.
2. Omniserve contract for required water treatment and testing for the cooling tower and closed loop HVAC system. \$1,450.00 annual contract.

These contracts go hand and hand to meet required testing and compliance by Health Department. Once testing begins I have to file reports regarding equipment with the DOH as results of the tests performed by The Metro Group, Inc.

Once approved please execute each agreement, I will then keep one copy for our files with your signature, forward the other two for their signature and request one be returned for our records.

Thanks


BE IT RESOLVED the Town Supervisor is hereby authorized to sign The Metro Group, Inc. annual contract, budgeted item from A1620.42 for an amount not to exceed \$3,450.00. The contract is on file in the Town Clerk's Office.

Adopted this 20th day of June, 2019 at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

The following resolution was offered:

RESOLUTION 145-19: ACKNOWLEDGE THE TOWN OF WALWORTH WILL COMPLY WITH NEW YORK STATE PUBLIC HEALTH LAW §1399-0, EFFECTIVE JUNE 19, 2019; AND POST SIGNS AT THE TOWN HALL

Councilman Phillips offered the Resolution and moved its adoption. Seconded by Councilman Ambroz to wit:

WHEREAS, New York State Public Health Law §1399-0, Smoking and Vaping Restrictions mandates limits and restrictions to smoking and vaping both inside and in the vicinity of certain public buildings, facilities and areas; and

WHEREAS, the Town of Walworth will comply with New York State Public Health Law §1399-0;

BE IT RESOLVED that the Town of Walworth acknowledges and will comply with New York State Public Health Law §1399-0, effective June 19, 2019; and will post signs at the Town Hall.

Discussion ensued regarding the location of which smokers and those who use vaping devices will be able to engage in those activities. Councilman Ambroz made the motion to amend the resolution. Councilman Phillips seconded the motion to wit:

RESOLUTION 145-19: ACKNOWLEDGE THE TOWN OF WALWORTH WILL COMPLY WITH NEW YORK STATE PUBLIC HEALTH LAW §1399-0, EFFECTIVE JUNE 19, 2019; AND POST SIGNS AT THE TOWN HALL

Councilman Phillips offered the Resolution and moved its adoption as amended. Seconded by Councilman Ambroz to wit:

WHEREAS, New York State Public Health Law §1399-0, Smoking and Vaping Restrictions mandates limits and restrictions to smoking and vaping both inside and in the vicinity of certain public buildings, facilities and areas; and

WHEREAS, the Town of Walworth will comply with New York State Public Health Law §1399-0;

WHEREAS, Councilman Pembroke has agreed to work with the Walworth Seely Library to determine appropriate locations on the exterior of the complex for those who engage in smoking and vaping;

BE IT RESOLVED that the Town of Walworth acknowledges and will comply with New York State Public Health Law §1399-0, effective June 19, 2019; and will post signs at the Town Hall.

Adopted this 20th day of June, 2019 at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	No
	Councilman Pembroke	Aye
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

RESOLUTION 146-19: AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE PROFESSIONAL SERVICES AGREEMENT WITH INTEGRATED SYSTEMS FOR CONTRACT “D”, BUDGETED ITEM FROM A1620.44 FOR AN AMOUNT NOT TO EXCEED \$8,000.00

Councilman Ruth offered the Resolution and moved its adoption. Seconded by Councilman Ambroz to wit:

The following was submitted:



Professional Services Agreement

The following is a listing of all Professional Services Agreements that Integrated Systems is offering for Engineering Services and Software Development. It includes Network and System troubleshooting, programming, end user technical support, cabling and travel. The hours may be used for any combination of services. The larger the time block purchased, the greater the savings per hour. Contract rates cover work performed by any Integrated Systems Engineer at one unit per hour, except for services requiring a Senior Engineer whose hours are billed at 1.3 units per hour; those services include: Server Implementations, Network Design and Engineering, and at client request.

Professional Service Agreement Terms:

**Payment in full is due before any project/support is started.
Purchase of Professional Service Agreements are non-refundable.**

Clients with PSA receive priority telephone response time over non-PSA clients.

Banked Unused Time does not expire
(average response time: less than 1 hour)

Clients with PSA receive priority on-site response time for troubleshooting & technical support over non-PSA clients.

Clients with PSA have the option to have updates delivered via modem/mail; or on-site delivery.

Travel time is billed as straight time

Weekend/Overtime hours will be billed at 2 X regular rate

Modem/Phone charges are the responsibility of the client and are always billable.

Engineer's time is billable when:

- Working on additions/updates to programs / integration/ research
- Travel time between office and customer's location
- Time involved in gathering information for projects
- For support covering overnight staff, lodging, meals billed at \$150.00 per day.
- No extra charges for ground travel, flight costs are billed to the customer.

Statements of time spent on this contract are available at the Client's Request

LIMITATION OF WARRANTY LIABILITY: The obligation of Integrated Systems under the warranty is limited to the repair or replacement, at Integrated Systems option, of a non-conforming product, part or component thereof, except consumable accessories, within a reasonable time after notification. The client's remedies are limited to Integrated Systems obligations stated herein, subject to the "EXCLUSIVE REMEDY" set forth in the paragraph below. This warranty extends only to the client. THIS WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES EXPRESSED OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS. Integrated Systems has not made and makes no guarantee or warranty, including implied warranty or merchantability or fitness, that the system, equipment, or services supplied will avert, avoid or prevent the loss of data or information or the consequences therefrom, which the system or service is designed to provide. It is mutually understood and agreed that in executing this Agreement, client is not relying on any advice or advertisement of Integrated Systems. Client agrees that any representation, promise, condition, inducement or warranty, express or implied, including those of merchantability and fitness, not included in writing in this Agreement shall not be binding upon any "party." The client assumes all risk for loss or damage to the client equipment and data files except as specified herein.

EXCLUSIVE REMEDY: Because of the nature of the services rendered and the system as a whole, it is

CONTINUED ON NEXT PAGE

impractical and extremely difficult to fix the actual damages, if any, which may result from failure on the part of Integrated Systems to perform its responsibilities under this contract. Client does not desire this contract to provide full liability for loss, damage or injury due directly or indirectly to occurrences, or consequences therefrom, which the service or system is designed to deter or avert. In the event Integrated Systems should be found liable for loss, damage or injury due to a failure of the equipment or services provided under this Agreement or the equipment in any respect, its liability shall be limited to \$250,000, as the agreed upon liquidated damages and not as a penalty. Such liquidated damages is the exclusive remedy for any failure of services or equipment, and the provisions of this paragraph shall apply if loss, damage or injury, irrespective of cause or origin, results directly or indirectly to a person or property from the performance or nonperformance of any obligation of Integrated Systems from negligence, active or otherwise, of Integrated Systems, its agents or employees. It is intended and expressly agreed that the purpose of the preceding provisions are to set an upper limit to the amount recoverable by the client and to fix liability of Integrated Systems at a specific sum of \$250,000. If client desires additional liability coverage, it shall be his responsibility to secure it from an insurance carrier or other agency of his choice, at his own expense. The client shall bring no suit against Integrated Systems more than one (1) year after the accrual of the cause of action therefore.

The Client agrees that, during the term of this Agreement and for a period of twenty-four (24) months thereafter, it will not actively solicit an Integrated Systems employee as a candidate or possible candidate for any position with the client or potential client, without first obtaining the written permission of Integrated Systems. Due to the difficulty of assessing damages in the event of a breach of this provision, the parties agree that Client will pay Integrated Systems, upon Integrated Systems written notice to the Client, an amount equal to three times the annual wages of any Integrated Systems employee who is referred by Client in violation of this provision. The Client will also reimburse Integrated Systems for any attorney's fees incurred by Integrated Systems in collecting amounts owed under this provision.

Contract	Hours	Rate/Hour	Total Cost	Savings
None		\$ 153.00		None
A	10	\$ 95.00	\$ 950.00	\$ 600.00
B	25	\$ 90.00	\$ 2250.00	\$ 1625.00
C	50	\$ 85.00	\$ 4250.00	\$ 3500.00
D	100+	\$ 75.00	\$ 7500.00+	\$ 8000.00+

Contract Selected: _____

I have read the above terms and conditions of the time contracts. I understand and agree to the above conditions and terms of the contract:

Client: _____
 Address: _____
 Client Signature: _____ Date: _____

Integrated Systems Signature: _____ Date: _____

Contract Version: 01/2018

Integrated Systems

BE IT RESOLVED the Town Supervisor is hereby authorized to sign the professional services agreement with Integrated Systems for Contract "D", budgeted item from A1620.44 for an amount not to exceed \$8,000.00.

Adopted this 20th day of June, 2019 at a meeting of the Town Board.

Roll call vote: Councilman Ruth Aye
 Councilman Pembroke Aye
 Councilman Ambroz Aye
 Councilman Phillips Aye
 Supervisor Jacobs Aye

Resolution carried.

The following resolution was offered:

RESOLUTION 147-19: AUTHORIZE THE APPOINTMENT OF CHUCK BUSS AS INTERIM BUILDING INSPECTOR FOR BUILDING DEPARTMENT AND AUTHORIZE HIM SIGNING PERMITS; AT \$25.00 PER HOUR, A VOUCHER WILL BE SUBMITTED FOR PAYMENT UNTIL THE RETURN OF NORMAL DRUSCHEL, BUILDING INSPECTOR

Councilman Ruth offered the Resolution and moved its adoption. Seconded by Councilman Ambroz to wit:

WHEREAS, an interim Building Inspector is needed for a short duration in the absent of Normal Druschel; and

WHEREAS, Chuck Buss has received the proper certifications and holds the qualification to act as Interim Building Inspector;

BE IT RESOLVED the Chuck Buss is appointed as Interim Building Inspector for the Building Department and is hereby authorized to sign permits; at \$25.00 per hour, and a voucher will be submitted for payment until the return of Normal Druschel, Building Inspector.

Discussion ensued.

Councilman Phillips made the motion to table the resolution in order to have a conversation with the Town Attorney prior to proceeding. Councilman Ruth seconded the motion.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Motion carried.

CORRESPONDENCE:

Letter of Map Revision from FEMA, dated June 6, 2019.

Motion made by Councilman Phillips to accept and file. Councilman Ambroz seconded the motion. The documents are on file in the Town Clerk's office.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Motion carried.

Letter from New York State Police Sergeant/SC Joseph A. Eallonardo, dated June 8, 2019.

Motion made by Councilman Pembroke to accept and file. Councilman Ruth seconded the motion.


ANDREW M. CUOMO
Governor

KEITH M. CORLETT
Superintendent

June 8, 2019

Supervisor Suite Jacobs
Walworth Town Hall
3602 Lorraine Drive
Walworth, NY 14568

Supervisor Suite Jacobs and Members of the Walworth Town Board:

I am writing today to address the issue of vehicle and traffic enforcement in the Town of Walworth, specifically on State Route 441 in the posted 45 mph zone.

Highway safety is a critical piece of the mission of the State Police. We constantly strive for safe roadways and aim to reduce the deaths, injuries and property damage caused by motor vehicle accidents through vehicle and traffic enforcement and education. As you know, for over 20 years the State Police and Wayne County Sheriff's Office have utilized the pump station on Route 441 as a location for stationary Vehicle and Traffic Law enforcement. Recently, the issue of property damage to the grass as a result of this use has come to light. A restriction on the local on was then put in place by the Walworth Sewage Department, which now renders it unusable for safe enforcement. After the restriction, the Wayne County Highway Department placed a speed data collection box in the area of the pump station, which measured vehicle speeds between May 21st and May 29th, 2019. 35,485 vehicle speeds were measured during this period. Of those, 32,053 vehicles were found to be traveling at speeds exceeding the posted 45 mph limit. This accounts for 85 percent of the vehicles traveling this roadway. 9,935 of those speeds were between 56 and 70 miles per hour. 111 of those speeds were between 71 mph and 85 mph. 5 of those speeds exceeded 85 mph. Although we know this area posed a traffic concern based on the records of motor vehicle accidents investigated and the high number of speeding tickets issued by both the State Police and the Wayne County Sheriff's Office at this location over recent years, the results of this one-week study were worse than we anticipated.

A reduction in the opportunity for enforcement in this area will certainly diminish the level of highway safety on this roadway. Based on the number of accidents which have occurred on this road, some of which have resulted in serious injuries and death, in addition to the recent traffic study, it's apparent the very minimal amount of damage sustained to the grass at the pump station, compared to the benefit of highway safety is very much in this community's interest.

Building 20, 1220 Washington Avenue, Albany, NY 12226 | www.tro.state.ny.gov

I am respectfully requesting the Walworth Town Board authorize the removal of the wire barrier put in place by the Sewage Department, to allow us to utilize the town property for vehicle enforcement. I am further requesting the Board authorize the Town Highway Department to either place gravel over the grassy area that has caused concern to the Sewage Department, or to pave the area. I feel this would alleviate the concerns for possible future damage to the lawn, and be mutually beneficial to the residents, the Sewage Department and the State Police.

Thank you for your consideration in this matter.

Respectfully,

Sergeant/SC Joseph A. Eallonardo
SP Williamson

**WALWORTH TOWN BOARD – REGULAR MEETING
JUNE 20 2019**

288

Roll call vote: Councilman Ruth Aye
Councilman Pembroke Aye
Councilman Ambroz Aye
Councilman Phillips Aye
Supervisor Jacobs Aye

Motion carried.

Letter from John L DeVey IV, dated May 17, 2019.

Motion made by Councilman Phillips to accept and file. Councilman Ambroz seconded the motion. Supervisor Jacobs noted that the Town Attorney has made the recommendation that no action be taken by the Town Board. Documents are on file in the Town Clerk's office.

Roll call vote: Councilman Ruth Aye
Councilman Pembroke Aye
Councilman Ambroz Aye
Councilman Phillips Aye
Supervisor Jacobs Aye

Motion carried.

Notice from New York State Department of Taxation & Finance Office of Real Property Tax Services, dated 5/29/2019.

Motion made by Councilman Ruth to accept and file. Councilman Pembroke seconded the motion.

544400 New York State Dept of Taxation & Finance 5/29/2019
Office of Real Property Tax Services
Wk Hallman State Campus
Albany, New York 12227

Certificate of the Final State Equalization Rate
for the 2019 Assessment Roll

Ms. Patricia Martin, Supervisor Town of Walworth 3900 Lorraine Drive Walworth, NY 14568 9211	County of Wayne Town of Walworth Municipal Code 544400 Final State Equalization Rate * 92.00 *
---	---

I, Brian F. Moon, hereby certify that on May 29, 2019 the State Office of Real Property Tax Services established a final state equalization rate of 92.00 for the above named municipality.

Brian F. Moon
Brian F. Moon
Real Property Analyst 2

Note: Since your locally stated level of assessment has been confirmed, it has been established as the final state equalization rate pursuant to RPPL § 1211. Notices of final rate will be filed with the clerk of the county legislative body and in the office of the State Comptroller.

Mrs. Melissa Haxstead, Appointed Assessor
Town of Walworth
3900 Lorraine Drive
Walworth, NY 14568

**WALWORTH TOWN BOARD – REGULAR MEETING
JUNE 20 2019**

West
County of Wayne

New York State Department of Taxation and Finance
Office of Real Property Tax Services
WA Harriman State Campus
Albany, New York 12227

Page: 1 of 1
Date: May 23, 2019
Time: 4:56 PM

2019 Equalization Rate Status

Municipal Code	Municipal Name	(A) 2018 State Equalization Rate	(B) 2019 State Equalization Rate and Status	(C) Percentage Change in Estimate of Full Value
542000	Town of Arcadia	97.00	87.82 Tentative	10.40%
542000	Town of Butler	100.00	No Rate Yet	
542600	Town of Galen	94.00	78.00 Final	7.69%
542600	Town of Huron	95.00	No Rate Yet	
542800	Town of Lyons	100.00	100.00 Final	0.00%
543000	Town of Macedon	95.00	No Rate Yet	
543200	Town of Marion	98.00	95.00 Final	2.08%
543400	Town of Ontario	100.00	94.00 Final	6.38%
543600	Town of Palmyrk	90.00	No Rate Yet	
543800	Town of Rose	98.00	93.00 Final	5.38%
544000	Town of Savannah	100.00	98.00 Final	2.04%
544200	Town ofodus	100.00	98.00 Final	2.04%
544400	Town of Walworth	98.00	92.00 Final	6.32%
544600	Town of Williamson	100.00	98.00 Final	2.04%
544800	Town of Wolcott	100.00	100.00 Final	0.00%

Column C is the percentage change in the estimate of full value between the 2018 State equalization rate and the 2019 State equalization rate due to the change in full value standard.

This percentage change is important because county and school taxes are apportioned according to a municipality's share of the full value of the county or the school. A municipality will be apportioned a larger share of the tax levy if its full value increases by a larger percentage than others, or if its full value decreases less than the decrease for other municipalities in the county or school.

The information shown in columns B and C is subject to change as other rates are established in the county. You will be sent a complete report when we have established 2019 State equalization rates for all municipalities in your county.

Roll call vote: Councilman Ruth Aye
Councilman Pembroke Aye
Councilman Ambroz Aye
Councilman Phillips Aye
Supervisor Jacobs Aye

Motion carried.

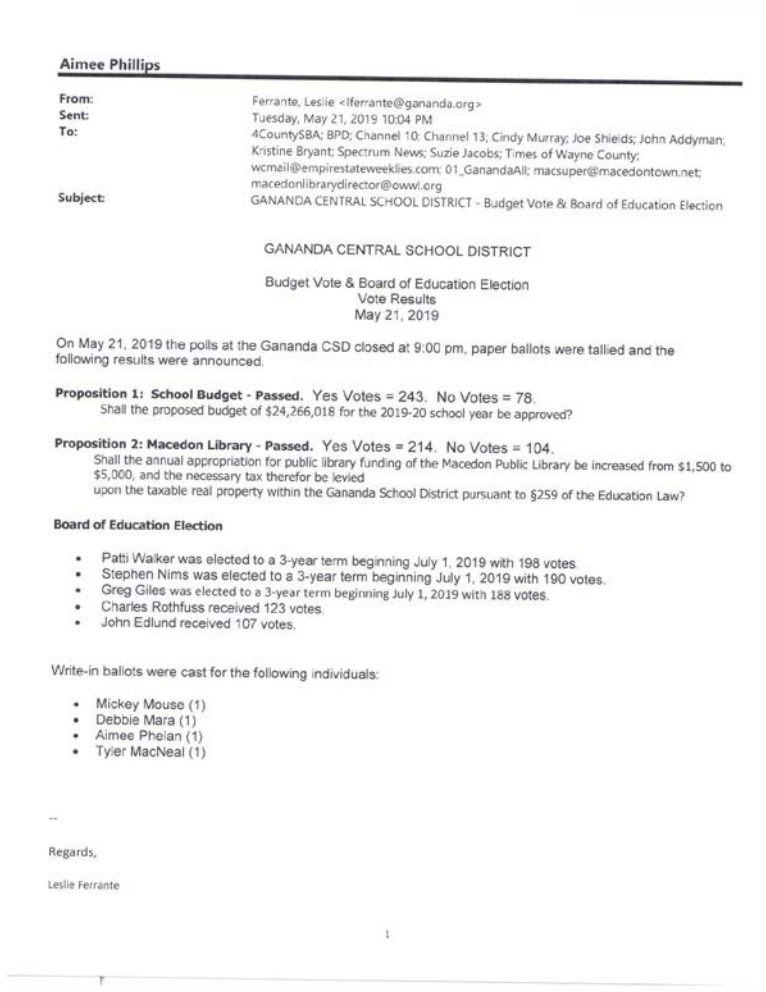
COMMUNICATION:

Certificates of completion, attendance list from recent trainings attended by Cody Phillips, Kent Macafee, Morris Owen, and other Town Board members and employees.

Motion made by Councilman Ambroz to accept and file. Councilman Ruth seconded the motion.

Gananda Central School District Budget Vote and Board of Election Vote Results, dated May 22, 2019.

Motion made by Councilman Pembroke to accept and file. Councilman Phillips seconded the motion.



Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Motion carried.

Wayne Central School District Budget Vote and Board of Election Vote Results, dated May 22, 2019.

Motion made by Councilman Ruth to accept and file. Councilman Pembroke seconded the motion.

Aimee Phillips

From: Monahan, Cynthia <cmonahan@waynecsd.org>
Sent: Tuesday, May 21, 2019 10:29 PM
To: fltimes@fltimes.com; news@13wham.com; newsroom@rochesterhomepage.net; roc-
info@democratandchronicle.com; younews@messengerpostmedia.com; 4CountySBA;
alistaff; Carrie Resch; Cindy Murray; John Addyman; Joshua Ruffell; Kim; News10NBC;
Spectrum News Times of Wayne County; Town Clerk Ontario; Town Clerk Walworth;
Wayne County Mail/Sun Record; WayneBOE
Subject: Wayne CSD - Budget Vote & Election Results

Hello,

Below are the Wayne Central School District Budget Vote & Election results:

Proposition #1 - 2019-2020 School Budget - PASSED
1,203 - YES
387 - NO

Proposition #2 - Bus Purchase - PASSED
1,337 - YES
248 - NO

Election of School Board Members:
The three candidates that receive the most votes will be elected to three-year terms beginning July 1, 2019-June 30, 2022

Tim Reynolds - 519
Kim Phillips - 1,073
Abigail Schmitt - 1,001
Carrie A. Resch - 1,032
Carla Boerman - 488
Joshua Ruffell - 567

Best,
Cynthia Monahan

Cynthia M. Monahan
Administrative Assistant to the Superintendent of Schools/District Clerk
Wayne Central School District
8600 Ontario Center Road
PO Box 133
Ontario Center, NY 14520
Phone: 315/327-1000

Roll call vote: Councilman Ruth Aye
Councilman Pembroke Aye
Councilman Ambroz Aye
Councilman Phillips Aye
Supervisor Jacobs Aye

Motion carried.

At 8:45 PM, Supervisor Jacobs requested an additional attorney/client privilege meeting with Town Attorney Don Young and Rob Burns. The Town Board, attorney and Mr. Burns exited the Main Meeting Room.

At 9:39 PM, the Town Board re-entered the Main Meeting Room and Supervisor Jacobs reconvened the meeting.

Supervisor Jacobs asked Don Young to provide an explanation of the Memorandum of Understanding regarding the potential participation of the Town of Walworth in the Wayne County Water and Sewer Authority's Western Regional Wastewater Treatment System Improvements Project. Following Mr. Young's presentation, Martin Aman was invited to speak as well. Mr. Aman reiterated the necessity of the Memorandum of Understanding and explained the process of the community's approval and forward movement of the project.

RESOLUTION 148-19: AUTHORIZING THE TOWN SUPERVISOR TO SIGN THE MEMORANDUM OF UNDERSTANDING REGARDING THE POTENTIAL PARTICIPATION OF THE TOWN OF WALWORTH IN THE WAYNE COUNTY WATER AND SEWER AUTHORITY'S WESTERN REGIONAL WASTEWATER TREATMENT SYSTEM IMPROVEMENTS PROJECT

Councilman Ruth offered the Resolution and moved its adoption. Seconded by Councilman Ambroz to wit:

The following was submitted:

**MEMORANDUM OF UNDERSTANDING
REGARDING THE
POTENTIAL PARTICIPATION OF THE TOWN OF WALWORTH
IN THE
WAYNE COUNTY WATER AND SEWER AUTHORITY'S
WESTERN REGIONAL WASTEWATER TREATMENT SYSTEM IMPROVEMENTS
PROJECT**

This Memorandum of Understanding is made and effective as of the 1st day of June, 2019 (the "Effective Date"), by and between the **Wayne County Water And Sewer Authority**, a public benefit corporation with offices located at 3377 Daansen Road, Walworth, New York 14568 (hereinafter referred to as the "Authority") and the **Town of Walworth**, a municipal corporation with its principal offices located at 3600 Lorraine Drive, Walworth, New York 14568, including on behalf of any sewer districts governed by the Walworth Town Board, as well all future sewer districts established with approval of the Town Board of the Town of Walworth (hereinafter referred to as "Town of Walworth"). The Authority and the Town of Walworth are each a "Party" and are collectively referred to as the "Parties."

The Authority is in the process of developing a project to provide wastewater collection, conveyance, treatment and related services for the benefit of the Town of Macedon, the Town of Marion and the Village of Palmyra (collectively, the "Participating Municipalities"), as well as certain "Out-of-District Users"¹ in the Town of Palmyra, pursuant to the development of the Western Regional Wastewater Treatment System Improvements Project (the "Regional Project") at an estimated cost of \$35,400,000 as more particularly described in that certain Wastewater Treatment System Improvements And Services Agreement entered into by and among the Authority and the Participating Municipalities (with the consent² of the Town of Palmyra), dated and effective as of December 1, 2018 and last amended by Addendum No. 1, dated and effective as of January 1, 2019 (collectively, the "IMA"), a copy of which has been provided by the Authority to the Town of Walworth. The Authority, the Participating Municipalities and the Town of Palmyra have also entered into that certain Control Agreement made and entered into as of April 1, 2019 (the "Control Agreement") to coordinate the effective dates of various underlying agreements that relate to the operation and maintenance of existing plants and

¹ Except as otherwise provided herein, capitalized terms used in this Memorandum of Understanding shall have the meanings ascribed to them in the IMA.

² Such consent is further evidenced by that certain Supplemental IMA entered into by and between the Village of Palmyra and the Town of Palmyra dated and effective as of December 1, 2018 and last amended by Addendum No. 1, dated and effective as of January 1, 2019, a copy of which has been provided by the Authority to the Town of Walworth.

collection systems that will be impacted by the new wastewater treatment system and are intended to be amended and restated effective upon the completion of the Regional Project. (A copy of the Control Agreement has also been provided by the Authority to the Town of Walworth.)

The Town of Walworth currently owns and operates a wastewater treatment plant (the “Walworth Treatment Plant”) for the benefit of users/residents of the Town of Walworth that is in need of substantial capital improvements and/or replacements to maintain current operations and to meet evolving regulatory requirements. The Walworth Treatment Plant currently also provides service to certain users/residents of the Town of Macedon who are located/reside within the Town of Macedon’s Gananda Sewer District (the “Gananda Sewer District”). In lieu of upgrading and continuing to independently operate the Walworth Treatment Plant, the Town of Walworth would like to participate in the Regional Project on the same basis as the Participating Municipalities with the understanding that:

- (i) the scope of Regional Project as described in the IMA would need to be expanded and increased to (x) include a new pump station, related improvements and sewer conveyance main from Town of Walworth’s existing wastewater treatment plant to connect with the Regional Plant conveyance system, the general location of which is shown on the map attached hereto as Exhibit “A”, (y) upsize the Regional Treatment Facility from 1.75 million gallons per day to between 2.5 to 3.0 million gallons per day based on engineering estimates in order to accommodate additional flows from the Town of Walworth at an additional cost of approximately \$14.9 Million resulting in an total estimated Project Cost of \$50 Million and (z) include the decommissioning of specified portions of the Town of Walworth’s existing treatment plant following an engineering analysis on terms mutually acceptable to the Authority and the Town of Walworth;
- (ii) the Authority and the Participating Municipalities have already made substantial progress to date defining and advancing the Regional Project by entering into the IMA, Supplemental IMA and Control Agreement; performing preliminary engineering and legal tasks; securing DEC’s approval of the Preliminary Engineering Report; securing commitments for grants; and securing financing commitments from the Environmental Facilities Corporation (“EFC”), among other tasks; and,
- (iii) participation by the Town of Walworth in the Regional Project would have to be structured in a way that does not interfere with such grants, approvals or funding commitments or delay the current status of the Regional Project as currently configured.

Among the purposes for which the Authority was created is to foster the development of regional wastewater projects and the Authority acknowledges that inclusion of the Town of Walworth in the Regional Project could be beneficial for the Authority as well as for the Participating Municipalities and the Town of Palmyra.

Accordingly, the Authority is willing to consider the Town of Walworth for participation in the Regional Project in accordance with the following general terms and conditions that have been preliminarily discussed and, subject to Section 3 below, agreed to by the Parties:

1. **Commitment to Participate in the Regional Project.** The Town of Walworth hereby expresses its intention and commitment to fully participate in the Regional Project, as expanded and enhanced to accommodate the needs of the Town of Walworth (the “Enhanced Regional Project”), as a “participating municipality” on the same basis as each of the existing Participating Municipalities with the same rights and subject to the same obligations of a “participating municipality” as provided for in the IMA. Such intention is evidenced by resolution of the Town Board of the Town of Walworth, a

certified copy of which is attached hereto as Exhibit “B,” approving this Memorandum of Understanding. Without limiting the generality of the foregoing, the Town of Walworth hereby agrees to:

- (i) pay as a component of its Service Fee due to the Authority a Capital Charge in an amount that will not exceed its Pro Rata Share of the debt incurred by the Authority to fund the Enhanced Regional Project based on the relative number of EDUs attributable to the Town of Walworth during each year of the IMA (a preliminary estimate of the Pro Rata Share of the Town of Walworth, the Participating Municipalities and the Town of Palmyra for the initial Billing Year is set forth in Exhibit “C” attached hereto);
- (ii) allocate the Capital Charge component of its Service Fees payable to the Authority under the IMA among the users of the Enhanced Regional Project in districts or service areas within the Town of Walworth benefiting from the Enhanced Regional Project by assessing, levying and collecting the expense thereof from the several lots and parcels of land within such districts or service areas pursuant to Town Law §202 and/or 202-a such that if unpaid, they can be re-levied by Wayne County pursuant to Real Property Tax Law §936(1);
- (iii) adopt the “Common Definition of EDU” as referenced in the IMA and as set forth in Exhibit “D” attached hereto; and
- (iv) transfer to the Authority those existing facilities and equipment including pump stations that will constitute elements of the overall Enhanced Regional Project improvements as specified by the Authority upon consultation with its engineers and the Town of Walworth.

2. **Reimbursement of Additional Project Development Costs.**

(+)a. The Authority and each of the Participating Municipalities have already incurred and paid significant Project Development Costs to advance the Regional Project. In order to accommodate the Town of Walworth’s desire to participate in the Enhanced Regional Project, the Authority is likely to incur substantial additional Project Development Costs consisting of engineering, legal, environmental studies and clearances, bond counsel, financing, underwriting and closing costs, site acquisition and related costs (collectively, the “Walworth Participation Costs”) required to include the Town of Walworth in the Enhanced Regional Project.

(+)b. The Walworth Participation Costs are solely the responsibility of the Town of Walworth, in accordance herewith. The Town of Walworth shall promptly reimburse the Authority for up to the first \$20,000 of such costs incurred by the Authority between the Effective Date of this Memorandum of Understanding and a preliminary determination by EFC and DEC to either support or decline to support participation by the Town of Walworth in the Enhanced Regional Project, upon the presentation of one or more invoices. Such Walworth Participation Costs shall be a result of the Authority’s efforts to evaluate the potential participation of the Town of Walworth in the Enhanced Regional Project and to secure such preliminary determinations by the EFC and DEC.

(+)c. Assuming (i) the Authority receives such preliminary approval from EFC and DEC, and (ii) the Town of Walworth advises the Authority in writing of its intent to continue to explore its participation in the Enhanced Regional Project after

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notification by the Authority of such approval, the Town of Walworth shall become responsible for further reimbursement to the Authority for any additional Walworth Participation Costs in excess of such amount up to a total aggregate amount of \$50,000, but only in the event that the Town of Walworth does not become a “full participant” in the Enhanced Regional Project. Full participation shall be evidenced by execution of an addendum to, or amended and restatement of, both the IMA and the Control Agreement (in each case, a “Definitive Agreement” and collectively, the “Definitive Agreements”) on mutually agreeable terms fully executed by the Authority, each of the Participating Municipalities, the Town of Palmyra and the Town of Walworth by the date set forth in Section 3(c) below. Provided, however, that the Town of Walworth shall be reimbursed by the Authority for up to \$50,000 of such costs, and any additional Walworth Participation Costs in excess of that amount need not be reimbursed by the Town of Walworth, but in each case shall be reimbursed to the Authority out of bond, grant and/or loan proceeds as part of the cost of issuance upon the closing of financing for the Enhanced Regional Project, assuming (i) the Town of Walworth does become a full participant in the Enhanced Regional Project as defined above and (ii) the Enhanced Regional Project successfully advances to closing of necessary project financing following satisfaction or waiver by the Authority in its discretion of each of the conditions precedent set forth in Section 3 (b) below.

~~b-d.~~ The Town of Walworth shall allocate the Walworth Participation Costs among the current users of the Walworth Treatment Plant including, for the avoidance of doubt, users within the Gananda Sewer District and shall not seek to recover any such costs from the Town of Macedon.

3. **Statement of Intent Only/Conditions Precedent.**

- a. Except for the commitment to reimburse the Authority for the Walworth Participation Costs as set forth in Section 2 above, this Memorandum of Understanding expresses the intent of each of the Parties only and is not otherwise an enforceable contract. The transactions contemplated by this Memorandum of Understanding are expressly subject to the negotiation, preparation and signing of Definitive Agreements fully specifying the terms of the transactions and any desirable additional terms and conditions.
- b. Any agreement resulting from this Memorandum of Understanding would be subject to (i) approval by the Town Board of the Town of Walworth, following any required public hearings and compliance with the requirements of the Town Law, and the Board of the Authority; (ii) compliance with SEQRA and/or NEPA, as applicable to the additional elements of the Enhanced Regional Project; (iii) the consent and/or approval of DEC, EFC and/or other funding sources confirming that the proposed inclusion of the Town of Walworth in the Enhanced Regional Project will not adversely affect financing commitments and/or permitting approvals received to date including, without limitation, any grants, favorable hardship funding, interest-free and/or subsidized loans, and/or approval of the Preliminary Engineering Report; (iv) bonding by the Authority; (v) additional commitments for adequate funding for additional elements of the Enhanced Regional Project including EFC loans and any available additional grants from DEC or other funding agencies; (vi) acquisition by the Authority of the site for the regional treatment plant and pump stations; (vii) the Authority obtaining all necessary easements, licenses, rights-of-way, environmental clearances and approvals for the Enhanced Regional Project; and (viii) formation of improvement

districts and/or improvement areas, if any, as required for participation in the Regional Project by the Town of Walworth.

- c. If this Memorandum of Understanding does not result in Definitive Agreements between the Authority and the Town of Walworth, approved by the Walworth Town Board, together with the consent of each of the Participating Municipalities and the Town of Palmyra by September 1, 2019, this Memorandum of Understanding shall be null and void and of no further effect and neither Party shall be liable to the other for any costs or damages whatsoever related to this Memorandum of Understanding, except that the Town of Walworth shall promptly reimburse the Authority for any and all Walworth Participation Costs through and including such date, up to \$50,000.00 total, as provided for in Section 2 above.
4. **Counterparts.** This Memorandum of Understanding may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
5. **Execution by the Participating Municipalities and the Town of Palmyra.** Each of the Participating Municipalities and the Town of Palmyra executes this Memorandum of Understanding solely to evidence their respective consent to the inclusion of the Town of Walworth in the Enhanced Regional Project on the terms, covenants and conditions set forth herein.

BE IT RESOLVED the Town Supervisor is hereby authorized to sign the Memorandum of Understanding regarding the potential participation of the Town of Walworth in the Wayne County Water and Sewer Authority's Western Regional Wastewater Treatment System Improvements Project.

Adopted this 20th day of June, 2019 at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Absent
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

Supervisor Jacobs shared that the next scheduled regular meeting of the Town Board will be held on July 18, 2019 at 7:00 PM at which the presentation will be by the Wayne County Soil and Water Conservation District. Supervisor Jacobs also stated that there will be two upcoming Special Meetings: June 26, 2019 at 4:00 PM and July 18, 2019 at 6:00 PM.

PUBLIC PARTICIPATION – No comments from the public.

Councilman Phillips offered the motion to open Resolution 147-19 for further discussion. Councilman Ruth seconded the motion.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Motion carried.

Discussion ensued regarding an amendment to the resolution concerning future procedure, and the following resolution wording was offered:

RESOLUTION 147-19: AUTHORIZE THE APPOINTMENT OF CHARLES BUSS AS INTERIM BUILDING INSPECTOR FOR BUILDING DEPARTMENT AND AUTHORIZE HIM SIGNING PERMITS; AT \$25.00 PER HOUR, A VOUCHER WILL BE SUBMITTED FOR PAYMENT FOR SERVICES RENDERED THROUGH 12:00 AM ON JUNE 21, 2019

Councilman Ambroz offered the Resolution and moved its adoption as amended. Seconded by Councilman Ruth to wit:

WHEREAS, an interim Building Inspector is needed for a short duration in the absent of Normal Druschel; and

WHEREAS, Charles Buss has received the proper certifications and holds the qualification to act as Interim Building Inspector;

BE IT RESOLVED the Charles Buss is appointed as Interim Building Inspector for the Building Department and is hereby authorized to sign permits; at \$25.00 per hour, and a voucher will be submitted for payment for services rendered through 12:00 AM on June 21, 2019; and

BE IT FURTHER RESOLVED that the Town Supervisor will then proceed with procedures in place for interim Building Department needs.

Adopted this 20th day of June, 2019 at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

EXECUTIVE SESSION:

Motion by Councilman Phillips to enter into executive session to discuss medical, financial, credit, or employment history of a particular person/corporation, or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion or suspension.

Seconded by Councilman Pembroke.

**WALWORTH TOWN BOARD – REGULAR MEETING
JUNE 20 2019**

300

Roll call vote: Councilman Ruth Aye
 Councilman Pembroke Aye
 Councilman Ambroz Aye
 Councilman Phillips Aye
 Supervisor Jacobs Aye

Motion carried.

Time: 9:52 PM.

RECONVENE:

Motion by Councilman Ambroz to reconvene the regular meeting. Seconded by Councilman Ruth.

Time: 10:40 PM.

Roll call vote: Councilman Ruth Aye
 Councilman Pembroke Aye
 Councilman Ambroz Aye
 Councilman Phillips Aye
 Supervisor Jacobs Aye

Motion carried.

ADJOURNMENT:

Motion by Councilman Ambroz to adjourn. Seconded by Councilman Ruth.

Roll call vote: Councilman Ruth Aye
 Councilman Pembroke Aye
 Councilman Ambroz Aye
 Councilman Phillips Aye
 Supervisor Jacobs Aye

Motion carried.

Time: 10:40 PM

Respectfully Submitted,

Aimee Phillips
Town Clerk