

Presiding Supervisor Jacobs called the Regular Town Board Meeting, County of Wayne, State of New York, held at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY to order at 7:05 PM and led those present in the Pledge of Allegiance.

Supervisor Jacobs stated that Councilman Pembroke was joining the meeting via Skype from 127 Westport Lane, Davenport, Florida, as was published and posted as required by Public Officer's Law §104.

|                        |                 |                         |
|------------------------|-----------------|-------------------------|
| <b><u>PRESENT:</u></b> | Susie Jacobs    | Supervisor              |
|                        | Larry Ruth      | Councilman              |
|                        | Vaughn Pembroke | Councilman (*Via Skype) |
|                        | Cody Phillips   | Councilman              |
|                        | Karel Ambroz    | Councilman              |
|                        | Timothy Vendel  | Highway Superintendent  |
|                        | Aimée Phillips  | Town Clerk              |

**ABSENT:** No members of the Town Board were absent.

**OTHERS PRESENT:** Phil Williamson, Code Enforcement Officer; one (1) Town Newspaper Reporter and seven (7) attendees.

**7:05 – 7:18 PM – Presentation by RBC Wealth Management (LOSAP) Mr. Gary Mazzarelli**

Prior to the business portion of the meeting, Mr. Gary Mazzarelli, Senior Portfolio Manager from RBC Wealth Management addressed the board with a presentation regarding the Length of Service Award Program (LOSAP) in which the town's fire departments participate. He provided background on how RBC Wealth Management handles investments and manages funds while working with a third party program administrator (Penflex, Inc.). Mr. Mazzarelli distributed informational dossiers to the Town Board and provide a brief investment performance report for the last nine years. After a short question and answer session, Mr. Mazarelli thanked the board for the invitation to present and exited the meeting.

**MINUTES**

**February 21, 2019 Regular Meeting**

Motion by Councilman Ruth that the minutes of February 21, 2019 Regular Meeting are approved as submitted by the Town Clerk. Seconded by Councilman Ambroz.

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

Motion carried.

**March 1, 2019 Special Meeting**

Motion by Councilman Ambroz that the minutes of March 1, 2019 Special Meeting are approved as submitted by the Town Clerk. Seconded by Councilman Ruth.

|                 |                     |         |
|-----------------|---------------------|---------|
| Roll call vote: | Councilman Ruth     | Aye     |
|                 | Councilman Pembroke | Abstain |

|                     |     |
|---------------------|-----|
| Councilman Ambroz   | Aye |
| Councilman Phillips | Aye |
| Supervisor Jacobs   | Aye |

Motion carried.

**ELECTED OFFICIAL REPORTS:**

**TOWN CLERK** – No report.

**HIGHWAY SUPERINTENDENT**

Highway Superintendent Vendel shared that there were 29 snowplow runs made in the month of February.

He also informed the Board and the public that two light poles had been struck recently and are in need of repair. One is located at the intersection of Gananda Parkway and View Pointe Drive, and the other is in the Hamlet on Walworth Penfield Road.

**COMMITTEE / LIAISON REPORTS:**

**COUNCILMAN PEMBROKE**

Councilman Pembroke reported that the Sewer Department made 5 plow runs in Gananda and in the Hamlet.

**COUNCILMAN RUTH**

Councilman Ruth stated that a meeting to review the Town's drainage projects with the Wayne County Soil and Conservation District will be arranged soon.

He also stated that he is in search of Boy Scouts who may be interested in performing upkeep projects at the Town's cemeteries, specifically Freewill Cemetery.

**COUNCILMAN PHILLIPS**

Councilman Phillips shared that the Library Expansion Subcommittee had met and had a productive meeting. Councilman Ruth inquired as to whether the added square footage, with the expansion, would require the Town Hall to install a sprinkler system. Councilman Phillips stated that that had been discussed and will be addressed as part of the expansion process.

**COUNCILMAN AMBROZ**

Councilman Ambroz reported that the union negotiations are completed, and that the tentative contract has been submitted to the union for a ratification vote to be held on March 14, 2019.

Councilman Ambroz also stated that the Walworth Ambulance Subcommittee will meet on March 15, 2019 at 4:30PM, and it still is in need of two civilian members.

**SUPERVISOR JACOBS**

Supervisor Jacobs shared the following report:

**LIAISON / COMMITTEE APPOINTMENTS REPORT:**

DATE: March 7, 2019

**ANIMALS:** Lea Dill, reported she has made few welfare checks on some dogs that live outdoors with the weather being so cold; she will continue to monitor until the weather breaks.

**COMPLIANCE AND ORDINANCE REVIEW:** Phil Williamson, Code Enforcement Officer, presented the Town Board with his recommendations regarding review of Town of Walworth Code Zoning and Planning § 180 Planned Development District (PD).

We will continue with the procedure established to prepare for a Local Law with the Attorney for the Town.

**NEGOTIATIONS:** Teamster 118, negotiations have reached a tentative agreement; awaiting Union Members review on March 14, 2019.

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

**INSURANCE:** NYMIR Sexual Harassment – Train the Trainor, April 30<sup>th</sup>, 2019.

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

**FACILITIES:** In 2018 we changed the Town Complex Building to LED lighting. We have moved forward with LED lighting on Lorraine Drive and in the Park and Ginegaw Park. In the near future we will begin evaluating the Highway Department for LED lighting as well.

Respectfully submitted,

Susie C. Jacobs, MMC

Town Supervisor

At the conclusion of Supervisor Jacob's report, Highway Superintendent Vendel inquired as to whether he would be able to replace streetlight ballasts with LED lights as they need to be replaced. The Town Board agreed with the Highway Superintendent's recommendation and Supervisor Jacobs advised him to discuss this with the Code Enforcement Officer.

**WALWORTH SEELY PUBLIC LIBRARY SUBCOMMITTEE:**

Supervisor Jacobs reported that the Walworth Seely Public Library Subcommittee, established at the Town Board meeting held on February 21, 2019, met on March 1, 2019. The Library had prepared a resolution for the Town Board to consider in favor of the Expansion Project, but the Committee would like the resolution to be reviewed by the Library's attorney prior to submitting it for approval by the Town Board. The resolution will therefore be presented at the Town Board meeting on March 21, 2019.

**DISCUSSION:**

**PROPOSED TOWN CODE CHANGES TO ZONING AND PLANNING §180 PLANNED DEVELOPMENT DISTRICT (PD)**

Supervisor Jacobs stated Town Board has been provided copies of proposed code changes to Zoning and Planning Town Code, and if any member of the Board has any comments regarding the proposed changes to direct them to Code Enforcement Officer Phil Williamson, as also shared in the Supervisor's Report.

**PUBLIC PARTICIPATION**

Mr. Frederick Nudd, Jr. of 4897 Arbor Road addressed the Town Board regarding two concerns:

- Integrated Systems renewal contract- Mr. Nudd stated that, in his opinion, the company is unethical and recommended that the Town investigate another option for IT service in the future
- Town Assessor vacancy- Mr. Nudd recommended that the Town look into Shared Services opportunities as a way to fill the position.

**OTHER BUSINESS:**

**RESOLUTION 67-19: AUTHORIZE THE SUPERVISOR TO SIGN THE 2018 SERVICE AWARD PROGRAM AUTHORIZATION FORM FOR THE WEST WALWORTH FIRE DEPARTMENT**

Councilman Ruth moved the following Resolution and moved its adoption. Seconded by Councilman Pembroke to wit:

The following was submitted:

2018 SPONSOR AUTHORIZATION FORM  
SERVICE AWARD PROGRAM

Town of Walworth  
West Walworth Fire Department

This form is to be signed by the Town Supervisor of the Town of Walworth after the 2018 Firefighter Records listing has been posted for at least 30 days, as certified by the completion of the 2018 Fire Department Posting Certification Form. Please sign and return the entire 2018 Data Request Package to:

Penflex, Inc.  
50 Century Hill Drive, Suite 3  
Latham, NY 12110

**AUTHORIZATION**

I hereby authorize Penflex, Inc. to use the data submitted herein about active volunteer firefighter Service Award Program 2018 records. I understand this data will be used to determine the funding requirements of the Service Award Program, the eligibility of participants to be paid Service Award Program benefits and the amount of benefits to be paid to such persons. I understand that if any of the 2018 administrative services provided by Penflex, Inc. must be redone due to errors in the data submitted herein, there may be an additional charge payable by the Program Sponsor. I further understand that Penflex, Inc. will not be liable for any errors in the calculation of the amounts due or payable from the Service Award Program Trust Fund which are the direct result of an error(s) in the data submitted herein.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Town Supervisor  
Town of Walworth

AUTHORIZATION (PINK)

**BE IT RESOLVED**, that the Town Supervisor is authorized to sign the 2018 Service Award Program Sponsor Authorization Form for the West Walworth Fire Department.

Adopted this 7<sup>th</sup> of March, 2019 at the 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 68-19: ADOPT THE TOWN OF WALWORTH CREDIT CARD POLICY AND ADD POLICY TO THE POLICY AND PROCEDURES MANUAL**

Councilman Phillips offered the following Resolution 68-19 and moved its adoption. Seconded by Councilman Jacobs to wit:

The following was submitted:

**Town of Walworth Credit Card Policy and Procedure**

**Policy:**

The Town Board of the Town of Walworth hereby authorizes the use of Town Board approved credit cards by employees for the sole use and benefit of the Town of Walworth. The purpose of the credit cards is to streamline and simplify the purchasing and payment process for certain transactions. Any and all purchases made with a credit card must be made in accordance with the procedures contained herein. Failure of an employee or elected official to adhere to the requirements and restrictions of this policy will result in appropriate disciplinary or remedial action.

**Securing a Town Credit Card:**

1. Only the Town Board may approve the establishment of a town credit card.
2. Prior to the establishment of a credit card, the Town Board shall, by resolution, approve the credit card, and designate who has authority to access the account.
3. On an annual basis, the Town Board will review, and if needed modify, this information.
4. The Town Comptroller is responsible for maintaining all credit card information (including the information for reporting lost or stolen cards), a current list of credit cards, and a list of approved users.

**Authorized Users:**

1. Use of credit cards is restricted to current employees and elected officials.
2. Authorized users shall sign a statement indicating they have read and understand the Town of Walworth Credit Card Policy.

**Use of Credit Cards:**

1. Town credit cards shall be kept in a locked box located in the Town Supervisor's office, the Sewer Department, and the Highway Department. The Justice Court will have an account number for the purpose of myfax to be used by their department.
2. Upon approval from their Department Head, an authorized employee may sign out a credit card. The employee shall sign their name, the date, credit card name, and the time the card was signed out into the log book prior to using the credit card.
3. Upon return from making a purchase, the credit card shall be returned to the same secure location where it was signed out and the employee shall note in the log book the amount spent, fund line for the expenditure and the date and time the card was returned.

4. The receipt for all purchases shall be returned to the corresponding Department Head the same business day or within 24 hours. The person making the purchase shall sign the receipt and return the receipt to the Department Head.
5. The Department Head must review the receipt to insure only approved items have been purchased. Once approved and within 24 hours, the Department Head must sign and date the receipt and submit the receipts and the completed vouchers to the Town Comptroller.
6. The Town Comptroller is responsible for reconciling the receipts with the billing statement.

**Compliance with Credit Limits and Procurement Policy:**

1. A credit card may be utilized only in accordance with the Town's Procurement Policy.
2. Each credit card purchase must not exceed the approved spending authority of the Department Head authorizing the purchase.
3. Under no circumstances will purchases be permitted which exceed the credit limit.

**Limits and Restrictions:**

1. The Town of Walworth is tax exempt and it is the responsibility of the user to ensure that sales tax is not charged. Any sales tax assessed on the Town of Walworth credit card will be the responsibility of the user of the credit card.
2. The credit card shall not be utilized for cash advances, items of personal use, amusement or entertainment purposes, alcoholic beverages, or any product, service, or fee that would not be authorized pursuant to the purchasing policies adopted by the Town of Walworth.
3. An employee who makes an unauthorized purchase will be liable for and must pay the Town of Walworth the total dollar amount of such unauthorized purchases, plus any finance charges or administrative fees charged by the credit card in connection with the misuse.
4. Appropriate administrative or judicial actions will be taken by the Town of Walworth to recoup such costs, if necessary.

**Lost or Stolen Cards:**

1. Employees are responsible for safeguarding the card while in their possession.
2. Lost or stolen cards shall immediately be reported to the Department Head and Town Comptroller.
3. The Town Comptroller and Town Supervisor are responsible for immediately notifying the credit card company.

**Bill Payment:**

1. The billing statement and corresponding receipts shall be attached to the printed voucher.
2. The billing statement, receipts, and voucher will be submitted for Town Board review and approval.
3. All balances shall be paid in full by the Town on or before the date due.
4. At no time shall the Town of Walworth incur finance charges as a result of failure to pay a credit card bill in a timely manner.

**Credit Card Maintenance and Housekeeping:**

1. When a purchase is returned the vendor shall issue the Town a credit to the credit card. Under no circumstances should the user accept cash in lieu of a credit on the credit card account.
2. The Town Comptroller and the Town Supervisor of the Town of Walworth shall review and cancel existing credit cards that are no longer in use or otherwise not needed.
3. The Town Comptroller of the Town of Walworth shall keep, review, and update a master list of credit cards issued to the Town of Walworth.
4. The Town of Walworth does not intend to acquire or earn cash back, miles, or other rewards that may accrue as a result of use of a credit card ("Rewards"). However, in the event any Rewards accrue as a result of use of the town credit card, said Rewards shall

belong entirely to the Town of Walworth and shall only be used for the benefit of the Town. In no event may Rewards be used by individuals for personal purposes.

**Failure to Comply with Town of Walworth Credit Card Policies and Procedures:**

1. FAILURE TO COMPLY WITH THE ABOVE GUIDELINES FOR USE OF THE TOWN CREDIT CARD MAY RESULT IN DISCIPLINARY ACTION, INCLUDING BUT NOT LIMITED TO TERMINATION AND, WHERE APPROPRIATE, CRIMINAL CHARGES.

Discussion ensued regarding the wording in the policy and the procedures included in the updated document.

(The resolution was tabled to be voted on at a later date.)

**RESOLUTION 69-19: TO TABLE RESOLUTION 68-19 ADOPT THE TOWN OF WALWORTH CREDIT CARD POLICY AND ADD POLICY TO THE POLICY AND PROCEDURES MANUAL TO BE DISCUSSED AT MARCH 21, 2019 TOWN BOARD MEETING**

Supervisor Jacobs offered that Resolution 68-19 be tabled until the Town Board meeting on March 21, 2019. Seconded by Councilman Ambroz.

Discussion ensued.

Adopted this 7<sup>th</sup> day of March, 2019 at a meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 70-19: AUTHORIZE THE PARKS AND RECREATION DIRECTOR TO PURCHASE FROM THE SEWER DEPARTMENT A USED TAILGATE SPREADER FOR AN AMOUNT NOT TO EXCEED \$600.00**

Councilman Phillips offered the following Resolution 70-19 and moved its adoption. Seconded by Councilman Pembroke to wit:

The following was submitted:

February 28, 2019

I am requesting the town purchase Sewer's used tailgate spreader for the amount of \$500.00. The spreader would be mounted to the tractor for the purpose of spreading salt on the sidewalks and gated areas of the town hall. Currently I am using a hand spreader and I have to bring it into the building and in the elevator to slat the upper level sidewalks. By doing this it is getting salt all over the town hall.

If we got the tailgate spreader you wouldn't have to have anything inside the building thus getting rid of the huge mess in the building. It would also make the spreading of the salt a little more efficient.

Thank you for your consideration,

Michael Buckley



**BE IT RESOLVED** that the Parks and Recreation Director is authorized to purchase the used tailgate spreader from the Sewer Department for an amount not to exceed \$600.00, including the cost of installation. Adopted this 7<sup>th</sup> day of March, 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 71-19: AUTHORIZE THE PARKS AND RECREATION DIRECTOR TO REFUND MS. HOLLIE PACKER \$150.00 FOR THE LODGE RENTAL VIA A VOUCHER**

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

The following was submitted:



To whom it may concern:

I Hollie Packer requested and paid to rent the lodge on April 21<sup>st</sup> for my sister baby shower. I did not realize this date was Easter, As much as I would love to have the baby shower here I cannot plan a party on Easter. When I first called to talk with parks and recreation the person I spoke with said they will hold the day for up to 48 hours I explained I needed to make sure this date worked with all of my family, Said person explained after 48 hours it will go back to being available, Said person stated that if I came and put the money down I would be given a receipt that if anything happened I would be refunded but the date would be held for me. I then had my sister rush down there to make sure the date was held she paid and was told to fill out the paper work. When I called to cancel due to this date not working I was told when my sister fill out the paper work it stated that there is no refund unless another party was booked. This was not explained to my sister nor is it in any of the papers given to her. I have given ample time for it to be refilled I have to book another location or another date due to the lodge not having any other opening until September. I am requesting I be refunded \$150.00 like paid and told I would be able to get back as long as I kept my receipt. Attached is the paper filled out and my receipt. Sorry for the inconvenience.

Thank you,

Hollie Packer

*Resolution to Refund*

**BE IT RESOLVED**, that the Parks and Recreation Director is authorized to refund Ms. Hollie Packer \$150.00 for the Lodge rental via a voucher.

Adopted this 7<sup>th</sup> of March, 2019 at the 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 72-19: AUTHORIZE THE HIRE OF MR. WILLIAM BURNETT, AS FULL TIME PARKS LABORER AND SET WAGES AT \$12.28 PER HOUR, EFFECTIVE MARCH 25, 2019**

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

**WHEREAS**, the Parks and Recreation Department is in need of a full time Parks Laborer; and

**WHEREAS**, the position was advertised as required and interviews of qualified applicants were conducted; and

**WHEREAS**, the Parks and Recreation Director has recommended the hiring of Mr. William Burnett;

**BE IT RESOLVED**, that Mr. William Burnett is hired as Full Time Parks Laborer and wages set at \$12.28 per hour.

Adopted this 7<sup>th</sup> day of March, 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.

**CORRESPONDENCE:**

**Town of Ontario – Letter from Mr. Brian Smith, Code Enforcement Officer**, dated March 5, 2019. Motion to accept and file.

Supervisor Jacobs requested that the letter be read aloud by the Town Clerk.



Brian Smith  
Code Enforcement Officer

March 5, 2019

To whom it may concern.

Last week I was asked to accompany Norm Druschel on his property at 676 Bills Rd. in Walworth NY.

Mr. Druschel had informed me of the circumstances behind the disrepair of the structure on the property and his plan to demolish the existing structure and possible sale of the property.

After a visual inspection of the remaining house on the property it appears that all access points are currently secure, without use of a ladder or tools.

My recommendation to Mr. Druschel is to prepare a plan and schedule for demolition and clean up of the property with a reasonable timeline for completion and submit the plan to the town board or the Authority having Jurisdiction to review.

Please contact me with any questions or concerns you may have.

Thank you.

Brian Smith  
Town of Ontario  
Code Enforcement Officer

Motion by Councilman Ruth to accept and file. Seconded by Councilman Ambroz.

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

Motion carried.

**Email letter from Kate Baranek**, dated February 18, 2019. Motion to accept and file.

Councilman Phillips requested to read aloud the letter.

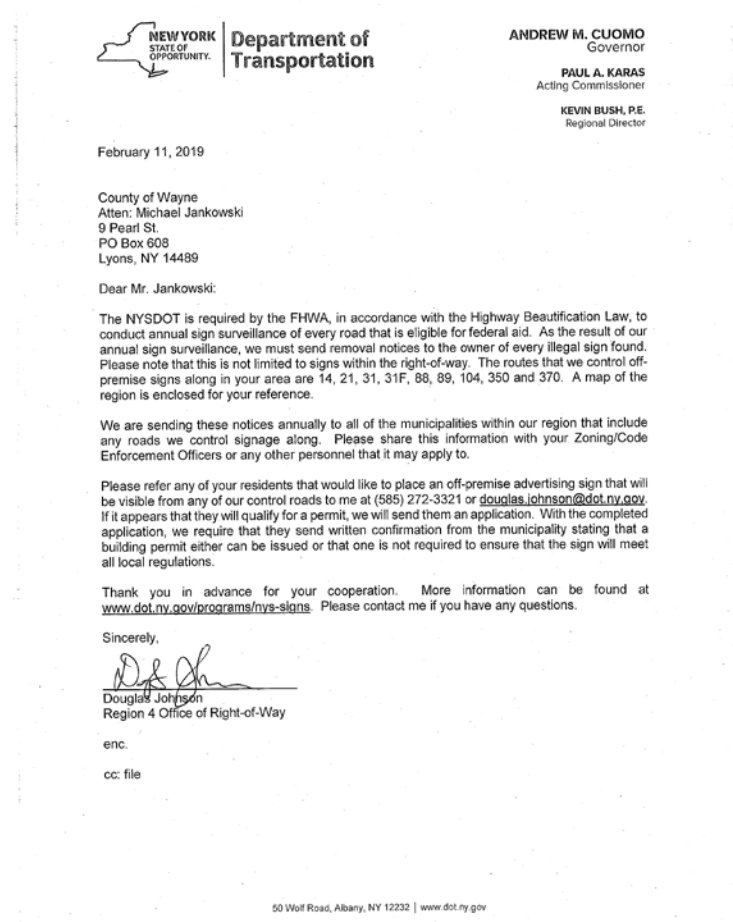
Motion by Councilman Ambroz to accept and file. Seconded by Councilman Phillips.

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

Motion carried.

\*Letter is on file in the Town Clerk’s office.

**Letter from New York State Department of Transportation**, dated February 11, 2019.  
Motion to accept and file.



Motion by Councilman Pembroke to accept and file. Seconded by Councilman Ambroz.

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

Motion carried.

**COMMUNICATION:**

**Wayne County 911 Monthly Events by Township Report**, dated February, 2019. Motion to accept and file.

Motion by Councilman Ruth to accept and file. Seconded by Councilman Ambroz.

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

Motion carried.

The report is on file in the Town Clerk’s Office.

Supervisor Jacobs shared the following with the public:

**TOWN BOARD MEETINGS:**

| <b>DATE</b>    | <b>TIME</b> | <b>MEETING TYPE</b> |
|----------------|-------------|---------------------|
| MARCH 21, 2019 | 6 PM        | WORK SESSION        |
| MARCH 21, 2019 | 7 PM        | REGULAR             |
| APRIL 4, 2019  | 7 PM        | REGULAR             |
| APRIL 18, 2019 | 7 PM        | REGULAR             |
| MAY 2, 2019    | 7 PM        | REGULAR             |

**RESOLUTION 73-19: AUTHORIZATION FOR TOWN SUPERVISOR TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH INTEGRATED SYSTEMS**

Councilman Ruth offered Resolution 73-19 and moved its adoption. Seconded by Councilman Ambroz to wit:

**WHEREAS**, the professional services agreement with Integrated Systems has been exhausted for the 100 hours authorized in 2018; and

**WHEREAS**, a new professional services agreement has been submitted with 4 options/levels of support as follows:



**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

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 \$250.00, 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 \$250.00. 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     |       | \$ 155.00 |             | 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

**WHEREAS**, the Contract Proposal D provides the most savings for the services needed;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Supervisor is authorized to sign the Professional Services Agreement Contract D at an amount not to exceed \$7,500.00 from Town Office – Computer Maintenance – A1620.44, budgeted item.

Adopted this 7<sup>th</sup> day of March, 2019, at a meeting of the Town Board.

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

Resolution carried.

**TOWN DEPARTMENT CREDIT CARD DISCUSSION**

Councilman Pembroke made the motion to allow the Town’s department heads to physically retain their Town-issued credit cards while the Credit Card Policy is being reviewed. Councilman Ruth seconded the motion.

Discussion ensued, and Supervisor Jacobs called for a roll call vote.

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

Motion carried.

**LIBRARY LEASE DISCUSSION**

Code Enforcement Officer Phil Williamson reviewed the current Walworth Seely Public Library lease agreement with the Town Board. Discussion ensued regarding the fees, costs, etc., and Mr. Williamson asked that the following resolution be offered:

**RESOLUTION 74-19: TO AUTHORIZE AN INVOICE BE SENT TO THE WALWORTH SEELY PUBLIC LIBRARY FOR THE 2019 PAYMENT IN THE AMOUNT OF \$9000.00**

Councilman Phillips offered the following Resolution 74-19 and moved its adoption. Seconded by Councilman Ruth to wit:

**WHEREAS**, the Walworth Seely Public Library currently holds a lease agreement with the Town of Walworth; and

**WHEREAS**, the lease agreement dated March 17, 2017 and Addendum A dated 3/20/2017 fixed the rent representing 22 percent of the items listed in Addendum A to a payment of \$9000.00 for the calendar year 2019 payable on or before April 1, 2019; and

**WHEREAS**, the Town of Walworth and the Walworth Seely Public Library have agreed that the lease and Addendum A will be reviewed, modified as needed and executed by both parties prior to the end of the calendar year 2019;

**NOW THEREFORE IT BE RESOLVED** that the Town of Walworth is authorized to send an invoice to the Walworth Seely Public Library for the 2019 lease payment in the amount of \$9000.00.

Adopted this 7<sup>th</sup> day of March, 2019 at the 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.

Supervisor Jacobs shared that the Wayne County Soil and Water Conservation District is holding a Forever Green Tree and Shrub Sale, and the Town may want to consider purchasing trees for the parks or Town complex areas.

Supervisor Jacobs also shared that the Town's auditors will be here the week of March 11-14, 2019 to finish up the annual audit.

**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: 8:31 PM

Respectfully Submitted,

Aimee Phillips  
Town Clerk