

Presiding Supervisor Jacobs called the Regular Town Board Meeting, Town of Walworth, County of Wayne, State of New York, held at 3600 Lorraine Drive, Walworth, New York to order at 6:30 PM. Supervisor Jacobs led those present in the recitation of the Pledge of Allegiance.

**PRESENT:**

Susie Jacobs	Supervisor
Scott Bryson	Councilman
Cody Phillips	Councilman
Amber Linson	Councilwoman
Aimée Phillips-Lomb	Town Clerk

**ABSENT:** Timothy Vendel Highway Superintendent

**OTHERS PRESENT:** Two (2) members of the public.

Supervisor Jacobs welcomed those in attendance and provided an update on the progress and process for the tentative 2022 Town of Walworth budget.

**PUBLIC HEARING RULES AND PROCEDURES:**

Supervisor Jacobs reviewed the reasoning for the public hearing and the procedures and asked for a motion to waive the reading of the following legal notice.

Motion by Councilman Bryson to waive the reading of the legal notice.  
 Seconded by Councilwoman Linson.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Motion carried.

**TOWN OF WALWORTH  
 NOTICE OF PUBLIC HEARING**

**RESOLUTION 115-21: LOCAL LAW NO. 2 OF 2021 TO OVERRIDE THE TAX LEVY  
 LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW**

**PLEASE TAKE NOTICE** that a proposed Local Law is under consideration by Town Board of the Town of Walworth, New York, designated as: Local Law No. 2 of 2021 to override the tax levy limit established in General Municipal Law § 3-c.

**PLEASE TAKE NOTICE** that the intent of the proposed Local Law is to override the limit on the amount of real property taxes that may be levied by the Town of Walworth, County of Wayne pursuant to General Municipal Law § 3-c, and to allow the Town of Walworth, County of Wayne to adopt a town budget for (a) town purposes (b) fire protection and (c) any other special or improvement district governed by the town board for the fiscal year 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**PLEASE TAKE FURTHER NOTICE** that said proposed Local Law is on file in the Walworth Town Clerk’s Office located at 3600 Lorraine Drive, Walworth, New York, where it is available for public inspection during regular business hours.

**PLEASE TAKE FURTHER NOTICE**, that a Public Hearing upon said proposed Local Law has been scheduled for the **23<sup>rd</sup> day of September, 2021, at 6:35 PM**, to be held by the Town Board at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, New York. An opportunity to be heard in regard thereto will then and there be given. Written comments may also be directed to the Town Clerk.

Dated: September 16, 2021  
BY ORDER OF THE  
WALWORTH TOWN BOARD  
Aimée Phillips-Lomb  
Town Clerk

Supervisor Jacobs declared the Public Hearing opened and asked if anyone present would like to speak in **FAVOR** or **AGAINST**.

Time: 6:36 PM.

There were no comments from the public present or submitted in writing to the Town Clerk.

Motion by Councilman Bryson to close the Public Hearing.  
Seconded by Councilman Phillips

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Motion carried.

Time: 6:37 PM.

**RESOLUTION 122-21: AUTHORIZE PUBLIC HEARING FOR THE LINCOLN FIRE DEPARTMENT 2022 CONTRACT**

Councilman Phillips offered Resolution 122-21 and moved its adoption. Seconded by Councilman Bryson to wit:

**BE IT RESOLVED**, that a public hearing is scheduled for **Thursday, October 7, 2021 at 6:35 PM** for the purpose of hearing comments regarding the Lincoln Fire Department 2022 Contract.

Adopted this 23<sup>rd</sup> day of September, 2021, at a meeting of the Town Board.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

**RESOLUTION 123-21: AUTHORIZE PUBLIC HEARING FOR THE WEST WALWORTH FIRE DEPARTMENT 2022 CONTRACT**

Councilman Bryson offered Resolution 123-21 and moved its adoption. Seconded by Councilwoman Linson to wit:

**BE IT RESOLVED**, that a public hearing is scheduled for **Thursday, October 7, 2020 at 6:37 PM** for the purpose of hearing comments regarding the West Walworth Fire Department 2022 Contract.

Adopted this 23<sup>rd</sup> day of September, 2021 at a meeting of the Town Board.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

**RESOLUTION 124-21: AUTHORIZE PUBLIC HEARING FOR WESTERN WAYNE AMBULANCE, INC. 2022 CONTRACT**

Councilwoman Linson offered Resolution 123-21 and moved its adoption. Seconded by Councilman Phillips to wit:

**BE IT RESOLVED**, that a public hearing is scheduled for **Thursday, October 7, 2021 at 6:39 PM** for the purpose of hearing comments regarding the Western Wayne Ambulance, Inc. 2022 Contract.

Adopted this 23<sup>rd</sup> day of September, 2021 at a meeting of the Town Board.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

**RESOLUTION 125-21: AUTHORIZE PUBLIC HEARING FOR 2022 PRELIMINARY BUDGET**

Councilwoman Linson offered Resolution 125-21 and moved its adoption. Seconded by Councilman Phillips to wit:

**WHEREAS**, the Town Board desires to schedule a Public Hearing on **Thursday, October 7, 2021 at 6:41 PM** for the purpose of hearing comments regarding the 2022 Preliminary Budget; and

**WHEREAS**, the Town Board directs the Town Clerk to publish the notice stating compensation proposed to be paid to each Elected Official (Town Law§108) reflecting the same salary increase of 2% as the other employees of the Town, effective January 1, 2022; and

**BE IT RESOLVED**, that the Town Board will hold a Public Hearing on said 2022 Preliminary Budget at the Walworth Town Hall, 3600 Lorraine Drive, in the Town of Walworth, New York at **6:41 PM on Thursday, October 7, 2021;**

**BE IT FURTHER RESOLVED**, that the Town Clerk publish or cause to be published a public notice in the official newspaper of the Town of said public hearing at least five (5) days prior thereto.

Adopted this 23<sup>rd</sup> day of September, 2021 at the meeting of the Town Board.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

**RESOLUTION 126-21: ADOPTION OF PROPOSED LL NO. 2 of 2021 A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW**

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

The following was submitted:

**WHEREAS**, a Public Hearing was held on September 23, 2021 at a meeting of the Town Board,

Proposed Local Override Law

Proposed Local Law No. 2 of the year 2021  
Town of Walworth, County of Wayne

**A local law to override the tax levy limit established in General Municipal Law § 3-c**

**Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Walworth, County of Wayne pursuant to General Municipal Law § 3-c, and to allow the Town of Walworth, County of Wayne to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Walworth, County of Wayne is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date.**

This local Law shall take effect immediately upon filing with the Secretary of State.

Adopted this 23<sup>rd</sup> day of September, 2021 at a meeting of the Town Board.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

**RESOLUTION 119-21: AUTHORIZATION FOR TOWN SUPERVISOR TO SIGN AGREEMENT WITH BONADIO GROUP FOR PROFESSIONAL CONSULTATION SERVICES REGARDING ARPA, TO BE EXPENDED FROM ARPA FUNDS**

Councilman Bryson offered Resolution 119-21 and moved its adoption. Seconded by Councilwoman Linson to wit:

The following was submitted:

**Bonadio & Co., LLP**  
Certified Public Accountants

September 14, 2021

Susie Jacobs, Supervisor  
Town of Walworth  
3600 Lorraine Dr.  
Walworth, NY 14368

**RE: Professional Consulting Services**

We appreciate the opportunity to provide professional consulting services to the Town of Walworth, New York (the Town) related to the American Rescue Plan Act (ARPA). This engagement letter confirms our understanding of your retention of Bonadio & Co., LLP ("Bonadio") to assist you with respect to the funds received from the Federal government.

**Scope of Services**

Our procedures may include, but are not limited to the following:

- Assisting the Town with a grant management program – including grant programs for businesses/individuals and subsequent periodic monitoring
- Assistance with single audit compliance related to these funds
- Monitoring and reporting of the ARPA funds.
- Assisting with compliance with ARPA regulations including assistance with determining allowable expenditures
- Expenditure planning for the duration of grant period including assessing short-term needs and future projects to meet the required expenditure deadline of December 31, 2024.
- Meetings with Town representatives and/or Board to discuss actions
- Other services as desired by the Town as the final regulations have not yet been issued, and additional assistance may be requested

**Summary of Roles and Responsibilities**

The services under this engagement letter will be performed in accordance with the Statement on Standards for Consulting Services ("SSCS") issued by the American Institute of Certified Public Accountants ("AICPA"). Consulting services differ fundamentally from attestation services. In an attest service, the practitioner expresses a conclusion about the reliability of a written assertion that is the responsibility of another party, the asserter. In a consulting service, the practitioner develops the findings, conclusions, and recommendations presented, based solely by the agreement between the practitioner and the client.

177 Sully's Trail  
Pittsford, New York 14524  
p (585) 381-3000  
f (585) 381-3121  
www.bonadio.com

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Accordingly, our services will not constitute an audit, compilation, review, or attestation service of the Town. Additionally, we will not otherwise verify the data you submit for accuracy or completeness. Rather, we will rely on the accuracy and completeness of the documents and information you provide to us.

We will provide expertise and recommendations based on our observations during the work requested by you to assist in this project. It will be management's responsibility to provide substantive involvement as part of the project team, determine the level of work desired, and determine how to proceed relevant to any recommendations or advice provided. You are responsible for making all management decisions and for performing management functions and overseeing and monitoring the services we provide by designating an individual, preferably within senior management, who possesses suitable skill, knowledge or experience and will assure that you have obtained all needed information from appropriate sources to make appropriate business decisions. Further, although we will have discussions of various business matters, it is understood that we may not have been provided all appropriate information to make informed recommendations related to those discussions. You are responsible for evaluating the adequacy and results of the services performed and accepting responsibility for the results of such services. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

**Warranties and Liabilities**

Our services will be performed in a professional and workmanlike manner. All services will be rendered by and/or under the supervision of Bonadio personnel. Bonadio makes no representation or warranty regarding either the services to be provided or any deliverables. In no event, unless it has been finally determined that Bonadio was grossly negligent or acted willfully or fraudulently, shall Bonadio be liable to you or any third party, whether a claim be in tort, contract or otherwise for any amount in excess of the total professional fees (excluding expenses) paid by you to us under this agreement for the particular service to which such claim relates. In no event shall Bonadio be liable for any special, consequential, indirect, exemplary, punitive, lost profits or similar damages, even if we have been apprised of the possibility thereof.

You agree to indemnify and hold harmless Bonadio, its employees, partners and third party consultants and subcontractors from any and all third party claims, liabilities, costs, and expenses, including reasonable attorneys' fees, arising from or relating to the services or deliverables under this letter, except to the extent finally determined to have resulted from the gross negligence, willful misconduct or fraudulent behavior of Bonadio & Co., LLP relating to such services or deliverables. Your indemnity obligation contained in this paragraph shall survive termination or expiration of this letter (including but not limited to all reasonable costs and expenses related to answering subpoenas, attending depositions, being named in third-party claims, related attorneys' fees, etc.).

In the event of a conflict or inconsistency between the terms of this letter and any other written agreement between us relative to the services to be performed (including any deliverables), the terms of this letter shall be deemed controlling in all material respects.

**Deliverables**

All information and materials of any form or description collected by us in the course of our engagement shall constitute our work files and will at all times, during and after completion of our engagement, remain in our exclusive possession. We shall have unlimited discretion to retain, discard, or dispose of our work files but will at all times maintain all information and materials provided by the Town in strictest confidence.

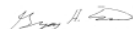
**Fees**

Hours incurred will be billed at a rate of \$340 per hour, monthly.

Our invoices for these fees will be rendered as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 45 days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.

We appreciate the opportunity to be of service and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy, and return it to us.

Very truly yours,  
BONADIO & CO., LLP



Gregg Evans, CPA  
Partner

**ACKNOWLEDGMENT**

This letter correctly sets forth the understanding of the Town with the above stated terms and conditions.

Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Adopted this 23<sup>rd</sup> day of September, 2021, at a meeting of the Town Board.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

**RESOLUTION 127-21: TO ADOPT AMENDED NEPOTISM POLICY TO THE TOWN OF WALWORTH POLICIES AND PROCEDURES MANUAL**

Councilman Phillips offered Resolution 127-21 and moved its adoption. Seconded by Councilman Bryson to wit:

The following was submitted:

**§ 18-14. Nepotism.**

Except as otherwise required by law:

(a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board. Said municipal officer or employee will be required to fully disclose any such relationships in writing to the Town Board and to abstain from any such employment decisions regarding their relative. When necessary, such decisions will be made by the Town Supervisor or, if the employee is a relative of the Town Supervisor, by a decision of a majority of the Town Board.

(b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties, unless they comply with the requirements of full disclosure and abstention set forth in section (a) above.

**NOW, THEREFORE IT BE RESOLVED**, that the Town Board hereby adopts the amended Nepotism policy to the Town of Walworth Policies and Procedures manual.

Councilwoman Linson read the updated policy and explained the changes for those present.

Adopted this 23<sup>rd</sup> day of September, 2021, at a meeting of the Town Board.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.

**RESOLUTION 128-21: TO MODIFY SALARY FOR DEPUTY TOWN CLERK JENNA CAMACHO, EFFECTIVE PAY PERIOD #20, TO \$16.50 PER HOUR AND TO AUTHORIZE TOWN SUPERVISOR TO MAKE NECESSARY TRANSFERS**

Councilman Bryson offered Resolution 128-21 and moved its adoption. Seconded by Councilwoman Linson to wit:

**WHEREAS**, due to staffing changes and reallocation of job responsibilities to the Town Clerk's office;

**NOW, THEREFORE IT BE RESOLVED**, that the Town Board hereby authorizes the modification in salary for Deputy Clerk Jenna Camacho, effective pay period #20, September 12, 2021, to \$16.50 per hour; and to authorize the Town Supervisor to make the necessary transfers from General Fund Balance to budget line A1410.12.

Adopted this 23<sup>rd</sup> day of September, 2021, at a meeting of the Town Board.

Roll call vote: Councilwoman Linson Aye  
 Councilman Bryson Aye  
 Councilman Phillips Aye  
 Supervisor Jacobs Aye

Resolution carried.

**COMMUNICATION:**

- **E-mail from Office of the State Comptroller**, dated September 20, 2021

Motion by Councilwoman Linson to accept and file the Letter from Office of the State Comptroller. Seconded by Councilman Phillips.

Roll call vote: Councilwoman Linson Aye  
 Councilman Bryson Aye  
 Councilman Phillips Aye  
 Supervisor Jacobs Aye

Motion carried.

- **Letter of resignation from Cheryl LeMay**, dated September 15, 2021

Motion by Councilman Bryson to accept and file the Letter of resignation from Cheryl LeMay. Seconded by Councilman Phillips.

Roll call vote: Councilwoman Linson Aye  
 Councilman Bryson Aye  
 Councilman Phillips Aye  
 Supervisor Jacobs Aye

Motion carried.

Supervisor Jacobs reviewed the following Town Board meeting dates:

**TOWN BOARD MEETINGS:**

<b>DATE</b>	<b>TIME</b>	<b>MEETING TYPE</b>
OCTOBER 7, 2021	6:30 PM	BUDGET PUBLIC HEARING
OCTOBER 21, 2021	6:30 PM	REGULAR/ADOPTION OF BUDGET
NOVEMBER 4, 2021	6:30 PM	REGULAR
NOVEMBER 18, 2021	6:30 PM	REGULAR

**NEW AND OTHER BUSINESS:**

Councilwoman spoke regarding the storage of a trailer owned by Boy Scout Troop 113, as discussion had begun at the previous Town Board meeting. Discussion ensued regarding other options of storage, time frame and legal contract for storage of Town property. The Board agreed



that if more information were gathered and a draft of an agreement were to be composed, it would vote on the storage of the trailer at the next Town Board meeting.

Councilman Phillips inquired as to the speed on Ganada Parkway as another motor vehicle had occurred recently. Supervisor Jacobs stated that traffic studies had been conducted there in the past, and due to it being a County road, any future studies or inquiries will need to go through the County Highway Department and the Wayne County Sheriff's Office.

**PUBLIC PARTICIPATION:** No one present wished to address the Town Board.

**ADJOURNMENT:**

Motion by Councilman Bryson to adjourn. Seconded by Councilman Phillips.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Motion carried.

Time: 6:55 PM

Respectfully Submitted,

Aimée Phillips-Lomb  
Town Clerk