



Michael Donalty, Town Supervisor
3600 Lorraine Drive
Walworth, NY 14568

315.986.1400
315.926.9154
Fax 315.986.1440

TOWN BOARD REGULAR MEETING – AGENDA

SEPTEMBER 1, 2022 6:30 PM

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

MINUTES: August 18, 2022 Regular Meeting

PRESENTATIONS:

REPORTS OF COMMITTEES (LIAISON/ELECTED OFFICIAL REPORTS)

RESOLUTIONS:

- Resolution -22:** Authorize the Town Supervisor to sign the New York State Snowmobile Grant-In-Aid Program Landowners Permissions form
- Resolution -22:** To approve Memorandum of Understanding and Agreement in connection with replacement funding for the Regional Wastewater Treatment Plant project
- Resolution -22:** Adopt and set 2023 fee schedule for Ginegaw Lodge and open-air pavilions
- Resolution -22:** To accept the resignation of Heidi Sutherland and advertise to fill the position of Justice Court Clerk (FT)
- Resolution -22:** Approving settlement of pending tax assessment litigation with Braceyourself II, LLC

COMMUNICATION:

- Letter from New York State Department of Transportation, dated August 23, 2022
- Assessment Monthly Sales Report for July 2022
- Assessment Department Report for August 2022
- Parks Department Monthly Report, dated August 26, 2022

NEW AND OTHER BUSINESS

- Discussion on next steps to take to regulate Cannabis dispensaries
- Update on revised Town Code and plan for completion

(Updated 8/30/2022)

RESOLUTION -22: AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE NEW YORK STATE SNOWMOBILE GRANT-IN-AID PROGRAM LANDOWNERS PERMISSIONS FORM

Council offered the Resolution and moved its adoption. Seconded by Council to wit:

The following was submitted:



Agency, Landowner or Administrator Permissions

Where land owned or administered by any agency such as DEC, DOT, or a private landowner is impacted, the following statement must be signed by the respective agency, landowner, or administrator and signed by the appropriate Trail Maintenance Entity (TME) or Snowmobile Club. The TME must submit one copy of this form to the Local Sponsor for each agency, landowner, or administrator impacted. If a TME signs this form and the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) later discovers that permission was not granted or necessary permits or agreements were not current and valid, funding for the trail(s) in question may be affected, and this may be grounds for denial of future trail requests.

I, _____ of _____ Town of Walworth _____ have received and approved this application for the use and maintenance of snowmobile trails by _____ Webster Ridge Runners _____ on property under the ownership/management of this agency. This permission is valid for the period of time covering April 1, 2022 _____ through March 31, 2023 _____.

This is approved provided that the following stipulations and conditions are met: _____

(Authorized Agency Representative Signature and Title) (Date)

(TME / Snowmobile Club Representative Signature and Title) (Date)

*The Local Sponsor, Wayne County, also requests a copy of any applicable permit, agreement, or other relevant documentation as may be required by the landowner.

THEREFORE, BE IT RESOLVED, that the Town Supervisor is authorized to sign the Landowners Permissions form for the New York State Snowmobile Grant-In-Aid Program.

Adopted this 1st day of September, 2022 at a meeting of the Town Board.

Roll call vote: Councilwoman Linson
Councilman Kelly
Councilman Harden
Councilman Johnson
Supervisor Donalty

Resolution carried.

RESOLUTION -22: TO APPROVE MEMORANDUM OF UNDERSTANDING AND AGREEMENT IN CONNECTION WITH REPLACEMENT FUNDING FOR THE REGIONAL WASTEWATER TREATMENT PLANT PROJECT

Council moved the following Resolution for adoption. Seconded by Council to
wit:

WHEREAS, in lieu of upgrading and continuing to independently operate each of such existing wastewater treatment plants, the Wayne County Water and Sewer Authority (“Authority”) and the Town of Macedon, Town of Marion, Town of Palmyra, Town of Walworth and Village of Palmyra have agreed to work together cooperatively to develop a single facility and conveyance system that would meet all their collective needs (the “Project”); and

WHEREAS, the Authority recently bid out the Project and received bids to construct the Project which in aggregate exceeded the estimated project by more than 110%; and

WHEREAS, the Authority has presented a “Memorandum of Understanding and Agreement” that would authorize the Authority to continue to pursue the Project, in conjunction with the pursuit of an enhanced funding package as well as cost reduction strategies.

NOW, THEREFORE, BE IT, RESOLVED, that the Walworth Town Board hereby authorizes execution of said “Memorandum of Understanding and Agreement.”

Adopted this 1st of September, 2022 at the meeting of the Town Board.


Roll call vote: Councilwoman Linson
Councilman Kelly
Councilman Harden
Councilman Johnson
Supervisor Donalty

Resolution carried.

RESOLUTION -22: ADOPT AND SET 2023 FEE SCHEDULE FOR GINEGAW LODGE AND OPEN-AIR PAVILIONS

Council offered the Resolution and moved its adoption. Seconded by Council to wit:

The following was submitted:



Jacqueline VanLare, Recreation Director
Recreation Department
Town of Walworth - Wayne County NY

August 29th, 2022

To: Supervisor Donalty & the Walworth Town Board

I am seeking Town Board approval to set the rental fees for the 2023 rental season for the Ginegaw Lodge and Open-Air pavilions in Ginegaw and Sherburne Road Park. The books open for 2023 on October 13th.

Fees:

Resident Fee \$175.00 To qualify for the resident rate

Non-Resident Fee \$225.00

Open Air Pavilions:

Resident Fee \$35.00

Non-Resident Fee \$60.00

1627 Erie Rd
Walworth, NY 14148

515 388-4200
US 9-1 888 3-4663

www.townofwalworthny.gov
www.kapark.com/walworth-ny

Town of Walworth Parks & Recreation Department

** In order to qualify for a resident rate property taxes must be paid to the Town of Walworth

Respectfully submitted,

Jacqueline VanLare
Recreation Director

BE IT RESOLVED, the 2023 fee schedule be adopted and set for Ginegaw Lodge and open-air pavilions.

Adopted this 1st day of September, 2022 at a meeting of the Town Board.

Roll call vote: Councilwoman Linson
Councilman Kelly
Councilman Harden
Councilman Johnson
Supervisor Donalty

Resolution carried.

**RESOLUTION -22: TO ACCEPT THE RESIGNATION OF HEIDI SUTHERLAND
AND ADVERTISE TO FILL THE POSITION OF JUSTICE COURT CLERK (FT)**

Council offered the Resolution and moved its adoption. Seconded by Council
to wit:

WHEREAS, the current full-time Court Clerk has submitted her resignation, effective
September 22, 2022; and

WHEREAS, the Town Justices are desirous of filling the vacated position as soon as possible to
maintain continuity within the Justice Court operations;

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the Town
Clerk to advertise for applications for the position.

Adopted this 1st day of September, 2022 at the meeting of the Town Board.

Roll call vote: Councilwoman Linson
Councilman Kelly
Councilman Harden
Councilman Johnson
Supervisor Donalty

Resolution carried.

RESOLUTION -22: APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH BRACEYOURSELF II, LLC

Council offered the Resolution and moved its adoption. Seconded by
Council to wit:

WHEREAS, there is currently tax assessment litigation pending between the Assessor of the Town of Walworth and the Gananda Central School District and Braceyourself II, LLC in the New York State Supreme Court, Wayne County, for the 2016 tax assessment year (Index No. 79861), the 2017 tax assessment year (Index No. 81182), and the 2018 tax assessment year (Index No. CV082869) entitled *Braceyourself II, LLC v. Assessor of the Town of Walworth, Dennine Lesson, and the Gananda Central School District*, relating to property located at 1205-1215 Mayberry Place, Macedon, New York 14502 (tax identification # 84.18-1-6.111) (the “Property”); and

WHEREAS, the aforesaid tax assessment proceedings are hereinafter referred to as the “Litigation”; and

WHEREAS, the Property was assessed at \$774,300 on the 2016, 2017, 2018, 2018, 2019, and 2020 assessment rolls, and at \$533,400 on the 2021 and 2022 assessment rolls; and

WHEREAS, after reviewing all documentation, the assessor and Boylan Code, LLP (“Town Special Counsel”) recommend to the Town Board that the Litigation be settled; and

WHEREAS, it is proposed that, in settlement of the Litigation, the Litigation shall be discontinued, conditioned on compliance with the terms of the settlement; and

WHEREAS, it is proposed that, in settlement of the Litigation, the Town reduce the assessment of the Property in the following assessments:

2019 Assessment: \$625,000
2020 Assessment: \$625,000; and

WHEREAS, it is proposed that, in settlement of the Litigation, a refund shall be paid by the Town of Walworth, County of Wayne, and the Gananda Central School District on the reduced 2019 and 2020 assessments of the Property within 60 days from receipt of the Demand for Refund, and that interest shall only be owed on the refunds to the extent such refunds are not paid within the aforesaid time period; and

WHEREAS, it is proposed that, in settlement of the Litigation, the provisions of RPTL § 727 shall apply to the assessments of the Property, which shall be \$533,400 for the 2023, 2024, and 2025 assessment rolls; now it is therefore

RESOLVED that settlement of the Litigation on all of the terms set forth above, including the reduction of the assessment of Property to \$625,000 on the 2019 and 2020 assessment rolls; payment of a refund on the reduction of the 2019 and 2020 assessments

of the Property, and application of the provisions of RPTL § 727 to the assessments of the Property for the 2023, 2024, and 2025 assessment rolls, is hereby approved; and it is further

RESOLVED that Town Special Counsel may seek Court approval for the aforesaid settlement; and it is further

RESOLVED that Town Special Counsel is authorized to execute all documents necessary to effectuate the referenced settlement.

Adopted this 1st day of September, 2022 at a meeting of the Town Board.

Roll call vote: Councilwoman Linson
 Councilman Kelly
 Councilman Harden
 Councilman Johnson
 Supervisor Donalty

Resolution carried.



**Department of
Transportation**

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

CHRISTOPHER REEVE, P.E.
Acting Regional Director

File: 54.23-350
Study: 04220130

August 23, 2022

Peter J. Fadden, P.E. (Ret'd)
1776 Greenview Drive
Walworth, NY 14568
peter.fadden.49@gmail.com

Dear Mr. Fadden:

Thank you for sharing your concerns regarding traffic safety at the intersection of Route 350 and Greenview Drive in the Town of Walworth.

This location will be evaluated to determine if any safety enhancements or the establishment of a lower speed limit would be appropriate. Upon completion of our review, we will notify you of our findings.

Sincerely,

Matthew C. Oravec

Matthew C. Oravec, P.E.
Regional Traffic Engineer

MCO/AOQ/mm

cc: T. Sgt. D. Irland, State Police Troop "E"
M. Donalty, Supervisor, Town of Walworth
K. Switzer, Highway Superintendent, Town of Walworth
A. Phillips, Clerk, Town of Walworth
B. Butts, Resident Engineer, Wayne/Ontario

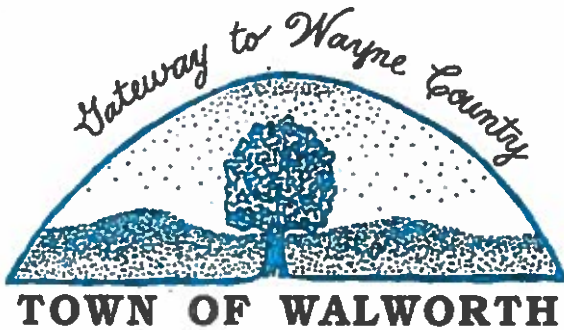
TAX ID	SCHOOL CODE	ST #	STREET NAME	PROP CLASS	SALE PRICE	SALE DATE	PRIOR OWNER	NEW OWNER	MAILING ADDRESS
63114-19-647087	543002	2233	Brookside	210	230000	7/8/2022	Doran, Regina A	Sample, Lachele V	2233 Brookside Dr Walworth, NY 14568
61114-00-097951	543401	4124	County Line	210	490000	7/25/2022	Gingrich, Michael Bellohusen,	Eder, Daniel A & Amberly	4124 County Line Rd Walworth, NY 14568
61116-00-424243	543401	5173	Delfa	210	1	7/1/2022	Michael A	Bellohusen, Michael A	5173 Delfa Ln Macedon, NY 14502
62115-00-783247	543401	4371	Downs	240	362000	6/29/2022	Bryson, M. Scott	Hoose, Joel C & Danielle A	4371 Downs Rd Walworth, NY 14568
61114-17-118233	264201	234	Farmview	210	270000	7/25/2022	Ouwenga, Kristine P	Mintz, Cory & Stephanie	234 Farmview Dr Macedon, NY 14502
61114-19-648130	543002	3411	Heather Brook Ln	210	275000	7/26/2022	Conrow, Troy	Sheridan, Bryan & Joanna	3411 Heather Brook Ln Macedon, NY 14502
61114-18-325200	543401	385	Highfield	210	303000	6/30/2022	Damon, James	Palermo, Jenna R & Selke, Dillon	385 Highfield Dr Macedon, NY 14502
62115-00-737510	543401	4576	Lewis	210	364000	7/22/2022	Morris, Genevieve E	Fitzsimmons, Patrick & Michelle	4576 Lewis Rd Walworth, NY 14568
61116-00-652404	543401	5275	Lincoln	210	1	7/8/2022	LaBello, Michail	LaBello, Michail	5275 Lincoln Rd Ontario, NY 14519
61113-06-441932	264201	459	Parkside	210	352000	7/26/2022	Giancursio, Michael R	Rahmati, Muhibullah	459 Parkside Trl Macedon, NY 14502
62114-00-065269	543002	960	Route 441	240	1	6/21/2022	Patricia Trustees of Ziamba Family Trust dtd 2/18/08	Ziamba, Mark & Patricia TTEE's of Ziamba Family Trust dtd 7/14/2022	960 Route 441 Macedon, NY 14502
61114-18-430196	543401	3512	Scenic	210	1	3/18/2021	VanLare, Jeffrey C	Van Lare, Jeffrey C & Kara A	3512 Scenic Way Macedon, NY 14502

63114-11-508589	543401	3843	Teresa	210	285000	6/30/2022	Straight, Judith C	Bellomo, Stephen & Julie	3843 Teresa Dr Walworth, NY 14568
61114-17-163126	264201	252	Turtle	210	348525	7/6/2022	NVR d/b/a Ryan Homes,	Minks, William Henry IV & Kelly Querfurth-	252 Turtle Run Macedon, NY 14502
61114-17-181151	264201	257	Turtle	210	393055	7/15/2022	NVR d/b/a Ryan Homes,	Cassidy, Ryan M & Valerie Jeanne	257 Turtle Run Macedon, NY 14502
61114-17-195153	264201	261	Turtle	210	418090	7/22/2022	NVR, Inc. d/b/a Ryan Homes,	Parker, Charles & Jenifer K	261 Turtle Run Macedon, NY 14502
61114-17-197130	264201	262	Turtle	210	396535	7/8/2022	NVR, Inc d/b/a Ryan Homes,	Tallavajhula, Ananth Prajval & Padmanabha Pavan Kumar	262 Turtle Run Macedon, NY 14502
61114-17-204153	264201	263	Turtle	210	408180	7/19/2022	NVR, Inc. d/b/a Ryan Homes,	Trowbridge, John W & Mary E	263 Turtle Run Macedon, NY 14502
61114-17-188152	264201	259	Turtle	311	55500	7/19/2022	Lehrwood Estates LLC,	NVR, Inc d/b/a Ryan Homes	One Fishers Rd Ste 100 Pittsford, NY 14534
63115-00-662331	543401	4434	Wal-Ontari	210	100000	7/11/2022	Dellefave, Mary B	Dellefave, Douglas F	4434 Wal-Ontario Rd Walworth, NY 14568
62113-08-764907	543002	1540	Waterford	210	155000	7/26/2022	Deasey, Lisa A	Deasey, James E IV	1540 Waterford Rd Walworth, NY 14568
61116-00-281779	543401	348	Whitney	411	1	7/18/2022	1 Corey	Kummerow Properties, LLC	PO Box 711 Ontario, NY 14519
61114-20-810111	543002	775	Wood Hill	210	380000	7/8/2022	Menon, R. Mohan	Fuss, Matthew Joseph & Dipaolo, Deanna S	775 Wood Hill Dr Macedon, NY 14502
63114-10-429635	543401	2072	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519

63114-10-433625	543401	2078	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519
63114-10-432647	543401	2081	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519
63114-10-446624	543401	2084	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519
63114-10-440658	543401	2087	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519
63114-10-458626	543401	2090	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519
63114-10-449657	543401	2093	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519
63114-10-469628	543401	2096	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519
63114-10-458653	543401	2099	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519
63114-10-478632	543401	2102	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519
63114-10-468655	543401	2105	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519
63114-10-488637	543401	2108	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519
63114-10-477657	543401	2111	Tracy Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519
63114-10-472530	543401	3725	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Rd Ontario, NY 14519

63114-10-473539	543401	3733	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-473547	543401	3741	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-473555	543401	3749	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-472565	543401	3757	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-473576	543401	3765	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-471585	543401	3773	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-471594	543401	3781	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-499530	543401	3786	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-473605	543401	3789	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-499539	543401	3794	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-481613	543401	3797	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-499547	543401	3802	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-491618	543401	3805	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519

63114-10-498555	543401	3810	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-499564	543401	3818	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-499572	543401	3826	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-498579	543401	3834	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-495589	543401	3842	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-497598	543401	3850	Alexandra	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-10-440574	543401	VL	Alexandra st Wal- Ontario	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Ld Ontario, NY 14519
63114-00-520701	543401	VL	Johnny Ln	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Od Ontario, NY 14519
63114-10-411519	543401	VL	Mykola	311	NA	7/27/2022	Orchard View Development LLC	Gerber Homes & Additions LLC	1260 Ridge Yd Ontario, NY 14519



TOWN OF WALWORTH
Assessor
3600 Lorraine Drive
Walworth, NY 14568
assessor@townofwalworthny.gov
(315) 986-1400 ext 5 phone
(315) 986-4342 fax

Assessment Department Report
For August 2022

- Processed 57 transfers, one transfer includes 37 properties
- Did roadwork to allow for updated photos of properties
- Updated bank codes
- Updated change of addresses
- Updated address book
- Permits processed
- C of C's & C of O's processed
- Prepared board report for August
- Ran assessor edits reports
- Assessor held informal meetings regarding residents' assessment in person and/or via phone
- Assessor ran Star Reports
- Verified inventory on Pictometry
- We have processed 3 splits
- Began processing EDUs for regional sewer project
- Went to a few new build inspections with Norm

Sincerely,

Melissa Halstead

Melissa Halstead
NYS Certified Assessor
Town of Walworth



3600 Lorraine Drive, Walworth, NY 14568

Mike Buckley, Parks Superintendent

(315) 926-9170

parkssuper@townofwalworthny.gov

August 26, 2022

To: Supervisor Mike Donalty

Re: Parks Monthly Report

This report is for July 30, 2022, through August 26, 2022:

Daily inspection and maintenance of the Ginegaw Park lodge and pavilions

Baseball and softball field preparation for games

Lining of soccer fields

Continued mowing and string trimming

Finished Park mulch application to tree rings

Continued picnic table rehabilitation

Application of fertilizer to athletic fields

Removal of dead ash trees

Respectfully Submitted,

Mike Buckley, Parks Superintendent