

Presiding Supervisor Donalty 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 Donalty led those present in the recitation of the Pledge of Allegiance.

**PRESENT:**

Michael Donalty	Supervisor
Amber Linson	Councilwoman
Alex Kelly	Councilman
Jim Harden	Councilman
Rick Johnson	Councilman
Kevin Switzer	Highway Superintendent
Aimée Phillips	Town Clerk

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

**OTHERS PRESENT:** 3 (three) members of the public were present.

**MINUTES**

Motion by Councilman Johnson that the minutes of August 18, 2022 Regular Meeting are approved as submitted by the Town Clerk. Seconded by Councilwoman Linson.

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

Motion carried.

**ELECTED OFFICIALS’ REPORTS:**

**TOWN CLERK** – No report.

**HIGHWAY SUPERINTENDENT**

Highway Superintendent Switzer reported that the Highway Department had completed approximately nine miles of sealing on Town roads; and grinding and paving would be soon taking place on Brookside Drive.

**COUNCILMAN KELLY** – No report.

**COUNCILWOMAN LINSON**

Councilwoman Linson shared that the Town had received four ARPA Funding Request Applications for Small Businesses/Non-Profit Organizations. The applications will be reviewed and brought to the Town Board at the September 15, 2022 Regular meeting. Councilwoman Linson inquired of the process for roadwork scheduling and locations, and discussion ensued regarding need and proactivity. Lastly, Councilwoman Linson stated that the Library had held its grand reopening on August 27, 2022, and it was well done and well-attended.

**COUNCILMAN HARDEN** – No report.

**COUNCILMAN JOHNSON** – No report.

**SUPERVISOR DONALTY**

Supervisor Donalty reported that he and Town Clerk Phillips had met in a kick-off meeting with representatives from LaBella Associates regarding the Town of Walworth Comprehensive Plan update, and an advisory committee will be appointed at the regular meeting on September 15, 2022.

**RESOLUTIONS:**

**RESOLUTION 138-22: AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE NEW YORK STATE SNOWMOBILE GRANT-IN-AID PROGRAM LANDOWNERS PERMISSIONS FORM**

Councilwoman Linson offered the Resolution and moved its adoption. Seconded by Councilman Kelly 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 1<sup>st</sup> day of September, 2022 at a meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 139-22: TO APPROVE MEMORANDUM OF UNDERSTANDING AND AGREEMENT IN CONNECTION WITH REPLACEMENT FUNDING FOR THE REGIONAL WASTEWATER TREATMENT PLANT PROJECT**

Councilwoman Linson moved the following Resolution for adoption. Seconded by Councilman Kelly 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 1<sup>st</sup> of September, 2022 at the meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 140-22: ADOPT AND SET 2023 FEE SCHEDULE FOR GINEGAW LODGE AND OPEN-AIR PAVILIONS**

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

The following was submitted:



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

August 29<sup>th</sup>, 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 13<sup>th</sup>.

**Lodge:**

Resident Fee \$175.00 To qualify for the resident rat  
 Non-Resident Fee \$225.00

**Open Air Pavilions:**

Resident Fee \$35.00  
 Non-Resident Fee \$60.00

3600 Lorraine Drive  
 Walworth, NY 14568

3600 Lorraine Drive  
 Walworth, NY 14568  
 (315) 886-1400  
 (315) 886-1440

Walworth@townofwalworthny.gov  
 www.townofwalworthny.gov

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 1<sup>st</sup> day of September, 2022 at a meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 141-22: TO ACCEPT THE RESIGNATION OF HEIDI SUTHERLAND AND ADVERTISE TO FILL THE POSITION OF JUSTICE COURT CLERK (FT)**

Councilwoman Linson offered the Resolution and moved its adoption. Seconded by Councilman Kelly 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 1<sup>st</sup> day of September, 2022 at the meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 142-22: APPROVING SETTLEMENT OF PENDING TAX ASSESSMENT LITIGATION WITH BRACEYOURSELF II, LLC**

Councilwoman Linson offered the Resolution and moved its adoption. Seconded by Councilman Johnson 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 1<sup>st</sup> day of September, 2022 at a meeting of the Town Board.

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

Resolution carried.

**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

Supervisor Donalty reviewed the following Town Board meeting dates:

**TOWN BOARD MEETINGS:**

<b>DATE</b>	<b>TIME</b>	<b>MEETING TYPE</b>
SEPTEMBER 8, 2022	8:00 AM – 4:00 PM	BUDGET WORKSESSION
SEPTEMBER 15, 2022	1:00 PM – 6:00 PM	BUDGET WORKSESSION
SEPTEMBER 15, 2022	6:30 PM	REGULAR

**NEW AND OTHER BUSINESS:**

- **Discussion on next steps for cannabis dispensary regulation**

Councilman Johnson shared that he had attended an update meeting with Wayne County regarding Cannabis by the Cannabis Control Board at which navigation of its website was reviewed. Additionally, Councilman Johnson shared that a 30-day notification period is required for any vendor desiring to open a cannabis dispensary, cannabis cannot be sold in any store also selling beer or liquor and stated that the Town should be on the lookout for “pop-up” shops that have been seen around Wayne County.

- **Update on revised Town Code and plan for completion**

Supervisor Donalty reiterated that the public hearing for the Town Code update was set to take place on September 15, 2022.

**PUBLIC PARTICIPATION:**

Marsha Smith addressed the Town Board regarding concerns with the removal of dead trees, maintenance of healthy trees and the potential for planting new trees throughout the Town, citing resources for possible funding for addressing these concerns. Additionally, Ms. Smith thanked those involved with the re-opening of the Library.

**ADJOURNMENT:**

Motion by Councilwoman Linson to adjourn. Seconded by Councilman Johnson.

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

Motion carried.

Time: 7:00 PM

Respectfully Submitted,  
Aimée Phillips-Lomb  
Town Clerk