

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
Aimée Phillips	Town Clerk

ABSENT: Kevin Switzer Highway Superintendent

OTHERS PRESENT: Donald Young, Esq., Town Attorney; Peter Marini, West Walworth Volunteer Fire Department, Inc.; Michael Frederes, Lincoln Volunteer Fire Department; Cody Szatkowski, Western Wayne Ambulance, Inc.; Gene Bavis, Town Historian; and 18 (eighteen) members of the public were present.

MINUTES

Motion by Councilwoman Linson that the minutes of September 15, 2022 Special Meeting/Budget Work Session are approved as submitted by the Town Clerk. Seconded by Councilman Kelly.

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

Motion carried.

Motion by Councilman Johnson that the minutes of September 15, 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.

Motion by Councilwoman Linson that the minutes of September 22, 2022 Special Meeting/Budget Work Session are approved as submitted by the Town Clerk. Seconded by Councilman Kelly.

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

Motion carried.

PUBLIC HEARING – 6:40 PM - TOWN OF WALWORTH SEWER DISTRICT SPECIAL ASSESSMENT ROLLS FOR 2022

PUBLIC HEARING RULES AND PROCEDURES:

Supervisor Donalty reviewed the procedures for the public hearing and Town Clerk Phillips read the following legal notice.

NOTICE OF PUBLIC HEARING FOR TOWN OF WALWORTH SEWER DISTRICT SPECIAL ASSESSMENT ROLLS FOR 2022

PLEASE TAKE NOTICE THAT the Town of Walworth will be collecting revenues via special assessments against the Town of Walworth sewer districts to pay for costs of the Town of Walworth’s sewer districts.

PLEASE TAKE FURTHER NOTICE THAT rolls specifying such sewer special assessments have been filed with the Walworth Town Clerk where they are available for inspection by the public.

PLEASE TAKE FURTHER NOTICE that a public hearing will be had on the Town of Walworth Sewer District Special Assessment Rolls for 2022 on **October 6th at 6:40 p.m.** at the Walworth Town Hall for the purpose of hearing the public in relation to such rolls.

Dated: September 16, 2022

By Order of the Town Board
TOWN OF WALWORTH

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

Time: 6:41 PM.

No members of the public wished to address the Town Board.

It was noted that no written correspondence had been received by the Town Clerk’s Office.

Motion by Councilwoman Linson to close the Public Hearing.
Seconded by Councilman Kelly.

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

Motion carried.

Time: 6:42 PM.

PUBLIC HEARING – 6:42 PM – LEHRWOOD LIGHTING DISTRICT SPECIAL ASSESSMENT ROLL FOR 2022

PUBLIC HEARING RULES AND PROCEDURES:

Supervisor Donalty reviewed the procedures for the public hearing and Town Clerk Phillips read the following legal notice.

NOTICE OF PUBLIC HEARING FOR LEHRWOOD LIGHTING DISTRICT SPECIAL ASSESSMENT ROLL FOR 2022

PLEASE TAKE NOTICE THAT the Town of Walworth will be collecting revenues via special assessments against the Lehrwood Lighting District to pay for costs of the Lehrwood Lighting District.

PLEASE TAKE FURTHER NOTICE THAT a roll specifying such special assessments has been filed with the Walworth Town Clerk where it is available for inspection by the public.

PLEASE TAKE FURTHER NOTICE that a public hearing will be had on the Lehrwood Lighting District Special Assessment Roll for 2022 on **October 6th at 6:42 p.m.** at the Walworth Town Hall for the purpose of hearing the public in relation to such roll.

Dated: September 16, 2022

By Order of the Town Board
TOWN OF WALWORTH

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

Time: 6:43 PM.

No members of the public wished to address the Town Board.

It was noted that no written correspondence had been received by the Town Clerk’s Office.

Motion by Councilman Johnson to close the Public Hearing.
Seconded by Councilwoman Linson.

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

Motion carried.

Time: 6:44 PM.

PUBLIC HEARING – 6:44 PM – LEHRWOOD SIDEWALK DISTRICT SPECIAL ASSESSMENT ROLL FOR 2022

PUBLIC HEARING RULES AND PROCEDURES:

Supervisor Donalty reviewed the procedures for the public hearing and Town Clerk Phillips read the following legal notice.

NOTICE OF PUBLIC HEARING FOR LEHRWOOD SIDEWALK DISTRICT SPECIAL ASSESSMENT ROLL FOR 2022

PLEASE TAKE NOTICE THAT the Town of Walworth will be collecting revenues via special assessments against the Lehrwood Sidewalk District to pay for costs of the Lehrwood Sidewalk District.

PLEASE TAKE FURTHER NOTICE THAT a roll specifying such special assessments has been filed with the Walworth Town Clerk where it is available for inspection by the public.

PLEASE TAKE FURTHER NOTICE that a public hearing will be had on the Lehrwood Sidewalk District Special Assessment Roll for 2022 on **October 6th at 6:44 p.m.** at the Walworth Town Hall for the purpose of hearing the public in relation to such roll.

Dated: September 16, 2022
By Order of the Town Board
TOWN OF WALWORTH

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

Time: 6:44 PM.

No members of the public wished to address the Town Board.

It was noted that no written correspondence had been received by the Town Clerk’s Office.

Motion by Councilman Johnson to close the Public Hearing.
Seconded by Councilwoman Linson.

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

Motion carried.

Time: 6:45 PM.

PRESENTATION: ARPA FUND AWARDS

Councilwoman Linson reviewed the background of the ARPA award application and award process. At it's meeting on September 15, 2022, the Town Board approved the Town of Walworth ARPA Funding Program Requests in the amount of \$51,257.05 for the following small businesses/non-profit organizations:

- West Walworth Volunteer Fire Department, Inc in the amount of \$16,456.10
- Western Wayne Ambulance, Inc in the amount of \$15,000.00
- Walworth Historical Society in the amount of \$6,000.00
- Lincoln Volunteer Fire Department in the amount of \$13,800.95

Councilwoman Linson and Councilman Johnson presented representatives from each organization with the check for each award amount.

Supervisor Donalty read a public comment from resident and past Town Board member Vaughn Pembroke stating, "I thank the Board for distribution of funds to the Lincoln Fire Department, West Walworth Fire Department, Walworth Historical Society and Western Wayne Ambulance."

ELECTED OFFICIALS' REPORTS:**TOWN CLERK**

Town Clerk Phillips shared that E-Z Passes are available for sale in her office, though credit cards will no longer be accepted. New York State will not allow the passes to be sold for more than \$25.00 each and credit card fees force the cost to exceed that cost. Additionally, Town Clerk Phillips stated that the 2023 Tentative Town of Walworth Budget had been filed in her office and presented copies to the Town Board members for review.

HIGHWAY SUPERINTENDENT - No report.

COUNCILMAN KELLY – No report.

COUNCILWOMAN LINSON – No report.

COUNCILMAN HARDEN – No report.

COUNCILMAN JOHNSON – No report.

SUPERVISOR DONALTY

Supervisor Donalty shared the following list of appointed members to the Town of Walworth Comprehensive Plan Committee:

Chairperson:	Aimee Phillips
Town Board Liaison:	Rick Johnson
Town Staff Rep:	Jackie VanLare
Planning/Zoning Board Rep:	Mike Kunzer
Farming Rep:	Deb Amsler
Business Reps:	Dave Dentico – Custom Gun Shop

Dan Streff – Absolute Automotive

Resident Reps: Gene Bavis

LaBella Coordinators: Barbara Johnston

Trevor Lovitz

He stated that he is looking for two additional resident representatives to sit on the committee, ideally from the Gananda and West Walworth areas.

RESOLUTIONS:

RESOLUTION -22: COMPLETION OF SEQR AND APPROVAL OF LOCAL LAW NO. 4 OF 2022 TO UPDATE, REVISE AND RECODIFY THE WALWORTH TOWN CODE (TABLED)

WHEREAS, a public hearing was duly advertised, and held on September 15, 2022 on the proposed Local Law No. 4 of 2022 to Update, Revise and Recodify the Walworth Town Code; and

WHEREAS, the Walworth Town Board has referred the Local Law to the County of Wayne Planning Board and has reviewed and considered any comments received in response thereto; and

WHEREAS, the Walworth Town Board has duly considered this action in accordance with the State Environmental Quality Review Act (“SEQR”); now, therefore, be it

RESOLVED, that, in accordance with SEQR, the Town Board has completed its review of parts 1 and 2 of EAF related to this action and hereby approves the parts 1 and 2 of the EAF; and be it further

RESOLVED, that in accordance with Parts 1 and 2 of the subject EAF, the Town of Walworth hereby finds that adoption of this Local Law to recodify the Code of the Town of Walworth will have no significant adverse environmental impacts; and be it further

RESOLVED, that the Town Board hereby approves Part 3 of the EAF, issuing a Negative Declaration, and further directs that a copy of the Negative Declaration be properly filed; and be it further

RESOLVED, that the Walworth Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law; and be it further

RESOLVED, by the Walworth Town Board, that said Local Law No. 4 of 2022 to Update, Revise and Recodify the Walworth Town Code is hereby approved and adopted, said Local Law being attached hereto and made a part hereof; and, be it further

RESOLVED, that the Walworth Town Clerk be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

Supervisor Donalty made the motion to table the resolution to be discussed at the Town Meeting held on October 20, 2022. Seconded by Councilwoman Linson.

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

Motion carried.

RESOLUTION 157-22: SEQRA RESOLUTION - NEGATIVE DECLARATION - LOCAL LAW NO. 5 OF 2022 TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF WALWORTH TO REZONE APPROXIMATELY 42+/- ACRES OF LAND AT 4320 CANANDAIGUA ROAD (TAX MAP PARCEL # 62115-00-376223), COMMONLY KNOWN AS THE FREEWILL ELEMENTARY SCHOOL PARCEL, FROM “RR-1” DISTRICT TO “B” DISTRICT

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

WHEREAS, the Town of Walworth Town Board (the “Town Board”) received an application (the “Application”) from K-2 Brewing, Inc. (the “Applicant”) to rezone the former Freewill Elementary School, located at 4320 Canandaigua Road, Walworth, NY, 14568 from Single Family Residential (RR-1) to General Business (B). Further applications were submitted to permit the Applicant to redevelop the former school into a craft brewery/restaurant/event center (the “Project”); and

WHEREAS, in accordance with the Application, the Walworth Town Board is thus considering a proposed local law “to Amend the Official Zoning Map of the Town of Walworth to Rezone Approximately 42 +/- Acres of Land at 4320 Canandaigua Road (Tax Map Parcel # 62115-00-376223), Commonly Known as the Freewill Elementary School Parcel, from RR-1 District to B District;” and

WHEREAS, the Town Board announced its intent to serve as Lead Agency to conduct an environmental review of the project in accordance with the New York State Environmental Quality Review Act (SEQRA) and no objections were issued, therefore, the Walworth Town Board has assumed Lead Agency; and

WHEREAS, the Project is classified as an Unlisted Action under SEQRA; and

WHEREAS, the Town Board accepted Applicant’s Part 1 Full Environmental Assessment Form (“EAF”) and circulated it to the SEQRA involved and interested agencies; and

WHEREAS, LaBella Associates prepared Parts 2 and Part 3 of the EAF on behalf of the Board, with an accompanying narrative, which the Town Board has reviewed; and

WHEREAS, in accordance with SEQRA and its regulations, the Town Board has performed its environmental review of the Applicant’s project.

NOW THEREFORE BE IT RESOLVED,

1. The Town Board declares that it will serve as Lead Agency for Applicant’s project.
2. The Town Board has considered the Project and its potential for environmental impacts; the Rezoning Application, Part 1 of the EAF and Parts 2 and 3 of the EAF prepared by LaBella; the criteria contained in 6 N.Y.C.R.R. §617.7(c); and other supporting information to identify the relevant areas of environmental concern; and thoroughly analyzed the identified relevant areas of environmental concern to determine if the Project may have a significant adverse impact on the environment, and finds that the Project would not have a significant impact on the environment because of the reasons discussed in the narrative to the EAF Part 3, which is incorporated in full herein and attached hereto.
3. Pursuant to SEQRA, Parts 2 and 3 are hereby approved, and a Negative Declaration is therefore issued for this project.

Town Attorney Young explained the reasoning and need for the resolution.

Adopted this 6th day of October, 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 158-22: LOCAL LAW NO. 5 OF 2022 TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF WALWORTH TO REZONE APPROXIMATELY 42+/- ACRES OF LAND AT 4320 CANANDAIGUA ROAD (TAX MAP PARCEL # 62115-00-376223), COMMONLY KNOWN AS THE FREEWILL ELEMENTARY SCHOOL PARCEL, FROM “RR-1” DISTRICT TO “B” DISTRICT

Councilwoman Linson offered Resolution 158-22 and moved its adoption. Seconded by Councilman Johnson to wit:

WHEREAS, the Walworth Town Board duly called for and held a Public Hearing on the 15th day of September, 2022, where all interested parties were heard on the proposed local law “to Amend the Official Zoning Map of the Town of Walworth to Rezone Approximately 42 +/- Acres of Land at 4320 Canandaigua Road (Tax Map Parcel # 62115-00-376223), Commonly Known as the Freewill Elementary School Parcel, from RR-1 District to B District;” and

WHEREAS, said Local Law is attached hereto and made a part hereof; and

WHEREAS, the Walworth Town Board has reviewed the potential adverse environmental impacts of the application for SEQR purposes and has issued a Negative Declaration; and

WHEREAS, the subject parcel is in an area that is appropriate for the proposed zoning for all the reasons set forth in the Local Law, including its proximity to higher traffic roads, its proximity to other properties the uses of which are not consistent with RR-1 use, and the property’s historical use has been that of a public school, which is of a much greater intensity than a residential use; and

WHEREAS, the Comprehensive Plan of the Town of Walworth supports the proposed Local Law for rezoning, including that:

- The Plan provides that the vision of the Town is to “remain an attractive place to live and do business” and seeks to reward “economic development opportunities;”
- The Plan provides that a key planning principle is to preserve open space – this proposal, including as a B-1 development, achieves this goal. The rezoning permits the re-use of a vacant building and avoids the need to develop other green space, open space or farmlands, consistent with the Plan’s vision to protect agriculture, green and open spaces.
- The Plan calls for large scale commercial development near major roads – a goal which this rezoning would permit;
- The proposal is on a major road, directly connected to and within approximately 1.5 miles of 441, and is thus appropriate for the proposal, given that the Plan calls 441 a major transportation artery with the most potential for successful business development. The Plan speaks to “maximum transportation access” for Business (B) zoning, which is thus accomplished by this proposal; and
- Given the parcel’s size, and the cost to remove the large building present there, development of the subject parcel as a residential project would likely require a high density / multi-unit development. However, the Plan seeks such high density residential developments to reside in the Hamlets.
- The Plan specifically calls for updating the Zoning Map in accord with its principles; and

WHEREAS, the Walworth Town Board, after review of the application, all related materials and any Town staff and public comments, and after due deliberation thereon, finds it in the best interest of the Town, including in furtherance of the general welfare of the Town, to adopt said Local Law such that the Town Zoning Map be amended as set forth therein; now, therefore be it

RESOLVED, that, subject to the conditions set forth herein, the Walworth Town Board hereby adopts said Local Law No. 5 of 2022 to Amend the Official Zoning Map of the Town of Walworth to Rezone Approximately 42 +/- Acres of Land at 4320 Canandaigua Road (Tax Map Parcel # 62115-00-376223), Commonly Known as the Freewill Elementary School Parcel, from RR-1 District to B District; and be it further

RESOLVED, that this approval is conditioned upon the subsequent approval by the Planning Board of the Special Use Permits associated with the development, which approvals must be obtained no later than one year from adoption of this Resolution; and, be it further

RESOLVED, that the Walworth Town Clerk is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York; and, be it further

RESOLVED, upon satisfaction of said condition, that the Town of Walworth Zoning Map be updated accordingly.

Town Attorney Young explained the history and reasoning for the resolution. Discussion ensued regarding parking needs, setbacks and the reuse of the existing building.

Councilman Harden exited the meeting at 7:06 PM.

Councilwoman Linson made the motion to amend the resolution to include the following conditions:

- Setbacks to existing residentially zoned properties, including for roads, parking and structures, shall be a minimum of 50 feet for side setbacks and 100 feet for rear setbacks (or greater if the then-current Code so provides), except for those roads, parking areas and structures existing at the time of this approval which are closer than said setbacks, in which case lesser setbacks reflecting the actual placement of the same shall apply; and
- The subsequent approval by the Planning Board of the Special Use Permits associated with the development, which approvals must be obtained no later than one year from adoption of this Resolution

Roll call vote:	Councilwoman Linson	Aye
	Councilman Kelly	Aye
	Councilman Harden	Absent
	Councilman Johnson	Aye
	Supervisor Donalty	No

Motion carried.

RESOLUTION 158-22: LOCAL LAW NO. 5 OF 2022 TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF WALWORTH TO REZONE APPROXIMATELY 42 +/- ACRES OF LAND AT 4320 CANANDAIGUA ROAD (TAX MAP PARCEL # 62115-00-376223), COMMONLY KNOWN AS THE FREEWILL ELEMENTARY SCHOOL PARCEL, FROM “RR-1” DISTRICT TO “B” DISTRICT, AS AMENDED

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

WHEREAS, the Walworth Town Board duly called for and held a Public Hearing on the 15th day of September, 2022, where all interested parties were heard on the proposed local law “to Amend the Official Zoning Map of the Town of Walworth to Rezone Approximately 42 +/- Acres of Land at 4320 Canandaigua Road (Tax Map Parcel # 62115-00-376223), Commonly Known as the Freewill Elementary School Parcel, from RR-1 District to B District;” and

WHEREAS, said Local Law is attached hereto and made a part hereof; and

WHEREAS, the Walworth Town Board has reviewed the potential adverse environmental impacts of the application for SEQR purposes and has issued a Negative Declaration; and

WHEREAS, the subject parcel is in an area that is appropriate for the proposed zoning for all the reasons set forth in the Local Law, including its proximity to higher traffic roads, its proximity to other properties the uses of which are not consistent with RR-1 use, and the property’s historical use has been that of a public school, which is of a much greater intensity than a residential use; and

WHEREAS, the Comprehensive Plan of the Town of Walworth supports the proposed Local Law for rezoning, including that:

- The Plan provides that the vision of the Town is to “remain an attractive place to live and do business” and seeks to reward “economic development opportunities;”
- The Plan provides that a key planning principle is to preserve open space – this proposal, including as a B-1 development, achieves this goal. The rezoning permits the re-use of a vacant building and avoids the need to develop other green space, open space or farmlands, consistent with the Plan’s vision to protect agriculture, green and open spaces.
- The Plan calls for large scale commercial development near major roads – a goal which this rezoning would permit;
- The proposal is on a major road, directly connected to and within approximately 1.5 miles of 441, and is thus appropriate for the proposal, given that the Plan calls 441 a major transportation artery with the most potential for successful business development. The Plan speaks to “maximum transportation access” for Business (B) zoning, which is thus accomplished by this proposal; and
- Given the parcel’s size, and the cost to remove the large building present there, development of the subject parcel as a residential project would likely require a high density / multi-unit development. However, the Plan seeks such high density residential developments to reside in the Hamlets.
- The Plan specifically calls for updating the Zoning Map in accord with its principles; and

WHEREAS, the Walworth Town Board, after review of the application, all related materials and any Town staff and public comments, and after due deliberation thereon, finds it in the best interest of the Town, including in furtherance of the general welfare of the Town, to adopt said Local Law such that the Town Zoning Map be amended as set forth therein; now, therefore be it

RESOLVED, that, subject to the conditions set forth herein, the Walworth Town Board hereby adopts said Local Law No. 5 of 2022 to Amend the Official Zoning Map of the Town of Walworth to Rezone Approximately 42 +/- Acres of Land at 4320 Canandaigua Road (Tax Map Parcel # 62115-00-376223), Commonly Known as the Freewill Elementary School Parcel, from RR-1 District to B District; and be it further

RESOLVED, that this approval is conditioned upon:

- Setbacks to existing residentially zoned properties, including for roads, parking and structures, shall be a minimum of 50 feet for side setbacks and 100 feet for rear setbacks (or greater if the then-current Code so provides), except for those roads, parking areas and structures existing at the time of this approval which are closer than said setbacks, in which case lesser setbacks reflecting the actual placement of the same shall apply; and
- The subsequent approval by the Planning Board of the Special Use Permits associated with the development, which approvals must be obtained no later than one year from adoption of this Resolution; and, be it further

RESOLVED, that the Walworth Town Clerk is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York; and, be it further

RESOLVED, upon satisfaction of said condition, that the Town of Walworth Zoning Map be updated accordingly.

Adopted this 6th day of October, 2022 at a special meeting of the Town Board.

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

Resolution carried.

RESOLUTION 151-22: AUTHORIZATION TO ADOPT WAYNE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Councilwoman Linson made the motion to take Resolution 151-22 from the table and to re-open discussion. Councilman Kelly seconded the motion.

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

Motion carried.

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

WHEREAS, The Town of Walworth, with the assistance from Bold Planning, has gathered information and prepared the Wayne County Multi-Jurisdictional Hazard Mitigation Plan; and

WHEREAS, the Wayne County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, The Town of Walworth is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, The Town of Walworth has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Town Board that the Town of Walworth adopts the Wayne County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Adopted this 6th day of October, 2022 at a special meeting of the Town Board.

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

Motion carried.

RESOLUTION 159-22: TO SET PUBLIC HEARING FOR LOCAL LAW TO AMEND THE WALWORTH TOWN CODE TO INCREASE INCOME LIMITS RELATIVE TO THE SENIOR CITIZEN TAX EXEMPTION (LOCAL LAW NO. 6 OF 2022)

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

WHEREAS, the Town of Walworth previously enacted Town Code §154-4, permitting the senior citizen tax exemption in Town; and

WHEREAS, the State has since increased the maximum income limits relative to such exemption, but an amendment to the Town’s Code is required to apply said limits to Town of Walworth residents; and

WHEREAS, the Town values its senior citizens, and, in accordance with NY State Law, wishes to increase the income limits of the senior citizen tax exemption to the maximum amount permitted by Law; and

WHEREAS, thus, the Town Board is considering the approval of a local law which would increase the income limits relative to the senior citizen tax exemption.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be duly advertised for and held on **October 20, 2022, at 6:43 p.m.** for the purposes of permitting the public to speak relative to said proposed local law to increase the income limits relative to the senior citizen tax exemption; and

BE IT FURTHER, RESOLVED, that the proposed Local Law is available at the Town Clerk’s Office for review by the public.

Adopted this 6th day of October, 2022 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 160-22: AUTHORIZE PUBLIC HEARING FOR THE WEST WALWORTH FIRE DEPARTMENT 2023 CONTRACT

Councilwoman Linson offered Resolution 160-22 and moved its adoption. Seconded by Councilman Johnson to wit:

BE IT RESOLVED, that a public hearing is scheduled for **Thursday, October 20, 2022 at 6:35 PM** for the purpose of hearing comments regarding the West Walworth Fire Department 2023 Contract.

Peter Marini addressed the Town Board and explained the reasoning for the desired contractual increase in funds. Discussion ensued.

Adopted this 6th day of October, 2022 at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 161-22: AUTHORIZE PUBLIC HEARING FOR THE LINCOLN FIRE DEPARTMENT 2023 CONTRACT

Councilwoman Linson offered Resolution 161-22 and moved its adoption. Seconded by Councilman Johnson to wit:

BE IT RESOLVED, that a public hearing is scheduled for **Thursday, October 20, 2022 at 6:37 PM** for the purpose of hearing comments regarding the Lincoln Fire Department 2023 Contract.

Lincoln Fire Volunteer Fire Department President Michael Frederes addressed the Town Board and explained the reasoning for the requested increase in funding for 2023.

Adopted this 6th day of October, 2022, at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 162-22: AUTHORIZE PUBLIC HEARING FOR WESTERN WAYNE AMBULANCE, INC. 2023 CONTRACT

Councilwoman Linson offered Resolution 162-22 and moved its adoption. Seconded by Councilman Kelly to wit:

BE IT RESOLVED, that a public hearing is scheduled for **Thursday, October 20, 2022 at 6:39 PM** for the purpose of hearing comments regarding the Western Wayne Ambulance, Inc. 2023 Contract.

Cody Szatkowski addressed the Town Board and explained the reasoning for the requested increase in funding for 2023. Discussion ensued.

Adopted this 6th day of October, 2022 at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 163-22: SET PUBLIC HEARING FOR LOCAL LAW NO. 7 OF 2022, A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW

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

WHEREAS, the Town Board of the Town of Walworth, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, the Town Board of the Town of Walworth has reviewed the draft of the aforementioned proposed Local Law and deems it in the best interests of the Town of Walworth to proceed in accordance with the Code of the Town of Walworth and the Laws of the State of New York in adopting said Local Law;

RESOLVED by the Town Board of the Town of Walworth that a Public Hearing shall be had on the **20th day of October, 2022, at 6:41 p.m.**, for the purpose of considering adoption of such Local Law A Local Law to Override the Tax Levy Limit Established in General Municipal Law; and be it further

RESOLVED, that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

Adopted this 6th day of October, 2022 at a meeting of the Town Board.

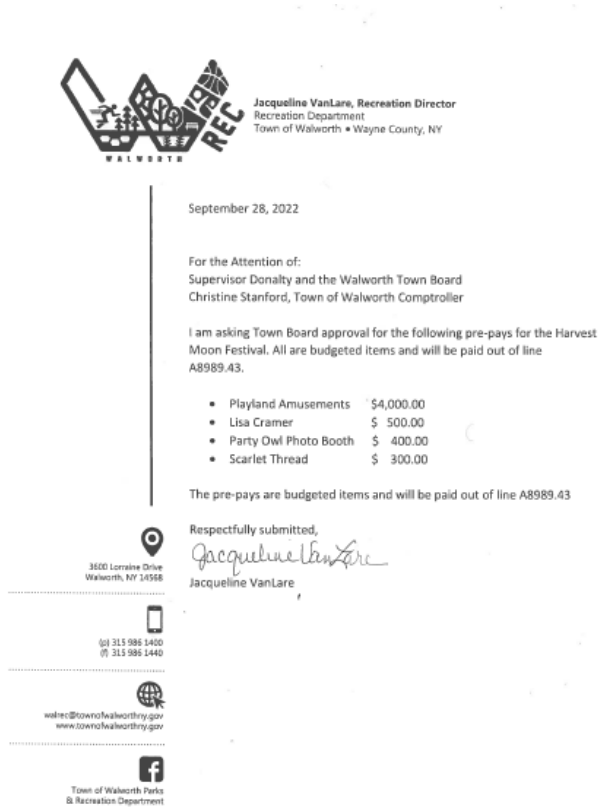
Roll call vote:	Councilwoman Linson	Aye
	Councilman Kelly	Aye
	Councilman Harden	Absent
	Councilman Johnson	Aye
	Supervisor Donalty	Aye

Resolution carried.

RESOLUTION 164-22: TO APPROVE PRE-PAYS FOR THE HARVEST MOON FESTIVAL TO BE PAID FROM BUDGET LINE A8989.43

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

The following was submitted:



NOW, THEREFORE IT BE RESOLVED that the Town Board hereby authorizes the pre-payment of expenditures for the Harvest Moon Festival to be paid from budget line A8989.43.

Adopted this 6th day of October, 2022 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 165-22: TO HIRE BRETT MALAFEEW TO THE POSITION OF ASSISTANT BUILDING INSPECTOR (PART-TIME) AT THE RATE OF \$20.00 PER HOUR, EFFECTIVE OCTOBER 9, 2022

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

WHEREAS, on August 18, 2022, the Town Board authorized by Resolution the creation of the position of Assistant Building Inspector;

WHEREAS, with the anticipated retirement of Building Inspector Norman Druschel at year’s end, it is necessary to begin training a replacement for Mr. Druschel as soon as possible;

WHEREAS, candidate Brett Malafeew was found to be best qualified for the position and possesses the appropriate qualifications;

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the hiring of Brett Malafeew to the position of Assistant Building Inspector (part-time) at the rate of \$20.00 per hour for up to 20 hours per week, effective October 9, 2022.

Adopted this 6th day of October, 2022 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 166-22: TO PROMOTE KYLE QUIGLEY TO THE POSITION OF WASTEWATER TREATMENT OPERATOR IN THE WASTEWATER TREATMENT PLANT AT THE RATE OF \$19.64 PER HOUR, EFFECTIVE OCTOBER 9, 2022

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

WHEREAS, Sewer Department employee Kyle Quigley recently sat for and passed the Civil Service examination for Wastewater Treatment Operator with a score of 90;

WHEREAS, Mr. Quigley’s exam score placed him in the number 1 position for eligibility to be hired for the position;

WHEREAS, the Wastewater Treatment Plant is currently severely understaffed and in immediate need of two Wastewater Treatment Operators;

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the promotion of Kyle Quigley to Wastewater Treatment Operator in the Wastewater Treatment Plant effective October 9, 2022.

Adopted this 6th day of October, 2022 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 167-22: TO HIRE HEIDI SUTHERLAND AS A PER DIEM CONSULTANT TO THE JUSTICE COURT AT THE RATE OF \$21.48 PER HOUR, EFFECTIVE OCTOBER 9, 2022

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

WHEREAS, the Justice Court is seeking to hire a full-time Justice Court Clerk to replace the Clerk who took a position in the State Court system;

WHEREAS, the Judges have requested that the outgoing Clerk, Heidi Sutherland, be retained on a per diem basis to assist in training the incoming Clerk to ensure a smooth transition;

NOW, THEREFORE IT BE RESOLVED that the Town Board hereby authorizes the hire of Heidi Sutherland as a per diem Consultant to the Justice Court at the rate of \$21.48 per hour, effective October 9, 2022.

Adopted this 6th day of October, 2022 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 168-22: TO PROMOTE TRACIE HENNING TO THE POSITION OF FULL-TIME COURT CLERK TO THE JUSTICE COURT AT THE RATE OF \$21.48 PER HOUR, EFFECTIVE OCTOBER 3, 2022

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

WHEREAS, the Justice Court advertised to hire a full-time Justice Court Clerk to replace the Clerk who took a position in the State Court system;

WHEREAS, the Judges have interviewed candidates and determined that the current part-time Court Clerk Tracie Henning best serves the interests of the Court and have recommended that the Town Board approve her hiring;

NOW, THEREFORE IT BE RESOLVED that the Town Board hereby authorizes the promotion of Tracie Henning to the position of full-time Court Clerk to the Justice Court at the rate of \$21.48 per hour, effective October 3, 2022.

Adopted this 6th day of October, 2022 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 169-22: TO ADVERTISE TO FILL THE POSITION OF JUSTICE COURT CLERK (PART-TIME)

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

WHEREAS, the current part-time Court Clerk has been promoted to the full-time position, thus creating a need to replace the part-time position; 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 6th day of October, 2022 at the meeting of the Town Board.

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

Resolution carried.

COMMUNICATION:

- **E-mail from Barb Goulette, Town of Walworth Building and Zoning Clerk regarding Rolford Heights Subdivision Phases 5 & 6**, dated September 19, 2022

Supervisor Donalty commented that the Rolford Heights developer had requested that the Town Board review the development as a cluster development, but the proposal has been sent back to the Town Planning Board for a SEQR and further review.

- **Letter from Mel Halstead, Town of Walworth Sole Assessor regarding property tax exemption for seniors and persons with disabilities and limited incomes**, dated September 22, 2022
- **Assessment Monthly Sales Report for August 2022**
- **Recreation Department Monthly Report**, dated September 29, 2022
- **Parks Department Monthly Report**, dated September 30, 2022
- **Assessment Department Monthly Report for September 2022**
- **Letter from Anne Brown, Library Director, Walworth-Seely Library**
- **E-mail from Ron DaFoe**, dated October 6, 2022

Supervisor Donalty reviewed the following Town Board meeting dates:

TOWN BOARD MEETINGS:

DATE	TIME	MEETING TYPE
OCTOBER 20, 2022	6:30 PM	REGULAR
NOVEMBER 3, 2022	6:30 PM	REGULAR
NOVEMBER 17, 2022	6:30 PM	REGULAR

NEW AND OTHER BUSINESS:➤ **Discussion on next steps for cannabis dispensary regulation**

Councilman Johnson stated that, according to the New York State Cannabis Control Board, anyone with a medical marijuana card may grow up to three plants per person. Also, dispensary applications are being processed, but there have not been any issued to anyone in this area.

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

The Local Law resolution to approve the Town Code will be addressed at the Town Board meeting on October 20, 2022.

➤ **Lehrwood Estates Release of Letter of Credit Funds Discussion**

Town Attorney Young explained the reasoning and need for the letter of credit funds to be released, as requested by LaBella Associates and Lehrwood Estates.

RESOLUTION 170-22: RELEASE LETTER OF CREDIT FUNDS FOR LEHRWOOD ESTATES SUBDIVISION – SECTION 2 IN THE AMOUNT OF \$842,774.77

Councilwoman Linson offered Resolution 170-22 and moved its adoption. Seconded by Councilman Johnson to wit:

The following was submitted:



September 27, 2022

Town of Walworth, Town Board
3800 Lorraine Drive
Walworth, New York 14588
Via Email

RE: Lehrwood Estates Subdivision – Section 2
Letter of Credit Reduction
LaBella Project No. 212141.108

Dear Town Board Members:

We have reviewed the attached Letter of Credit Reduction prepared by Marathon Engineering dated 9/15/2022 and concur with the amount being requested for release totaling \$842,774.77. Norm Druchel and I visited the site on 9/28/2022 to verify the improvements have been completed in general conformance with the approved plans and Town specifications. There are some outstanding items that remain to be completed and money has been left in the Letter of Credit to cover these. It should also be noted that there is \$83,841 left in retainage/contingency. Once all work is completed, we would expect a request for another release and ultimately the Town will secure a 2 year Maintenance Bond equaling 10% of all of the dedicated items.

Please feel free to contact me with any questions, I can be reached via email at msimon@labellapc.com or on cell phone at 585-455-3375. Thank you.

Respectfully submitted,

LaBella Associates

Michael A. Simon
Civil Regional Leader

CC Via Email
Attachement

Aimee Phillips, Town Clerk
Norm Druchel, Building Inspector
Donald Young, Esq.
Matt Tomlinson, Marathon Engineering

WHEREAS, the Town Board has received a recommendation from the Town Engineer authorizing the release of eight hundred forty-two thousand, seven hundred seventy-four dollars and seventy-seven cents (\$842,774.77) from the Letter of Credit for the Lehrwood Estates Subdivision;

NOW, THEREFORE, BE IT RESOLVED that Lehrwood Estates is authorized a release from its Letter of Credit in the amount of \$842,774.77 as requested.

Adopted this 6th day of October, 2022 at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 171-22: TO ADOPT AND APPROVE THE TOWN OF WALWORTH SEWER DISTRICTS SPECIAL ASSESSMENT ROLLS FOR 2022

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

WHEREAS, the costs in connection with the Town of Walworth’s sewer districts must be paid for in accordance with law, including in relation to the costs incurred as a result of the planned transition from the dated Walworth Treatment Plant in the Town of Walworth to the planned regional treatment plant to be run by the Wayne County Water and Sewer Authority; and

WHEREAS, in connection with the payment of such costs, the Town of Walworth will be collecting revenues via special assessments against the Town of Walworth sewer districts; and

WHEREAS, such special assessments will be imposed based upon the number of equivalent dwelling units (“EDUs”) assigned to each tax parcel, as defined and determined in accordance with the Walworth Town Code; and

WHEREAS, rolls specifying such special assessments have been duly filed with the Walworth Town Clerk; and

WHEREAS, a public hearing was duly advertised and held on such rolls where the public was permitted to speak on the same.

NOW, THEREFORE, BE IT, RESOLVED, that that the Walworth Town Board hereby adopts and approves the 2022 special assessment rolls for the Town of Walworth sewer districts; and, be it further

RESOLVED, that such rolls be filed with the Town Clerk and transmitted to the Wayne County Board of Supervisors.

Adopted this 6th day of October, 2022 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 172-22: TO ADOPT AND APPROVE THE LEHRWOOD LIGHTING DISTRICT SPECIAL ASSESSMENT ROLL FOR 2022

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

WHEREAS, the costs in connection with the Lehrwood Lighting District must be paid for in accordance with law, including in relation to the costs to operate and maintain the same; and

WHEREAS, in connection with the payment of such costs, the Town of Walworth will be collecting revenues via special assessments against the lands within the Lehrwood Lighting District; and

WHEREAS, a roll specifying such special assessments has been filed with the Town Clerk where it has been available for review by the public; and

WHEREAS, a public hearing was duly advertised and held on such roll where the public was permitted to speak on the same.

NOW, THEREFORE, BE IT, RESOLVED, that that the Walworth Town Board hereby adopts and approves the Lehrwood Lighting District Special Assessment Roll for 2022; and, be it further

RESOLVED, that such roll be filed with the Town Clerk and transmitted to the Wayne County Board of Supervisors.

Adopted this 6th day of October, 2022 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 173-22: TO ADOPT AND APPROVE THE LEHRWOOD SIDEWALK DISTRICT SPECIAL ASSESSMENT ROLL FOR 2022

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

WHEREAS, the costs in connection with the Lehrwood Sidewalk District must be paid for in accordance with law, including in relation to the costs to maintain the same; and

WHEREAS, in connection with the payment of such costs, the Town of Walworth will be collecting revenues via special assessments against the lands within the Lehrwood Sidewalk District; and

WHEREAS, a roll specifying such special assessments has been filed with the Town Clerk where it has been available for review by the public; and

WHEREAS, a public hearing was duly advertised and held on such roll where the public was permitted to speak on the same.

NOW, THEREFORE, BE IT, RESOLVED, that that the Walworth Town Board hereby adopts and approves the Lehrwood Sidewalk District Special Assessment Roll for 2022; and, be it further

RESOLVED, that such roll be filed with the Town Clerk and transmitted to the Wayne County Board of Supervisors.

Adopted this 6th day of October, 2022 at the meeting of the Town Board.

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

Resolution carried.

PUBLIC PARTICIPATION:

Town Historian Gene Bavis addressed the Town Board sharing that the next program by the Walworth Historical Society will be held at the Ginegaw Lodge on November 21, 2022 at 1:00 PM. Additionally, the “Voices of Wayne County” book release has been postponed until October 25, 2022. Books are available for purchase, please contact members of the committee for a purchase form. Lastly, Mr. Bavis reported that the painting of the Wayne County Bicentennial mural has begun on the Thatcher Building in Williamson, New York.

Supervisor Donalty shared that a Foodlink distribution will be held at the Walworth Town Hall on October 18, 2022 starting at 10:00 AM and is open to all Wayne County residents.

ADJOURNMENT:

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

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

Motion carried.

Time: 7:58 PM

Respectfully Submitted,
 Aimée Phillips
 Town Clerk