



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

DECEMBER 1, 2022 6:30 PM

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

MINUTES: **November 17, 2022 Regular Meeting**

PRESENTATIONS

REPORTS OF COMMITTEES (LIAISON/ELECTED OFFICIAL REPORTS)

RESOLUTIONS:

- Resolution -22:** Election to provide NYS pension benefit of Section 41(j), Allowance Of Unused Sick Leave Credits
- Resolution -22:** To approve Local Law To Amend The Walworth Town Code To Establish The Cold War Veterans Tax Exemption Pursuant To NY Real Property Tax Law Section 458-b
- Resolution -22:** To authorize the Town Clerk to issue a renewal license to maintain and operate a mobile home park for Galvin's Mobile Home Park
- Resolution -22:** To authorize the Town Clerk to issue a 2023 public assembly permit to Greystone Golf LLC
- Resolution -22:** To hire Barbara Griffith as a part time Justice Court Clerk, effective December 6, 2022
- Resolution -22:** To hire Lynne Donalty as a part time Justice Court Clerk, effective December 5, 2022
- Resolution -22:** Authorize the hire of Jonathan Carnwath as full-time Motor Equipment Operator, effective December 5, 2022

COMMUNICATION:

- **Town of Walworth Parks Department Monthly Report, dated November 23, 2022**
- **Letter from Michael Simon, Town Engineer, LaBella Associates, dated November 28, 2022**

(Updated 11/30/2022)

NEW AND OTHER BUSINESS

- Discussion on next steps to take to regulate Cannabis dispensaries

PUBLIC PARTICIPATION

EXECUTIVE SESSION

ADJOURNMENT

ANY OTHER BUSINESS THAT MAY COME BEFORE THE BOARD

RESOLUTION -22: ELECTION TO PROVIDE NYS PENSION BENEFIT OF SECTION 41(J), ALLOWANCE OF UNUSED SICK LEAVE CREDITS

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

The following was submitted:



ALLOWANCE FOR UNUSED SICK LEAVE

Subdivision (j) of Section 41 and Subdivision (j) of Section 341 of the Retirement and Social Security Law allows a participating employer to elect to provide additional service credit toward retirement for its employees who are entitled to accumulate sick leave.

This benefit applies to all tiers of membership.

The additional service credit is available only for those members who are included in a plan established by law, rule, regulation, written order or written policy that provides for the regular earning and accumulation of sick leave.

For Employee Retirement System (ERS) members that are in Tier(s) 1, 2, 3, 4 and 5; the maximum additional service credit allowed under Section 41, subdivision (j) is one hundred sixty five (165) days. For Tier 6 members' credit is available for a maximum of one hundred (100) days.

For Police and Fire Retirement System (PFRS) members, all Tiers under Section 341, subdivision (j) are granted one hundred and sixty five (165) days.

The additional service credit is applied on a workday basis (260 days = one year).

Members who receive a cash payment based on their accumulated sick leave at retirement are not eligible for the additional service credit. Payments for unused sick leave cannot be considered in the calculation of a member's final average salary.

To provide this benefit, the employer must file a resolution with the Retirement System attesting to the election of this benefit, for its employees who are members of the Retirement System.

BE IT RESOLVED, that the Town Board of the Town of Walworth does hereby elect to provide the pension benefit of Section 41(j) of the Retirement and Social Security Law, as presently or hereafter amended.

BE IT FURTHER RESOLVED, that the effective date of such shall be the 1st day of January, 2023.

Adopted this 1st day of December, 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 LOCAL LAW TO AMEND THE WALWORTH TOWN CODE TO ESTABLISH THE COLD WAR VETERANS TAX EXEMPTION PURSUANT TO NY REAL PROPERTY TAX LAW SECTION 458-b

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

WHEREAS, a public hearing was duly called for, and held on November 17, 2022, relative to a proposed local law to “Amend the Walworth Town Code to Establish the Cold War Veterans Tax Exemption Pursuant to NY Real Property Law Section 458-b,” and all interested parties were permitted an opportunity to speak thereon; and

WHEREAS, the Town Board of the Town of Walworth, after due deliberation, finds it in the best interest of the Town to adopt said local law for the reasons set forth therein, and finds that the Walworth Town Code should thus be amended as set forth herein; now, therefore be it

RESOLVED, that, in accordance with the State Environmental Quality Review Act, the Town Board hereby approves the attached EAF Part 2 and 3, issuing a negative declaration relative to this matter; and, be it further

RESOLVED, that the Town Board hereby adopts said Local Law to “Amend the Walworth Town Code to Establish the Cold War Veterans Tax Exemption Pursuant to NY Real Property Law Section 458-b,” all as set forth in the attached Local Law, which is incorporated herein and made a part hereof; and be it further

RESOLVED, that the 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.

Adopted this 1st day of December, 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 AUTHORIZE THE TOWN CLERK TO ISSUE A RENEWAL LICENSE TO MAINTAIN AND OPERATE A MOBILE HOME PARK FOR GALVIN'S MOBILE HOME PARK

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

The following was submitted:

WHEREAS, application has been made to the Town Board of the Town of Walworth for a License to maintain and operate a mobile home park (Section 1 & 2) at Galvin's Mobile Home Park, 1612 Hennessey Road, Walworth, New York, for the year 2023 pursuant to §180.42.

WHEREAS, the Building Inspector / Fire Marshal has completed the annual inspection of Galvin's Mobile Home Park on November 16, 2022; and has found no violations.

BE IT RESOLVED, that the Town Clerk issue the License and collect the fees according to the Walworth Fee Schedule to Galvin's Mobile Home Park.

Adopted this 1st day of December, 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: AUTHORIZE THE TOWN CLERK TO ISSUE A 2023 PUBLIC ASSEMBLY PERMIT TO GREYSTONE GOLF LLC

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

WHEREAS, an application has been made to the Town Board of the Town of Walworth for a 2023 Public Assembly Permit - Seasonal to Greystone Golf LLC, 1400 Atlantic Avenue, Walworth, NY 14568; pursuant to the Town of Walworth Municipal Code, Chapter 131 Public Assembly.

WHEREAS, the Fire Marshall has completed the Inspection on September 9, 2022; where no violations were cited.

BE IT RESOLVED, that the Town Clerk issue the Permit and collect the fees according to the Town Fee Schedule.

Adopted this 1st day of December, 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 HIRE BARBARA GRIFFITH AS A PART TIME JUSTICE COURT CLERK, EFFECTIVE DECEMBER 6, 2022

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

WHEREAS, the Justice Court is seeking to hire a part-time Justice Court Clerk to fill the vacancy created by the promotion of Tracie Henning to full-time Justice Court Clerk; and

WHEREAS, the Judges have requested that Barbara Griffith, an experienced Justice Court Clerk in a neighboring Court, be retained on a per diem basis to assist Ms. Henning to ensure the continued efficient operation of the Justice Court; and

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the hire of Barbara Griffith as a part time Justice Court Clerk at the rate of \$16.66 per hour (2022 rate), effective December 6, 2022.

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

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

Resolution carried.

RESOLUTION -22: TO HIRE LYNNE DONALTY AS A PART TIME JUSTICE COURT CLERK, EFFECTIVE DECEMBER 5, 2022

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

WHEREAS, the Justice Court is seeking to hire a part-time Justice Court Clerk to fill the vacancy created by the promotion of Tracie Henning to full-time Justice Court Clerk; and

WHEREAS, the Judges have requested that Lynne Donalty, an experienced Justice Court Clerk in a neighboring Court, be retained on a per diem basis to assist Ms. Henning to ensure the continued efficient operation of the Justice Court; and

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the hire of Lynne Donalty as a part time Justice Court Clerk at the rate of \$16.66 per hour (2022 rate), effective December 5, 2022.

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

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

Resolution carried.

RESOLUTION -22: AUTHORIZE THE HIRE OF JONATHAN CARNWATH AS FULL-TIME MOTOR EQUIPMENT OPERATOR, EFFECTIVE DECEMBER 5, 2022

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

WHEREAS, the Town of Walworth Highway Department is in need of a full-time Motor Equipment Operator; and

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

WHEREAS, the Motor Equipment Operator shall be a bargaining unit position and salary consistent with the Collective Bargaining Agreement; and

WHEREAS, the Highway Superintendent recommended the hiring of Jonathan Carnwath;

NOW, THEREFORE BE IT RESOLVED that Jonathan Carnwath is hired as full time Motor Equipment Operator, on condition that the employee passes Alcohol and Drug screening as required by Town Policy, with a rate of \$19.50 per hour (2022 rate), effective December 5, 2022.

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

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

Resolution carried.



3600 Lorraine Drive, Walworth, NY 14568

Mike Buckley, Parks Superintendent

(315) 926-9170

parkssuper@townofwalworthny.gov

November 23, 2022,

To: Supervisor Mike Donalty

Re: Parks Monthly Report

This report is for November 1, 2022, through November 23, 2022:

Daily inspection and maintenance of the Ginegaw Park lodge and pavilions

Finished mowing and string trimming

Winterized mowers and equipment

Winterized bathroom and drinking fountains

Closed gates at Sherburne Road Park, and Dolomite Park for the season

Minor Town Hall maintenance

Seasonal staff finished for the year

Finished leaf cleanup at Town Hall, and Ginegaw Park

Setup for Light the Night Festival

Respectfully Submitted,

Mike Buckley, Parks Superintendent

November 28, 2022

Supervisor Mike Donalty
Town Board Members
Town of Walworth
3600 Lorraine Drive
Walworth, NY 14568

RE: Orchard Street Drainage

Supervisor Donalty and Town Board Members:

LaBella Associates was asked by the Town to observe a drainage matter at 3765 Orchard Street. I met with Highway Superintendent Kevin Switzer and Councilwoman Amber Linson at the site on November 22, 2022 to evaluate the overall drainage.

Orchard Street drainage is an open swale/ditch system which transfers the stormwater runoff along the Street through a series of driveway culverts leading to an enclosed storm sewer system at the terminus of Orchard Street at Walworth-Marion Road. The vast majority of the culverts along Orchard Street are 12" in size.

It is my understanding that the above referenced resident was requesting to replace their current 12" driveway culvert with an 18" culvert. We would not endorse this for the following reasons;

- There would not be enough surface cover over the larger culvert and it would cause problems with deterioration of their driveway over time.
- The upsizing of the new 18" culvert would progress stormwater runoff faster with more velocity to downstream neighbors and could promote erosion of the open swale.
- If a larger culvert was installed, it would require further excavation all the way downstream to the terminus of Orchard Street.

My observations concluded that the majority of the residents on Orchard Street take pride in their neighborhood and clearing their driveway culvert a few times a year, as most of them do, keeps the drainage system working well.



We do not believe a drainage analysis is warranted at this time, however depending on the scope of a study, this could cost in the range of \$15,000 - \$20,000. Should you like further evaluation in this matter please feel free to contact me.

Respectfully submitted,

LABELLA ASSOCIATES, D.P.C.

Michael A. Simon
Sr. Project Manager

cc (via email): Kevin Switzer, Highway Superintendent
Norman Druschel, Building Inspector