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
	Kevin Switzer	Highway Superintendent
	Aimée Phillips	Town Clerk
ABSENT:	Jim Harden	Councilman
	Rick Johnson	Councilman

OTHERS PRESENT: Gene Bavis, Town Historian

MINUTES

Motion by Councilwoman Linson that the minutes of November 17, 2022 Regular Meeting are approved as submitted by the Town Clerk. Seconded by Councilman Kelly.

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

Motion carried.

ELECTED OFFICIALS' REPORTS:

TOWN CLERK – No report.

HIGHWAY SUPERINTENDENT - No report.

COUNCILMAN KELLY – No report.

COUNCILWOMAN LINSON

Councilwoman Linson shared that she, Highway Superintendent Switzer and Town Engineer Michael Simon had met with the Orchard Street resident who had spoken at the previous Town Board meeting regarding options for the culvert located on her property. Councilwoman Linson stated that the Town Engineer had written an opinion letter based on his findings and discussion, and Councilwoman Linson would forward this to the resident.

COUNCILMAN HARDEN – No report.

COUNCILMAN JOHNSON – No report.

SUPERVISOR DONALTY

Supervisor Donalty shared dates for the following two upcoming events:

- December 3, 2022 from 6:00 – 7:30 PM, Light The Night in Ginegaw Park
- December 6, 2022 at 7:00 PM , County Budget Public Hearing and the Old Courthouse in Lyons

RESOLUTIONS:

RESOLUTION 202-22: ELECTION TO PROVIDE NYS PENSION BENEFIT OF SECTION 41(J), ALLOWANCE OF UNUSED SICK LEAVE CREDITS

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

The following was submitted:

Office of the New York State Comptroller
Thomas P. DiNapoli
NYSLRS
New York State and Local Retirement System
110 State Street, Albany, New York 12244-0001

ALLOWANCE FOR UNUSED SICK LEAVE

Subdivision (j) of Section 41 and Subdivision (j) of Section 341of 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	Aye
	Councilman Kelly	Aye
	Councilman Harden	Absent
	Councilman Johnson	Absent
	Supervisor Donalty	Aye

Resolution carried.

RESOLUTION 203-22: 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

Councilwoman Linson offered the Resolution and moved its adoption. Seconded by Councilman Kelly 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	Aye
	Councilman Kelly	Aye
	Councilman Harden	Absent
	Councilman Johnson	Absent
	Supervisor Donalty	Aye

Resolution carried.

RESOLUTION 204-22: TO AUTHORIZE THE TOWN CLERK TO ISSUE A RENEWAL LICENSE TO MAINTAIN AND OPERATE A MOBILE HOME PARK FOR GALVIN'S MOBILE HOME PARK

Councilwoman Linson offered the following Resolution and moved its adoption. Seconded by Councilman Kelly 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	Aye
	Councilman Kelly	Aye
	Councilman Harden	Absent
	Councilman Johnson	Absent
	Supervisor Donalty	Aye

Resolution carried.

RESOLUTION 205-22: AUTHORIZE THE TOWN CLERK TO ISSUE A 2023 PUBLIC ASSEMBLY PERMIT TO GREYSTONE GOLF LLC

Councilwoman Linson offered the following Resolution and moved its adoption. Seconded by Councilman Kelly 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	Aye
	Councilman Kelly	Aye
	Councilman Harden	Absent
	Councilman Johnson	Absent
	Supervisor Donalty	Aye

Resolution carried.

RESOLUTION 206-22: TO HIRE BARBARA GRIFFITH AS A PART TIME JUSTICE COURT CLERK, EFFECTIVE DECEMBER 6, 2022

Councilwoman Linson offered the Resolution and moved its adoption. Seconded by Councilman Kelly 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	Aye
	Councilman Kelly	Aye
	Councilman Harden	Absent
	Councilman Johnson	Absent
	Supervisor Donalty	Aye

Resolution carried.

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

Councilwoman Linson moved to table the Resolution until a future meeting. Seconded by Councilman Kelly.

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.

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

Motion carried.

RESOLUTION 207-22: AUTHORIZE THE HIRE OF JONATHAN CARNWATH AS FULL-TIME MOTOR EQUIPMENT OPERATOR, EFFECTIVE DECEMBER 5, 2022

Councilwoman Linson offered the Resolution and moved its adoption. Seconded by Councilman Kelly 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	Aye
	Councilman Kelly	Aye
	Councilman Harden	Absent
	Councilman Johnson	Absent
	Supervisor Donalty	Aye

Resolution carried.

COMMUNICATION:

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

TOWN BOARD MEETINGS:

DATE	TIME	MEETING TYPE
DECEMBER 15, 2022	6:30 PM	REGULAR
JANUARY 5, 2023	6:00 PM (TENTATIVE)	ORGANIZATIONAL
JANUARY 5, 2023	6:30 PM (TENTATIVE)	REGULAR

NEW AND OTHER BUSINESS:

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

Supervisor Donalty stated that this item can be removed from the agenda as the updated Town Code will be adopted at the next Town Board meeting and there is pending litigation regarding the issuance of licenses in certain areas of the state.

PUBLIC PARTICIPATION:

Gene Bavis addressed the Town Board sharing that the last meeting/presentation of the Walworth Historical Society went well and that the next meeting/presentation is scheduled for March 20, 2023. He also stated that the grant monies supplied by the Town will be used to publish a booklet to be mailed to residents in early March 2023. Lastly, Mr. Bavis informed Board members that the Wayne County Bicentennial quilt was recently displayed at a quilting show in Williamson and will be displayed throughout the County on a rotating basis.

EXECUTIVE SESSION:

Motion by Councilman Kelly to enter into executive session to discuss proposed, pending or current litigation; and collective bargaining negotiations per Article 14 of Civil Service Law.

Seconded by Councilwoman Linson.

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

Motion carried.

Time: 6:51 PM.

RECONVENE:

Motion by Councilwoman Linson to reconvene the regularly scheduled meeting.

Seconded by Councilman Kelly.

Time: 7:29 PM.

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

Motion carried.

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	Absent
	Supervisor Donalty	Aye

Motion carried.

Time: 7:29 PM

Respectfully Submitted,
Aimée Phillips
Town Clerk