

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.

<u>PRESENT:</u>	Michael Donalty	Supervisor
	Amber Linson	Councilwoman
	Jim Harden	Councilman (Entered meeting at 6:31 PM)
	Rick Johnson	Councilman
	Kevin Switzer	Highway Superintendent
	Aimée Phillips	Town Clerk

<u>ABSENT:</u>	Alex Kelly	Councilman
-----------------------	------------	------------

OTHERS PRESENT: Christine Stanford, Town Comptroller; Teresa Flye, Clerk To The Supervisor; Brett Malafeew, Code Enforcement Officer; Jacqueline VanLare, Recreation Director; Michael Buckley, Parks Superintendent; Gene Bavis, Town Historian; Lea Dill, Dog Control Officer; Kevin Rooney, Wayne County Highway Superintendent; Kathy Saville, NYCLASS representative; eight (8) members of the public.

PUBLIC HEARING – 6:30 PM: LOCAL LAW NO. 5 OF 2023 TO AMEND THE WALWORTH TOWN CODE TO ADDRESS RESIDENTIAL STANDBY GENERATORS

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 LOCAL LAW TO AMEND THE WALWORTH TOWN CODE TO ADDRESS RESIDENTIAL STANDBY GENERATORS

PLEASE TAKE NOTICE that a proposed Local Law is under consideration by Town Board of the Town of Walworth, New York, designated as Local Law No. 5 of 2023 To Amend the Walworth Town Code to Address Residential Standby Generators.

PLEASE TAKE FURTHER NOTICE that the purpose of said Local Law to regulate residential standby generators in the Town of Walworth.

PLEASE TAKE FURTHER NOTICE that said proposed Local Law is on file at the Walworth Town Clerk’s Office located at 3600 Lorraine Dr., Walworth, New York, where it is available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE that a public hearing upon said proposed Local Law has been scheduled for the 6th day of April, 2023, at 6:30 PM, to be held at Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY. An opportunity to be heard in regard thereto will then and there be given to members of the public. Written comments may also be directed to the Walworth Town Clerk, Walworth Town Hall, 3600 Lorraine Dr., Walworth, NY.

Dated: March 16, 2023
 BY ORDER OF THE
 WALWORTH TOWN BOARD
 Aimée Phillips
 Town Clerk

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

Time: 6:33 PM.

One member of the public wished to address the Town Board:

Mr. William Hughes of Boynton Road spoke regarding concerns with the square footage and automatic cycling restrictions. Code Enforcement Officer Malafeew explained the reasoning behind these limitations and Supervisor Donalty encouraged Mr. Hughes to contact the Code Enforcement office once he has specifications and plans for his generator installation.

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 Johnson.

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

Motion carried.

Time: 6:37 PM.

MINUTES

Motion by Councilwoman Linson that the minutes of March 16, 2023 Regular Meeting are approved as submitted by the Town Clerk. Seconded by Councilman Johnson.

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

Motion carried.

PRESENTATIONS:

Presentation by Kevin Rooney, Wayne County Highway Superintendent

Mr. Rooney addressed the Town Board regarding a proposed roundabout project at the intersection of Gananda Parkway and West Walworth Road. Citing recent intersection and speed studies, and safety concerns, he explained the scope and timeline of the project. Discussion ensued regarding concerns with maintenance and plowing, speed reduction and public education.

Presentation by Kathy Saville, NYCLASS

Ms. Saville distributed informational materials to Town Board members, and presented program benefits, requirements and specifications. Discussion ensued regarding interest rates, security and the acquisition process. The Board thanked Ms. Saville and she exited the meeting.

ELECTED OFFICIALS’ REPORTS:

The Receiver of Taxes Monthly Report for March of 2023 was submitted to the Town Board.

Motion by Councilwoman Linson to accept the Receiver of Taxes Monthly Report for March 2023. Seconded by Councilman Johnson.

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

Motion carried.

TOWN CLERK

- Permissive Referendum for Resolution 57-23: Authorize use of Town Hall Capital Reserve funds to replace heat pump in the Town Hall resulted in no petitions opposing the resolution being received
- Peddler/ Solicitor Permits were issued to representatives from Renewal By Andersen for 2023. Should any residents have any concerns, Town Clerk Phillips encouraged them to contact her office.

HIGHWAY SUPERINTENDENT

Highway Superintendent Switzer shared that the Highway Department has been working on water issues and lawn work throughout the Town.

COUNCILMAN KELLY – No report.

COUNCILWOMAN LINSON

Councilwoman Linson shared that she had attended the recent Easter egg hunt held in Ginegaw Park and commended the Walworth Lions Club for sponsoring the event. She reviewed upcoming events and meetings for the Walworth Historical Society, and shared that the Library has an upcoming Board of Trustees meeting on Thursday, April 13, 2023 at 6:00 PM.

COUNCILMAN HARDEN – No report.

COUNCILMAN JOHNSON

Councilman Johnson reported that the Parks Department heating project is progressing and the heater was installed in the barn that day. He shared that he had attended the most recent Cannabis Control Board meeting, and 99 additional licenses had been issued, though none were in the local region to litigation. Mr. Johnson also stated that he attended a recent training regarding employee handbooks and will be scheduling a work session with Councilwoman Linson and the Town Comptroller to review this.

SUPERVISOR DONALTY

Supervisor Donalty thanked and commended Councilwoman Linson and Town Historian Bavis for their appearance and representation on “Good Day Rochester” on local news station Fox Rochester.

RESOLUTIONS:**RESOLUTION 70-23: AUTHORIZATION FOR THE TOWN SUPERVISOR TO SIGN THE PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES AND SOFTWARE DEVELOPMENT WITH INTEGRATED SYSTEMS AT A COST OF \$8500 FOR 100 HOURS OF SERVICE**

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



Professional Services Agreement

The following is a listing of all Professional Services Agreements that Integrated Systems is offering for Engineering Services and Software Development. It includes Network and System troubleshooting, programming, and user technical support, cabling and travel. The hours may be used for any combination of services. The larger the time block purchased, the greater the savings per hour. Contract rates cover work performed by any Integrated Systems Engineer at one unit per hour, except for services requiring a Senior Engineer whose hours are billed at 1.5 units per hour; those services include Server Implementations, Network Design and Engineering, and at client request. Propagation, other studies and outside supporting material costs can be billed to the PSA at a dollar value cost of the item as it converts in units (e.g., a \$850.00 cost for census data would be billed to the PSA at 10 hours, if a 100-hour contract was purchased). Integrated Systems will not engage in any such costs, without the client's prior consent.

Professional Service Agreement Terms:

Payment in full is due before any project/support is started.
Purchase of Professional Service Agreements are non refundable.

Clients with PSA receive priority telephone response time over non-PSA clients.
 Banked Unused Time does not expire
 (average response time: less than 1 hour)
 Clients with PSA receive priority on-site response time for troubleshooting & technical support over non-PSA clients.
 Clients with PSA have the option to have updates delivered via modem; mail; or on-site delivery.
 Travel time is billed as straight time
 Weekend/Overtime hours will be billed at 2 X regular rate
 Modem/Phone charges are the responsibility of the client and are always billable.
 Engineer's time is billable when:

- Working on additions/updates to programs / integration/ research
- Travel time between office and customer's location
- Time involved in gathering information for projects
- For support covering overnight staff, lodging, meals billed at \$175.00 per day.
- Extra charges for ground travel, flight costs are billed to the customer.

Statements of time spent on this contract are available at the Client's Request

LIMITATION OF WARRANTY LIABILITY: The obligation of Integrated Systems under the warranty is limited to the repair or replacement, at Integrated Systems option, of a non-conforming product, part or component thereof, except consumable accessories, within a reasonable time after notification. The client's remedies are limited to Integrated Systems obligations stated herein, subject to the "EXCLUSIVE REMEDY" set forth in the paragraph below. This warranty extends only to the client. **THIS WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES EXPRESSED OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS.** Integrated Systems has not made and makes no guarantee or warranty, including implied warranty or merchantability or fitness, that the system, equipment, or services supplied will avert, avoid or prevent the loss of data or information or the consequences therefrom, which the system or service is designed to provide. It is mutually understood and agreed that in executing this Agreement, client is not relying on any advice or advertisement of Integrated Systems. Client agrees that any representation, promise, condition, inducement or warranty, express or implied, including those of

merchantability and fitness, not included in writing in this Agreement shall not be binding upon any "party." The client assumes all risk for loss or damage to the client equipment and data files except as specified herein.
EXCLUSIVE REMEDY: Because of the nature of the services rendered and the system as a whole, it is impractical and extremely difficult to fix the actual damages, if any, which may result from failure on the part of Integrated Systems to perform its responsibilities under this contract. Client does not desire this contract to provide full liability for loss, damage or injury due directly or indirectly to occurrences, or consequences therefrom, which the service or system is designed to deter or avert. In the event Integrated Systems should be found liable for loss, damage or injury due to a failure of the equipment or services provided under this Agreement or the equipment in any respect, its liability shall be limited to \$250.00, as the agreed upon liquidated damages and not as a penalty. Such liquidated damages is the exclusive remedy for any failure of services or equipment, and the provisions of this paragraph shall apply if loss, damage or injury, irrespective of cause or origin, results directly or indirectly to a person or property from the performance or nonperformance of any obligation of Integrated Systems from negligence, active or otherwise, of Integrated Systems, its agents or employees. It is intended and expressly agreed that the purpose of the preceding provisions are to set an upper limit to the amount recoverable by the client and to fix liability of Integrated Systems at a specific sum of \$250.00. If client desires additional liability coverage, it shall be his responsibility to secure it from an insurance carrier or other agency of his choice, at his own expense. The client shall bring no suit against Integrated Systems more than one (1) year after the accrual of the cause of action therefore.

The Client agrees that, during the term of this Agreement and for a period of twenty-four (24) months thereafter, it will not actively solicit an Integrated Systems employee as a candidate or possible candidate for any position with the client or potential client, without first obtaining the written permission of Integrated Systems. Due to the difficulty of assessing damages in the event of a breach of this provision, the parties agree that Client will pay Integrated Systems, upon Integrated Systems written notice to the Client, an amount equal to three times the annual wages of any Integrated Systems employee who is referred by Client in violation of this provision. The Client will also reimburse Integrated Systems for any attorney's fees incurred by Integrated Systems in collecting amounts owed under this provision.

Contract	Hours	Rate/Hour	Total Cost	Savings
None		\$ 165.00		None
A	10	\$ 105.00	\$1050.00	N/A
B	25	\$ 100.00	\$ 2500.00	N/A
C	50	\$ 95.00	\$ 4750.00	N/A
D	100+	\$ 85.00	\$ 8500.00	\$ 6000.00

Contract Selected: _____

I have read the above terms and conditions of the time contracts. I understand and agree to the above conditions and term: of the contract:

Client: _____
 Address: _____
 Client Signature: _____ Date: _____

Integrated Systems Signature: _____ Date: _____

Contract Version 01/2023

Integrated Systems

NOW, THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to sign the Professional Services Agreement For Engineering Services And Software Development with Integrated Systems at a cost of \$8500 for 100 hours of service.

Adopted this 6th day of April, 2023, at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 71-23: AUTHORIZATION FOR LABELLA ASSOCIATES, P.C., TO SOLICIT BIDS FOR THE PROPOSED RESTROOM CONSTRUCTION AT GINEGAW PARK, PER THE AUGUST 22, 2022, WORK TASK AUTHORIZATION, AT A COST NOT TO EXCEED \$637,700.00

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

The following was submitted:



Town of Walworth
Ginegaw Park Restroom
Opinion of Probable Cost - Summary



- RESTROOM BUILDING & PAVILION IMPROVEMENTS		790 SF	575 SF		
Item	Description	SF COST	Costs	Comments	Estimate Decrease
1	Civil / Site Work & UTILITIES	\$113.00	\$89,270		27,120
	Stone Lot & Sidewalks		\$42,144	Bid Alternate for Parking	85,056
	Utilities- 4" sanitary, 2" water		\$60,745		147,655
	SWPPP (Stomwater Pollution Prevention Plan)		\$0		7,500
2	General Construction	\$235.00	\$185,650		56,400
	Pavilion Improvements: Roof, Siding, Trim, Slab, Soffit		\$19,507		0
3	Mech/Plumbing*	\$70.00	\$55,300		16,800
4	Electrical	\$62.00	\$48,980		14,880
	Pavilion Improvements: Power & lighting		\$4,500		3,200
	SF COST for Building only	\$480.00			
	Sub Total		\$506,096		358,611
	Bonds & insurance	3%	\$15,183		10,758
	O&P	15%	\$75,914		53,792
	Mobilization/Phase	2%	\$10,122		7,172
	Total Construction Cost		\$607,315		
	Construction Contingency	5%	\$30,366		73,399
	Total (Rounded) Project Cost		\$637,700		503,713

*\$500 each for tankless water heaters are comparable to a single tank type (\$1500, which includes a recirculation pump).

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes LaBella Associates, P.C., to solicit bids for the proposed restroom construction at Ginegaw Park, per the August 22, 2022, work task authorization, at a cost not to exceed \$637,700.00.

Discussion ensued regarding project cost reduction, modifications and a possible cap to the bid amount.

Adopted this 6th day of April, 2023, at a meeting of the Town Board.

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

Resolution carried.

COMMUNICATION:

- Animal Control Officer Report for March 2023

TOWN BOARD MEETINGS:

DATE	TIME	MEETING TYPE
APRIL 20, 2023	6:30 PM	REGULAR
MAY 4, 2023	6:30 PM	REGULAR
MAY 18, 2023	6:30 PM	REGULAR

NEW AND OTHER BUSINESS:

- **Employee Handbook/Policies and Procedures Manual Updates** – No update.
- **Knox Box Installations** – No update.

PUBLIC PARTICIPATION:

Two members of the public address the Town Board:

- 1) Mr. Gene Bavis spoke regarding the Walworth Historical Society booklet recently sent to Walworth residents and upcoming events; and the Wayne County Bicentennial celebration.
- 2) Ms. Melissa Battaglini of Crow’s Nest Lane addressed the Town Board with concerns pertaining to the earlier-presented roundabout project. Supervisor Donalty directed her to contact the Wayne County Highway Department.

EXECUTIVE SESSION:

Motion by Councilman Johnson to enter into executive session to discuss proposed, pending or current litigation.

Seconded by Councilwoman Linson.

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

Motion carried.

Time: 7:37 PM.

RECONVENE:

Motion by Councilman Johnson to reconvene the regularly scheduled meeting.

Seconded by Councilwoman Linson.

Time: 8:07 PM.

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

Motion carried.

ADJOURNMENT:

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

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

Motion carried.

Time: 8:07 PM

Respectfully Submitted,
Aimée Phillips
Town Clerk