



Michael Donalty, Town Supervisor
3600 Lorraine Drive
Walworth, NY 14568

315.986.1400
315.926.9154
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TOWN BOARD REGULAR MEETING – AGENDA
JUNE 1, 2023 6:30 PM

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

MINUTES: **May 11, 2023 Special Meeting**
 May 18, 2023 Regular Meeting

PRESENTATIONS:

REPORTS OF COMMITTEES (LIAISON/ELECTED OFFICIAL REPORTS)

RESOLUTIONS:

- Resolution 90-23:** To waive application fees for Western Wayne Ambulance, Inc. for site plan application and building permit (tabled at May 18, 2023 regular meeting)
- Resolution -23:** Adoption of Alcohol and Drug Free Workplace Policy

COMMUNICATION:

- **Cover letter from Harris Beach, PLLC regarding K2 Brewing PILOT Agreement, dated May 18, 2023**
- **Assessment Department Monthly Report for May 2023**
- **Letter from Gananda Rotary Club regarding the 41st Annual Gananda Garage Sale, dated May 25, 2023**
- **Animal Control Officer Report for the month of May 2023**
- **Letter from Eugene Cook, Councilman, Town of Huntington, dated May 10, 2023**

NEW AND OTHER BUSINESS

Policies, Procedures and Employee Handbook Review

Knox Box Installations

PUBLIC PARTICIPATION

(Updated 5/30/2023)

EXECUTIVE SESSION

ADJOURNMENT

ANY OTHER BUSINESS THAT MAY COME BEFORE THE BOARD

RESOLUTION 90-23: TO WAIVE APPLICATION FEES FOR WESTERN WAYNE AMBULANCE, INC. FOR SITE PLAN APPLICATION AND BUILDING PERMIT (TABLED)

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

The following was submitted:



WESTERN WAYNE AMBULANCE, INC.

2100 Church Street P.O. Box 36
Walworth, New York 14568
315-906-5555

5/5/23

To: The Walworth Town Board
From: Western Wayne Ambulance, Inc.

Subject: Waiver of Fees

The Walworth Fire Department has given our agency permission to build on their property, a garage to house emergency & medical response vehicles adjacent to our current building on their property. The precise details will be forthcoming with the approval of the fire department and the Town of Walworth. We have building blue prints and a site plan and are working closely with the Fire Commissioners.

This letter is seeking a waiver of financial cost for the Site Plan Application and the Building Permit from the Town of Walworth. As you may know Western Wayne Ambulance is a 501(C)-3 not for profit agency and responds to over 900 calls annually.

Thank you for your consideration.

Steven G. Masterson
President, Western Wayne Ambulance
sm@wwa.org
315-576-1202

THEREFORE, BE IT RESOLVED that the Town Board hereby approves the request made by the Western Wayne Ambulance, Inc. to waive the fees for a site plan application and building permit to build a garage to house emergency response vehicles.

Discussion ensued regarding specific fees to waive and past resolutions for other organizations.

Councilwoman Linson made the motion to table the resolution until the next Town Board meeting on June 1, 2023. Councilman Kelly seconded the motion.

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

Motion carried.

RESOLUTION -23: ADOPTION OF ALCOHOL AND DRUG FREE WORKPLACE POLICY

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

The following was submitted:

ALCOHOL AND DRUG FREE WORKPLACE POLICY

Purpose

The purpose of this policy is to secure for all Town of Walworth employees a safe, alcohol-, drug-free working environment, and to ensure compliance with the Federal Drug-Free Workplace Act of 1988, PL 100-690.

The Town of Walworth is committed to protecting the safety, health and well-being of all employees and other individuals in its workplace. This policy recognizes that employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale.

Policy

The Town of Walworth prohibits the unlawful use, possession, sale, manufacture, distribution, dispensing, or misuses of controlled substances, use and/or possession of cannabis, alcohol, and all illegal drugs in all Town workplaces and on all Town properties, except when the use is pursuant to a doctor's orders and such order is on file with the Town.

All employees are directed not to report to work or be on duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

Covered Individuals

Any individual who is employed by the Town of Walworth, including elected and appointed Town officials, is covered by this Alcohol and Drug Free Workplace Policy. Therefore, this policy applies during all working hours, on-call, standby, and/or while operating or riding in vehicles belonging to the Town or while operating their own personal vehicle conducting Town business. To the extent that the terms of this policy are subject to federal, state, or local laws, or terms of any collective bargaining agreement, regarding drug or alcohol testing, those respective laws or terms shall supersede any inconsistent terms of this policy.

All Town of Walworth new employees will be subject to a pre-employment drug and alcohol testing. For the purpose of this requirement, employees will be considered those individuals who receive Town benefits and are permanent part-time or full-time employees.

Employees with commercial driver’s licenses shall be subject to random, post-accident and “reasonable cause” drug/alcohol testing procedures in compliance with US DOT Regulation 49 CFR Part 40 and the collective bargaining agreement.

Consequences

One of the goals of this Alcohol and Drug Free Workplace Policy is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates this policy, the consequences will be serious.

In the case of an applicant for employment who violates the Alcohol and Drug Free Workplace Policy, any conditional offer of employment can be withdrawn, where permitted by law.

Employees violating these policies shall be subject to criminal, civil, and disciplinary penalties as provided by existing statutes, Civil Service rules, and relevant collective bargaining agreement provisions.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Walworth hereby adopts the proposed Alcohol and Drug Free Workplace policy, to be added to the current Employee Handbook and to be distributed to the Town of Walworth employees.

Adopted this 1st day of June, 2023 at a meeting of the Town Board.

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

Resolution carried/failed.

HARRIS BEACH P.L.L.C.
ATTORNEYS AT LAW

677 BROADWAY, SUITE 1101
ALBANY, NY 12207
(518) 427-9700

JUSTIN S. MILLER
MEMBER
DIRECT: (518) 701-2710
FAX: (518) 701-2804
JMILLER@HARRISBEACH.COM

May 18, 2023

Certified Federal Express
Tracking #398-3081-1651

Melissa Halstead, Assessor
Town of Walworth
3600 Lorraine Drive
Walworth, New York 14568

**Re: Wayne County Industrial Development Agency and
4320 Canandaigua Rd LLC
Distribution of PILOT Agreement and RP-412-a
Property: 4320 Canandaigua Road, Town of Walworth
SBL: Approximately 41.69 Acres at 62115-00-376223**

Dear Ms. Halstead:

On behalf of the Wayne County Industrial Development Agency (the "Agency"), please find enclosed a completed and signed NYS Form RP-412-a, "Application for Real Property Tax Exemption" (the "Application"), along with a copy of the related signed Payment-In-Lieu-of-Tax Agreement, dated as of May 12, 2023 (the "PILOT Agreement"), and entered into by the Agency and 4320 Canandaigua Rd LLC (the "Company").

Pursuant to the Application, we ask that the Assessor please place the relevant portion of the subject tax parcel on tax roll section 8 (exempt) as of March 1, 2024 Taxable Status Date, with future in-lieu-of-tax payments administered in accordance with Schedule A of the PILOT Agreement. To the extent you will establish a new or stub parcel number for this Project, we ask that you please assign both a land value and improvements value to assist the Agency and affected tax jurisdictions with administering billing for this PILOT Agreement. To assist you with establishing a new or stub parcel for the Project, we have also enclosed the Project survey and legal description for you to reference.

SCHEDULE A

“Total PILOT Payment” shall be calculated as follows:

<u>PILOT Year</u>	<u>County/Town Tax Year</u>	<u>Village and School Tax Year</u>	<u>Total Taxable Valuation</u>
Interim	2023	2022/2023	Base Valuation Only*
Interim	2024	2023/2024	Base Valuation Only
Year 1	2025	2024/2025	Base Valuation, plus (Added Value x .00)
Year 2	2026	2025/2026	Base Valuation, plus (Added Value x .00)
Year 3	2027	2026/2027	Base Valuation, plus (Added Value x .00)
Year 4	2028	2027/2028	Base Valuation, plus (Added Value x .00)
Year 5	2029	2028/2029	Base Valuation, plus (Added Value x .00)
Year 6	2030	2029/2030	Base Valuation, plus (Added Value x .50)
Year 7	2031	2030/2031	Base Valuation, plus (Added Value x .50)
Year 8	2032	2031/2032	Base Valuation, plus (Added Value x .50)
Year 9	2033	2032/2033	Base Valuation, plus (Added Value x .50)
Year 10	2034	2033/2034	Base Valuation, plus (Added Value x .50)

For the term of this PILOT Agreement, the Company shall pay full taxes based on the assessed value of the Land before the completion of any Project improvements (the “Base Valuation”). During the term of this PILOT Agreement, the Base Valuation shall be frozen at \$2,428,200 Full Market Value (as equalized), or such assessment assigned to the land by the applicable assessor as of March 1, 2024. The Total Taxable Valuation for each Total PILOT Payment shall be calculated such that a graduated abatement factor (“Abatement Factor”) shall be applied to the increased assessed valuation attributable to the Improvements made to the Project Facility by the Company, as an Agent of the Agency, for the Project (the “Added Value”). The abatement schedule shall allow for a 100% exemption from taxation for the Added Value in the first five PILOT Years, with such exemption being reduced to 50% for PILOT Years 6-10.

Once the Total Taxable Valuation is established using the Abatement Factor, the Total PILOT Payment shall be determined by multiplying the Total Taxable Valuation by the respective tax rate for each affected tax jurisdiction (after application of any applicable equalization rate). After the tenth PILOT Year, the Project Facility shall be subject to full taxation by the affected taxing jurisdictions.

Total Taxable Valuation = Base Valuation + (Added Value x Abatement Factor)
 Total PILOT Payment = Total Taxable Valuation (after equalization) x Tax Rate

* - for purposes of the Total PILOT Payment payable as of September 30, 2023, the Payment shall include a pro-rated number of days for each of the 2023 Town/County Tax Year and 2022/2023 School Tax Year within which the Company owned the Land and Existing Improvements (utilizing the applicable tax rates of each affected tax jurisdiction for those tax years), plus the full amount of Total PILOT Payment for the 2024 Town/County Tax Year and 2023/2024 School Tax Year



TOWN OF WALWORTH
Assessor
3600 Lorraine Drive
Walworth, NY 14568
assessor@townofwalworthny.gov
(315) 986-1400 ext 5 phone
(315) 986-4342 fax

Assessment Department Report
For May 2023

- Processed 19 transfers
- Assessor sat with tentative roll on 4 separate occasions per RPTL
- Updated bank codes
- Updated change of addresses
- Updated STAR Maximums
- Dept completed NYS Compliance Discrimination & Harassment Prevention.
- Permits on hold for next year's processing.
- C of C's & C of O's on hold for next year processing
- Prepared board report for May
- Ran assessor edits reports
- 2023 tentative roll completed by 5/01/23.
- Legal notice sent to paper for 2023 tentative roll completion.
- Assessor held informal meetings regarding residents' assessment in person and/or via phone
- Assessor held grievance day May 25th, 2023, from 4-8pm
- 4 stipulations were agreed upon between assessor & residents after tentative roll was filed with county.
- 0 grievances were presented to the BAR

Sincerely,

Melissa Halstead
NYS Certified Assessor
Town of Walworth

Gananda Rotary Club

Patti Holdraker, Secretary
3594 Ontario Center Road
Walworth, NY 14568
(315) 986-4300 work (585) 739-9521 cell

May 25, 2023

Walworth Town Board and Supervisor Donalty:

In 2023, the Gananda Rotary Club will again be able to host the 41st Annual Gananda Garage Sale, which will occur this year on Saturday, June 10 and Sunday, June 11. The area covered by this event is the main Gananda development between Route 350 on the east and the Gananda Parkway on the west.

Due to a very heavy congestion of traffic during this sale, we would like to inform the town, law enforcement agencies, as well as town highway and fire departments of this event.

The Rotary Club posts "No-Parking This Side" signs on one side of Waterford Road, Wildflower Drive, Evergreen Circle, Leeward Circle, and Pinewood Drive. We hope this will keep traffic flow moving and allow for any emergency vehicles, which may need to travel in or through the development during that time.

Our Rotary Club food booths and porta-potties will be set up at Waterford Road (near the intersection of Pinewood Drive) and on Wildflower Drive, near the lower soccer field). Garbage totes will be placed throughout the event. We anticipate a fine day and fun time- outside! Should you need to reach me prior to the event, or during the event, I can be contacted at my cell or office numbers listed above.

Thank you for your time and consideration. You are welcome to come and join us.

Sincerely,

Patti Holdraker
Gananda Rotary Club

Date: May 30, 2023

Dog Control Officer's Name: Lea Dill
ANIMAL CONTROL OFFICER REPORT

Calls for the month of: May 2023

<u>DESCRIPTION</u>	<u># OF CALLS</u>
1) Reported Stray Sighting on the run. (Not found)	<u>0</u>
a) Owner reported lost dog.	<u>1</u>
b) Owner reported dog returned home.	<u>1</u>
2) DL 18 processed & taken to Shelter. (Strays picked up, owner not found)	<u>0</u>
3) DL 18 processed with found stray, returned to owner. The owner charged a fee for pick-up.	<u>3</u>
4) Complaints. (Barking, defecating on neighbor's lawn, off property - off leash).	<u>3</u>
5) Dog Bite Cases.	<u>0</u>
6) Court Appearance tickets issued.	<u>0</u>
7) Follow ups on expired license or no license.	<u>3</u>
8) Other - (Please describe *)	<u>2</u>

*A call from West Walworth for two abandoned baby rabbits! I picked them up and took them to a Walworth resident who raises rabbits. Fortunately, she had a mama rabbit with babies!

**Call about a deceased dog on Downs Road on a pile of tires! For sure has been there for a while, wildlife got to it. Looks like a Retriever or Irish setter. Sent pictures to Noble Armstrong "Wildlife Relocator" for his opinion. He felt it could be a dog. Posted on Walworth Group pages, if someone was missing their dog maybe from three months ago or longer.

Eugene Cook
Councilman



Town Hall
100 Main Street
Huntington, NY

Phone: 631-351-3174

May 10, 2023

Honorable Aimee Phillips, Town Clerk
Town of Walworth
3600 Lorraine Drive
Walworth, NY 14568

RE: Town of Huntington Voter's Identification Resolution

Dear Honorable Town Clerk Phillips,

I hope that this finds you well. On May 9, 2023 the Huntington Town Board passed the attached resolution urging the New York State Legislature and Governor Hochul to draft and enact legislation regarding a voter's identification process. Please distribute this cover letter and attached resolution to the Town of Walworth Board Members.

The reason I sponsored this resolution, is that I was approached by various constituents of varying political affiliation about their concerns regarding the accuracy of voter rolls maintained by the of Board of Elections. In an economy where the Board of Elections may not have the funding or the staffing to regularly purge the voters rolls of individuals who may have relocated or have passed away, I believe that New York State needs to address the matter in a way that builds the public's confidence and ensures a fair election process. By urging our state representatives to work in a bipartisan manner to create a voter's identification process, this will allow for a fair and consistent procedure to keep voter rolls current and uphold the principles of democracy that the United States was built on.

I thank you for your time and cooperation with this matter, it's greatly appreciated. Please feel free to contact me at 631 351 3174 to discuss this matter further.

Warmest regards in the spirit of cooperation,



Councilman Eugene Cook
Town of Huntington

Eugene Cook
Councilman

Joan Cergol
Councilwoman

Edmund J. Smyth
Supervisor

Dr. Dave Bennardo
Councilman

Salvatore Ferro
Councilman

2023-203

RESOLUTION URGING THE NEW YORK STATE LEGISLATURE AND GOVERNOR
KATHY HOCHUL TO DRAFT AND ENACT LEGISLATION REGARDING A
VOTER'S IDENTIFICATION PROCESS

Resolution for Town Board Meeting Dated: May 9, 2023

The following resolution was offered by: **COUNCILMAN COOK**

and seconded by: **COUNCILMAN BENNARDO**

WHEREAS, this country was formed on the principles of democracy and our forefathers fought for our right to elect our representation; and

WHEREAS, the majority of the states in the U.S. require a voter's identification to increase the public's confidence and ensure a fair election process; and

WHEREAS, the Board of Elections may not get notification of a voter registering in another location or of a death of a registered voter; and

WHEREAS, in an economy where the Board of Elections may not have sufficient funding or staffing to purge voters rolls of individuals who no longer live in each election district or county, as required; and

WHEREAS, in a day and age where the ability to work does not necessarily need to be where you live, this allows for more individuals to be transient in nature and the addition of voter's identification will assist in keeping all voter rolls current; and

WHEREAS, in the State of New York the requirement is to compare the signature on file, this doesn't necessarily help maintain current voter registration, as name and address changes are not necessarily communicated in the current process, also this would assist in the purging of the roles of individuals who are no longer active voters in that county; and

WHEREAS, the subject of the resolution is not an action as defined by 6 N.Y.C.R.R. §617.2 (b), and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY REQUESTS the New York State Legislature and Governor Hochul to draft and enact legislation to allow for a voter's identification process to assist with maintaining voter's registration rolls; and

BE IT RESOLVED, that the Town Clerk is hereby directed to forward certified copies of this resolution to Governor Hochul, Andrea Stewart-Cousins, President Pro Tempore and Majority Leader, Carl E. Heastie, Speaker of the Assembly and the Huntington Delegation to the New York State Legislature: Assemblyman Steve Stern, Assemblyman Keith Brown, and Senator Mario Mattera.

2023-203

to the New York State Legislature: Assemblyman Steve Stern, Assemblyman Keith Brown,
and Senator Mario Mattera.

VOTE: AYES: 3 NOES: 2 ABSTENTIONS: 0

Supervisor Edmund J. Smyth	NO
Councilman Dr. Dave Bennardo	AYE
Councilwoman Joan A. Cergol	NO
Councilman Eugene Cook	AYE
Councilman Salvatore Ferro	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED