

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 6:34 PM. Supervisor Donalty led those present in the recitation of the Pledge of Allegiance.

PRESENT:

Michael Donalty	Supervisor
Amber Linson	Councilwoman
Jim Harden	Councilman
Alex Kelly	Councilman
Rick Johnson	Councilman
Aimée Phillips	Town Clerk

ABSENT: Kevin Switzer Highway Superintendent

OTHERS PRESENT: Christine Stanford, Town Comptroller; Jacqueline VanLare, Recreation Director; Donald Young, Esq., Town Attorney; two (2) members of the public.

MINUTES

Motion by Councilwoman Linson that the minutes of April 6, 2023 Regular Meeting are approved as submitted by the Town Clerk. Seconded by Councilman Johnson.

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

Motion carried.

PRESENTATION: Joseph Arcoraci, Eagle Scout Candidate

Eagle Scout candidate Joseph Arcoraci introduced himself to the Town Board and reviewed requirements for Eagle Scout projects. Mr. Arcoraci presented his project idea of a bench and covered picnic table to be constructed in the dog park in Sherburne Park. He shared the reasoning and design as well as costs associated with the project. He stated that the timeline for the project would be a three-week period consisting of work on the weekends in the park beginning May 13, 2023. Lastly, he petitioned the Town Board for a donation of funds to assist with the cost of the project. The Town Board thanked Mr. Arcoraci for his presentation and invited him to remain in the meeting until a resolution would be brought forth for discussion regarding a possible financial donation for his project.

ELECTED OFFICIALS’ REPORTS:

**Monthly Report of the Town Clerk for March 2023
Highway Superintendent March 2023 Highway Summary**

Motion by Councilman Johnson to accept all submitted Department Reports. Seconded by Councilman Kelly.

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

Motion carried.

TOWN CLERK

- Permissive Referendum for Resolution 68-23 To authorize use of additional Sewer Capital Reserve funds in the amount of \$156,000.00 to cover the increased cost of the Dewberry Pump Station Upgrade Project resulted in no petitions opposing the resolution being received
- Due to the NYSTCA Annual Conference and other obligations, the Town Clerk's office will be closed April 24 through 26th and on April 28th. Notary services will still be available during the week.

HIGHWAY SUPERINTENDENT – No report.

COUNCILMAN KELLY

Councilman Kelly stated that he had spoken with the local fire departments regarding assistance with traffic control for the Memorial Day parade. He will contact the NYS Department of Transportation and the Wayne County Sheriff's Office to ensure that there are no issues with using the roads for that event.

COUNCILWOMAN LINSON

Councilwoman Linson shared that upcoming Memorial Day event information will be in the next Walworth Historical Society newsletter, and that the Friends of the Library will be holding its next book sale the week of April 23rd through 28th, 2023. She also stated that there will be an Arbor Day/Bicentennial Tree Planting Dedication held at 5:00 PM on April 28th. Councilwoman Linson reviewed past and upcoming Bicentennial celebration events, encouraging residents to participate. She informed the Board that she had met with Town Attorney Young regarding an Intermunicipal Agreement with the Wayne County Water and Sewer Authority, which is in process, and shared that the Dewberry Pump Station project is moving forward after a delay in obtaining parts. Lastly, Councilwoman Linson shared that the Walworth Historical Society's Spring Clean Up will take place on May 6th, 2023.

COUNCILMAN HARDEN – No report.

COUNCILMAN JOHNSON

Councilman Johnson reported that he had received information regarding NYSERDA's Clean Energy Communities program grant and he will invite Rob Richardson, Clean Energy Communities Coordinator with the Genesee/Finger Lakes Regional Planning Council to the next Town Board meeting to discuss this program. He shared that the Town of Walworth Comprehensive Plan survey is active on the Town's website and is available at the Town Clerk's office and at select businesses throughout the Town. He encouraged residents to complete and return the survey. Councilman Johnson stated that he will be attending the "Coffee Hour" with the Western Wayne County Chamber of Commerce on May 5, 2023, and he thanked the Town Clerk's office and Highway Departments for quick response concerning a recent sink hole issue on Fairway 7.

SUPERVISOR DONALTY - No report.

RESOLUTIONS:

RESOLUTION 72-23: BUDGET AMENDMENTS

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

Budget Modifications for April 20, 2023

	\$	Acct #	Description		Acct #	Reason
General Fund						
Transfer	\$ 200.00	FROM A7620.42	Adult Rec - Program Instructor Fees	TO	A7310.44	Youth Rec - Trianing/Dues/Ins coverage for participants
						To cover Accident/Health Ins
Highway Fund						
Transfer	\$ 138.81	FROM DA5130.41	Repair of Machinery	TO	5130.22	Pick-up Truck
						To cover cost of strobe light added to the 2023 chivy pickup

Adopted this 20th day of April, 2023 at the 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 73-23: ABSTRACT 4, APPROVAL

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

TOWN OF WALWORTH				
Abstract # 004				
Summary by Fund				
Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	19,049.67	89,637.83	108,687.50
CM1-	PARK SPECIAL REVENUE FUND	272.04	193.54	465.58
CM6-	CEMETERIES		155.25	155.25
DA	HIGHWAY FUND	13,307.00	106,482.14	119,789.14
HD	COMPREHENSIVE MASTER PLAN		4,728.00	4,728.00
HE	GINEGAW RESTROOMS		56,600.10	56,600.10
SL1-	WALWORTH LIGHT DISTRICT		427.68	427.68
SL2-	HARVEST HILL LIGHT DISTRICT		696.59	696.59
SL3-	GANANDA LIGHT DISTRICT	1,233.44		1,233.44
SL4-	BROOKSIDE LIGHT DISTRICT		20.76	20.76
SL5-	ORCHARD VIEW LIGHT DISTRICT		234.89	234.89
SM	GANANDA SIDEWALK DISTRICT		270.70	270.70
SS	WALWORTH SEWER DISTRICT #1	3,511.25	32,351.18	35,862.43
TA	TRUST & AGENCY	98,890.14		98,890.14
TC	CUSTODIAL TRUST		5,122.50	5,122.50
Total:		136,263.54	296,921.16	433,184.70

Voucher Numbers 305-477, 32-50, 26-34

Abstract of audited vouchers is on file in the Town Clerk’s office.

Adopted this 20th day of April, 2023 at the 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 74-23: TO APPROVE LOCAL LAW TO AMEND THE WALWORTH TOWN CODE TO ADDRESS RESIDENTIAL STANDBY GENERATORS

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

WHEREAS, a public hearing was duly called for, and held on April 6, 2023, relative to a proposed local law to “Amend the Walworth Town Code to Address Residential Standby Generators,” 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 Address Residential Standby Generators,” 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 20th day of April, 2023, 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 75-23: TO DESIGNATE ADDITIONAL OFFICIAL DEPOSITORY AND AUTHORIZE TOWN COMPTROLLER TO PARTICIPATE IN THE NYCLASS PROGRAM

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

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS, the Town of Walworth wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS, the Town of Walworth wishes to satisfy the safety and liquidity needs of their funds;

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

That Christine Stanford, Town Comptroller of the Town of Walworth is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

Discussion ensued regarding program details, collateralization, enrollment requirements and return on investment.

Adopted this 20th day of April, 2023, at a meeting of the Town Board.

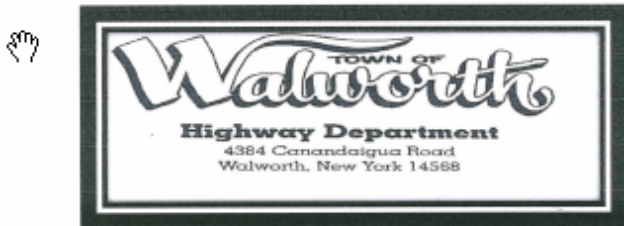
Roll call vote:	Councilwoman Linson	Aye
	Councilman Kelly	Aye
	Councilman Harden	Aye
	Councilman Johnson	Aye
	Supervisor Donalty	Aye

Resolution carried.

RESOLUTION 76-23: AUTHORIZATION FOR THE HIGHWAY SUPERINTENDENT TO SHUT DOWN HIGHWAY DEPARTMENT FOR THE WEEK OF JULY 3 THROUGH JULY 7, 2023

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

The following was submitted:



Kevin Switzer
Highway Superintendent

Phone: (315) 524-3150
Fax: (315) 524-9247

TO: MIKE DONALTY, TOWN SUPERVISOR
CC: TOWN BOARD MEMBERS
DATE: April 4, 2023
SUBJECT: Department Shut Down July 3, 2023-July 7, 2023

Be it resolved that the Town Board authorize Kevin Switzer, Highway Superintendent, to shut down the Highway Department for the week of July 3, 2023 through July 7, 2023 due to an overwhelming number of employees indicating they would like the week off. With this in mind, it has been determined that the best course of action is to shut the department down for that time period. We will reopen the department on Monday, July 10, 2023, at 6AM. All employees have been informed that the shutdown will occur and have also been informed of when the department will reopen.

Sincerely,

Kevin Switzer

NOW, THEREFORE IT BE RESOLVED THAT the Highway Superintendent is hereby authorized to shut down the Highway Department for the week of July 3, 2023 through July 7, 2023.

Adopted this 20th day of April, 2023 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 77-23: AUTHORIZATION FOR THE TOWN SUPERVISOR TO SIGN THE CONTRACT FOR THE DEWBERRY PUMP STATION IMPROVEMENTS

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

WHEREAS, the bid contract for the Dewberry Pump Station Improvements Project was awarded to Dakksco Pipeline Company in the amount of \$227,944.00 at the March 16, 2023, Regular Town Board meeting (**RESOLUTION 67-23**), and;

WHEREAS, the Contractor has received the Notice of Bid Award and accompanying Contract, which has been duly executed by the Contractor, and;

WHEREAS, the executed Contract has been returned to the Town for final authorization by the Board before the work can commence;

NOW THEREFORE BE IT RESOLVED that the Town Supervisor is hereby authorized to sign the Contract for the Dewberry Pump Station Improvements.

Adopted this 20th day of April, 2023 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 78- 23: ADOPTION OF COVID SICK PAY POLICY

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

The following was submitted:

COVID-19 Sick Pay

To comply with NYS requirements regarding COVID sick pay and job protection, the Town of Walworth is implementing the following official policy. The Town will follow the CDC guidelines regarding isolation (see attached) since NYS is now referring to those guidelines.

All employees are eligible to receive COVID sick pay if they need to isolate per CDC Guidelines.

Employees are entitled to up to three periods of paid COVID leave (from the start of the pandemic in 2020). Each period includes the number of days employees are required to isolate, per the CDC guidelines, but no more than 14 days per period based on symptoms.

Part-time employees will receive COVID sick pay in proportion to the number of hours and days per week they normally work.

The following process is required to submit a request for COVID sick pay:

First instance

- Contact and inform your supervisor that you have to isolate because of COVID-19
- Complete the “Affirmation of Isolation” form and send it to your supervisor who will forward it to the Payroll Office.

2nd & 3rd Instances

Guidance states that 2nd & 3rd periods of COVID leave must be based on a positive test and that the employee must submit documentation showing a valid positive test. Acceptable documentation of a positive test includes:

- Results from a testing facility or primary care physician or

- Results from a non-expired home test will be accepted as long as it includes BOTH a picture of the positive test result and a picture of the box the test came from showing the expiration date.

Send the proof of positive test documentation AND a completed “Affirmation of Isolation” form to your supervisor who will then forward it to the payroll office.

Additional Instances of COVID-19 illness

Should an employee have COVID more than three times, the employee will need to use Paid Time off accruals. Should the employee deplete PTO banks, the employee can take time-off without pay without fear of losing employment. Additionally, the employee can apply for Disability benefits.

This policy shall remain in effect until New York State ends its COVID-19 Leave Pay mandate.

WHEREAS, the Town is required by NYS to pay COVID sick pay benefit, and

WHEREAS, the Town’s current Employee Handbook does not address this topic,

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Walworth hereby adopts the proposed COVID Sick Pay policy, to be added to the current Employee Handbook and to be distributed to the Town of Walworth employees.

Town Comptroller Stanford explained the need and reasoning for the policy, and discussion ensued regarding the amount of time employees may take for leave.

Adopted this 20th day of April, 2023 at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 79-23: TO APPROVE GRANT TO WALWORTH-SEELY PUBLIC LIBRARY

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

WHEREAS, pursuant to New York Education Law Section 256, the Town may “grant money for the support of cost of maintaining or the cost of any capital improvements to or expenditure for” public libraries; and

WHEREAS, the Walworth Town Board would like to make a grant to the Walworth-Seely Public Library pursuant to the above.

NOW, THEREFORE, BE IT, RESOLVED, that the Walworth Town Board hereby approves a grant in the amount of \$2000.00 to be paid to the Walworth-Seely Public Library, and directs that such monies be paid over to the Walworth-Seely Public Library out of contingency funds.

Adopted this 20th day of April, 2023 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.

COMMUNICATION:

- MS4 Annual Report and the SWPPP (Stormwater Pollution Prevention Plan) have been posted on the Town of Walworth MS4/Drainage page on the Town of Walworth website. Any public comments must be submitted by May 26,2023 and may be sent to bldginsp@townofwalworthny.gov.
- Town of Walworth Wastewater Treatment Plant Monthly Report for March 2023
- Monthly Building and Zoning Report for March 2023
- Monthly Update for the Walworth Town Justice Court for March 2023
- Assessment Department Sales Report for March 2023
- Recreation Department Monthly Report for March 2023
- Parks Department Monthly Report for February 25 through April 14, 2023

TOWN BOARD MEETINGS:

DATE	TIME	MEETING TYPE
MAY 4, 2023	6:30 PM	REGULAR
MAY 18, 2023	6:30 PM	REGULAR
JUNE 1, 2023	6:30 PM	REGULAR

NEW AND OTHER BUSINESS:

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

RESOLUTION 80-23: TO ACCEPT THE RESIGNATION OF PHILIP BUSTOS AND ADVERTISE TO FILL THE POSITION OF COURT SECURITY OFFICER

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

WHEREAS, the current per diem Court Security Officer has submitted his resignation, effective May 1, 2023; 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.

Councilwoman Linson made the motion to amend the resolution to reflect the position being that of “Court Constable” and not “Court Security Officer”. Councilman Johnson seconded the motion.

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

Motion carried.

RESOLUTION 80-23: TO ACCEPT THE RESIGNATION OF PHILIP BUSTOS AND ADVERTISE TO FILL THE POSITION OF COURT CONSTABLE, AS AMENDED

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

WHEREAS, the current per diem Court Security Officer has submitted his resignation, effective May 1, 2023; 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 of Court Constable.

Adopted this 20th day of April, 2023 at the 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 81-23: AUTHORIZE AN AMENDMENT TO THE PSA FOR LEGAL SERVICES WITH DONALD YOUNG TO CLARIFY THAT SERVICES RELATED TO THE REGIONAL SEWER EXPENSES WILL CONTINUE TO BE SEPARATELY STATED, ALL AS FULLY SET FORTH IN THE UPDATED CONTRACT

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

The following was submitted:

Donald A. Young, Esq.
 Email: dyoung@younglawofwny.com
 Phone: m: 585-474-5471

April 18, 2023

Mr. Michael Donalty
 Walworth Town Supervisor
 3600 Lorraine Dr.
 Walworth, NY 14568

Re: General Legal Counsel for the Town of Walworth, NY

Dear Supervisor Donalty:

I am very pleased to have the opportunity to be of continued service to the Town of Walworth (the "Town") and I look forward to continuing to work with you and the team at Town. I will continue to endeavor to provide high quality legal services in a responsive and efficient manner that best serves the Town's interests.

Key to a sound attorney-client relationship is a clear understanding of the terms and conditions upon which legal services will be provided. Thus, the purpose of this letter is to clarify and confirm these terms and conditions. Please excuse the formal nature of this letter – some of its substance of it is mandated by the Rules of the Court.

A. Scope of Services

The Walworth Town Board has asked me to represent the Town as general legal counsel in relation to the variety of legal services that may be requested by the Town. Such legal services may include, but are not limited to, representation of the Town Board, including representation at the meetings of such Board when requested (to address inquiries that may arise during such meetings), and any other municipal board meetings as requested, as well as addressing other legal needs specifically requested by Town including, for example, local law and Town Code drafting and amendments; rezoning applications; intermunicipal agreements, FOIL requests; Open Meetings Law issues; improvement districts (including sewer, water and drainage, for example); routine real estate matters (e.g., licenses, easements, etc.); review and negotiation of contracts; addressing SEQR issues, addressing ongoing issues with developments, etc. Additionally, at the request of the respective Boards, I will provide services relating to the particular needs of the Town's Zoning and Planning Boards, including advising on site plan, subdivision and variance matters, for example.

B. Representation

I, Donald A. Young, Esq., will be responsible for the representation. I will provide legal services on matters specifically referred to me and requested by the Town and which are within the Scope of Services. When questions or comments arise about services, billings, or other aspects of the representation, please do not hesitate to contact me directly. It is important that you are satisfied with my services and responsiveness at all times. This engagement begins on January 1, 2023 and, unless terminated by either party, continues on a month to month basis through the end of the calendar year,

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but may be extended and/or continued thereafter under the terms set forth herein on a month to month basis for the monthly fee set forth below for so long as the Town and I agree to the same.

Should the Town decide that it no longer requires my services, for budgeting purposes or otherwise, it may terminate representation at any time. To the extent permitted by rules of professional responsibility and the court, I may terminate representation under this monthly contract a) upon 30 days' notice, or b) at any time if you breach any material term of this agreement, fail to cooperate or follow advice on a material matter, if a conflict of interest develops or is discovered, or if there exists, at any time, any fact or circumstance that would, in my opinion, render my continuing representation unlawful, unethical, or otherwise inappropriate. If I elect to terminate representation, you will timely take all steps reasonably necessary and will cooperate as reasonably required to relieve me of any further obligation to perform legal services.

C. Responsibilities

In reliance upon information and guidance provided by the Town, and at the specific request of the Town, I will provide legal counsel and assistance to the Town in accordance with this letter on those particular matters for which the Town has requested provision of legal services, keep the Town informed of progress and developments, and respond to the Town's inquiries.

To enable me effectively to render these services, the Town agrees to cooperate fully with me in all matters relating to the preparation and presentation of all matters, to fully and accurately disclose to me all facts that may be relevant to the matters or that I may otherwise request, and to keep me apprised of developments relating to the matters.

During the course of this representation, I may express opinions or beliefs concerning a matter and the results that might likely be anticipated, based upon my experience. Any such statement is intended to be an expression of opinion only, based on information available at the time, and must not be construed by the Town as a promise or guarantee of any particular result.

D. Fees, Disbursements, and Other Charges

Fees for representation will be the monthly amount of \$3,166.67. This will entitle the Town to 15.5 hours of general legal services per month. The services which will be rendered for such sum include those requested services listed above under Scope of Services. A running balance of hours will carry over month to month so long as this contract is in effect. Should the Town not fully utilize all of its balance of hours from the previous month, any remaining hours will carry forward and be added to the hours available for the next month (e.g., if 5.3 hours were used in January, 10 hours would carry forward and Town would begin February with 25.5 [10+15.5] hours).

Should the Town ever exhaust its current balance of hours, any excess hours used will be subtracted from those hours made available the following month (i.e., if 20.5 hours [of 15.5 hours] were used in January, 5 hours would be subtracted from the allotted February hours and the Town would begin February with 10.5 hours). To the extent the Town exceeds its balance of available hours

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during the final month of this contract, any such excess hours will be charged at the hourly rate of \$220.00. In the unlikely event that the Town begins a month without any available hours (e.g., due to excess hours of 31 or greater in the prior month), any further hours used will be charged at the hourly rate of \$220.00 until the Town achieves a positive hours balance in a future month.

The following matters will be billed separately from the above-quoted general legal services:
A) Charge Back Matters, which include services rendered in relation to land use applications where legal fees may be charged back to a land use applicant, including addressing the State Environmental Quality Review Act ("SEQRA") relative to such matters, to be billed at the rate of \$240.00 per hour, B) services related to the Regional Sewer project, at the rate of \$220.00 per hour, and C) any other services requested, agreed upon and performed which fall outside the scope of the monthly fee, to be billed hourly at the rate of \$220.00 per hour. If and when requested by the Town relative to a given billing period, services for those matters above which would normally be billed separately from the monthly fee may instead be included and used against its available balance of general legal services hours (so long as the Town has general legal services hours available at the time such bill is to be issued).

Litigation Matters, including, for example, Article 78 Proceedings, tax certiorari, employment litigation (including complaints filed with administrative agencies [i.e., FEOC], preparing for litigation, investigations, Article 75 proceedings), and investigations are not within the scope of this agreement.

The Town will receive a statement of services at the end of each month invoicing the Town for the amount owed and detailing services rendered, including setting forth the number of hours of legal services utilized that month, detailing how the time was spent, and setting forth any hours to be credited or debited from the following month, if any. Payment is expected within thirty days, however, should the Town anticipate any difficulties in timely payment, the Town should promptly contact me upon receipt of the billing statement so we can discuss potential accommodations. The Town should also be aware that failure to pay billing statements as rendered, or as modified by agreement, may result in withdrawal of representation.

Any remaining, unused balance of hours will expire at the termination of this contract. However, should the balance of remaining, unused hours at the termination of this contract exceed 10.0 hours, the final invoice will be reduced by \$201.30 for each unused hour exceeding 10.0, but only up to a maximum one-time reduction of 100% of the final monthly flat fee set forth above (i.e., the final invoice only may be reduced by a maximum of up to \$204.30 x 15.5 under this provision). If this contract is not terminated upon the end of a calendar month, a pro-rated portion of the monthly fee will be due, and the hours allotted for that final month calculated, based upon the proportion of the number of days this contract was effective during the last month in which this contract was effective. After termination, no additional monthly fees will be due nor will any hours carry forward thereafter, and all files of yours in my custody will be returned to you within 10 days, unless you specifically order their destruction, specifying which files are to be destroyed, in writing.

While I do not anticipate significant disbursements or out of pocket expenses, I must advise that in addition to legal fees, the Town will be responsible for payment for disbursements and out-of-pocket

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expenses, including, for example, filing fees, and, if necessary, any third-party consultants. Any significant disbursements or out-of-pocket expenses will be discussed with the Town beforehand.

Lastly, in accordance with Part 1215 of the Joint Rules of the New York State Appellate Divisions, these rules require me to advise the Town that if a dispute arises about these fees, the Town has the right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which will be provided upon request.

E. Client Confidentiality and Records

As a general matter, information I receive from the Town is held in confidence and is not released to any outside individuals or organizations, except as agreed to by the Town, or as required under an applicable law. I am obligated to maintain the confidentiality of your confidential information. I retain records relating to professional services provided so that I am better able to assist the Town with its professional needs and, in some cases, to comply with professional guidelines. In order to guard non-public personal information, I maintain physical and electronic safeguards that comply with our professional standards.

If this letter correctly reflects the Town's understanding of and its agreement to the terms and conditions of my representation of the Town, please confirm the Town's acceptance by signing the enclosed copy in the space provided below and promptly return it to me. Upon acceptance, these terms and conditions will apply retroactively to the date I first performed services the subject of this Agreement on the Town's behalf.

I am very pleased to have the opportunity to be of service and look forward to working with the Town to meet its legal needs.

Very truly yours,


Donald A. Young, Esq.

I have read and understand the terms and conditions set forth in this letter and, on behalf of the Town of Walworth, agree to them.

Town of Walworth



By: Michael Donalty
Title: Town of Walworth Supervisor

Date: 4/20/23

Donald A. Young, Esq. · 83 Hilary Ln. · Penfield, NY · 14626 · Phone: m: 585-474-5471

BE IT RESOLVED, the Town Board of Walworth hereby authorizes an amendment to the Professional Services Agreement for legal services with Donald Young to clarify that services related to the Regional Sewer expenses will continue to be separately stated, all as fully set forth in the updated contract.

Adopted this 20th day of April, 2023 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 82-23: TO APPROVE PROPOSED EAGLE SCOUT PROJECT FOR SHERBURNE PARK DOG PARK TO BE COMPLETED BY JOSEPH ARCORACI AS PRESENTED AND DONATION NOT TO EXCEED \$300.00

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

WHEREAS, Mr. Arcoraci has submitted a proposal to the Town Board for the construction of a bench and covered picnic table for the dog park in Sherburne Park; and

WHEREAS, the cost of the construction will be approximately \$750.00; and

WHEREAS, the construction is planned to take place over a three-week period over weekends between May 13 and May 27, 2023; and

WHEREAS, Mr. Arcoraci petitioned for additional donated funds from the Town in support of his project;

BE IT RESOLVED, the Town Board of Walworth hereby approved the Eagle Scout project for a bench installation and covered picnic table in the dog park at Sherburne Park, as presented as well as a donation not to exceed \$300.00 toward the cost of materials. The Eagle Scout project is on file in the Town Clerk’s office.

Adopted this 20th day of April, 2023 at a meeting of the Town Board.

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

Resolution carried.

PUBLIC PARTICIPATION: No members of the public wished to address the Town Board.

ADJOURNMENT:

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

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

Motion carried.

Time: 7:26 PM

Respectfully Submitted,
Aimée Phillips
Town Clerk