

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 1:00 PM. Supervisor Donalty led those present in the recitation of the Pledge of Allegiance.

<u>PRESENT:</u>	Michael Donalty	Supervisor
	Amber Linson	Councilwoman
	Rick Johnson	Councilman
	Aimée Phillips	Town Clerk
<u>ABSENT:</u>	Alex Kelly	Councilman
	Jim Harden	Councilman
	Kevin Switzer	Highway Superintendent

OTHERS PRESENT: Christine Stanford, Town Comptroller; Adam Jozwiak, Sewer Superintendent; Donald Young, Esq., Town Attorney.

Councilman Johnson made the motion to dispose of regular business and to enter into discussion regarding the Dewberry Pump Station Upgrade Project. Councilwoman Linson seconded the motion.

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

Motion carried.

RESOLUTIONS:

RESOLUTION 87-23: AUTHORIZE THE USE OF ADDITIONAL SEWER CAPITAL RESERVE FUNDS OF \$51,000.00 TO COVER THE ASSOCIATED COSTS FOR THE 5/5/23 CHANGE ORDER ON DEWBERRY PUMP STATION UPGRADE PROJECT, SUBJECT TO PERMISSIVE REFERENDUM

Councilwoman Linson offered the following Resolution to appoint the following:
Seconded by Councilman Johnson to wit:

WHEREAS, Resolution 95-22 established a Capital Project to upgrade the Dewberry Pump Station; and

WHEREAS, DAKKSCO, the general contractor on the project, has submitted a change order to address necessary modifications to meet NYS Electrical code and RGE requirements; and

WHEREAS, there are sufficient funds in the Sewer Capital Reserve Fund (SS231R) to cover the additional costs associated with this Change Order;

NOW, THEREFORE, IT BE RESOLVED, that the Town Board hereby authorizes the transfer of \$51,000.00 From the Sewer Capital Reserve fund, subject to permissive referendum, and approves the following modification to the Capital Project Budget:

- Increase Revenues – HB5031 \$51,000
- Increase Appropriations – HB5130.2 \$51,000
- New Total Project Budget \$468,000

Sewer Superintendent Jozwiak explained the need for this resolution to those present and discussion ensued regarding the source and availability of the funds.

At 1:08 PM, Councilwoman Linson made the motion to move into a session of attorney client privilege. Councilman Johnson seconded the motion.

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

Motion carried.

At 1:24 PM, Councilwoman Linson made the motion to exit the session of attorney client privilege and reconvene the special meeting. Councilman Johnson seconded the motion.

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

Motion carried.

Councilwoman Linson made the motion to amend the Resolution 87-23 to include the following:

“**WHEREAS**, this is an emergency expenditure with no time to secure additional bids; and
WHEREAS, the project designs and build were incomplete; and
WHEREAS, the Town Board recognizes that there is a need to pursue reimbursement from the contractors; and”

Councilman Johnson seconded the motion.

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

Motion carried.

RESOLUTION 87-23: AUTHORIZE THE USE OF ADDITIONAL SEWER CAPITAL RESERVE FUNDS OF \$51,000.00 TO COVER THE ASSOCIATED COSTS FOR THE 5/5/23 CHANGE ORDER ON DEWBERRY PUMP STATION UPGRADE PROJECT, SUBJECT TO PERMISSIVE REFERENDUM, AS AMENDED

Councilwoman Linson offered the following Resolution to appoint the following:
 Seconded by Councilman Johnson to wit:

WHEREAS, Resolution 95-22 established a Capital Project to upgrade the Dewberry Pump Station; and

WHEREAS, DAKKSCO, the general contractor on the project, has submitted a change order to address necessary modifications to meet NYS Electrical code and RGE requirements; and

WHEREAS, this is an emergency expenditure with no time to secure additional bids; and

WHEREAS, the project designs and build were incomplete; and

WHEREAS, the Town Board recognizes that there is a need to pursue reimbursement from the contractors; and

WHEREAS, there are sufficient funds in the Sewer Capital Reserve Fund (SS231R) to cover the additional costs associated with this Change Order;

NOW, THEREFORE, IT BE RESOLVED, that the Town Board hereby authorizes the transfer of \$51,000.00 From the Sewer Capital Reserve fund, subject to permissive referendum, and approves the following modification to the Capital Project Budget:

Increase Revenues – HB5031 \$51,000

Increase Appropriations – HB5130.2 \$51,000

New Total Project Budget \$468,000

Adopted this 11th day of May, 2023 at the meeting of the Town Board.

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

Resolution carried.

ADJOURNMENT:

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

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

Motion carried.

Time: 1:26 PM

Respectfully Submitted,
Aimée Phillips
Town Clerk