

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 and led those present in the recitation of the Pledge of Allegiance.

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

<u>ABSENT:</u>	Jim Harden	Councilman
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OTHERS PRESENT: Jacqueline VanLare, Recreation Director; Michael Buckley, Parks Superintendent; James LeMay, Deputy Highway Superintendent; Donald Young, Esq., Town Attorney; Christine Stanford, Town Comptroller; Michael DeBadts, MMB & Co.; one (1) member of the public.

PUBLIC HEARING – 6:31 PM: LOCAL LAW NO. 7 OF 2023, A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW

PUBLIC HEARING RULES AND PROCEDURES:

Supervisor Donalty reviewed the procedures for the public hearing and Town Clerk Phillips read the following legal notice.

**TOWN OF WALWORTH
NOTICE OF PUBLIC HEARING**

LOCAL LAW NO. 7 OF 2023 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW

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. 7 of 2023 to override the tax levy limit established in General Municipal Law § 3-c.

PLEASE TAKE NOTICE that the intent of the proposed Local Law is to override the limit on the amount of real property taxes that may be levied by the Town of Walworth, County of Wayne pursuant to General Municipal Law § 3-c, and to allow the Town of Walworth, County of Wayne to adopt a town budget for (a) town purposes (b) fire protection and (c) any other special or improvement district governed by the town board for the fiscal year 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

PLEASE TAKE FURTHER NOTICE that said proposed Local Law is on file in the Walworth Town Clerk’s Office located at 3600 Lorraine Drive, 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 **21st day of September, 2023, at 6:31 PM**, to be held by the Town Board at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, New York. An opportunity to be heard in regard thereto will then and there be given. Written comments may also be directed to the Town Clerk.

Dated: September 7, 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: 6:34 PM

No members of the public offered comment.

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 Kelly.

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

Motion carried.

Time: 6:34 PM.

PRESENTATION: Michael J. DeBadts, CPA – MMB & Co.

Mr. DeBadts distributed a packet regarding the 2022 fiscal year audit conducted by his firm. He reviewed audit findings and associated issues and the financial position of the Town of Walworth. Discussion ensued regarding recommendations for future controls.

MINUTES

Motion by Councilman Johnson that the minutes of September 7, 2023 Regular Meeting are approved as submitted by the Town Clerk. Seconded by Councilwoman Linson.

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

Motion carried.

ELECTED OFFICIALS’ REPORTS:

The following reports were submitted to the Town Board:

Monthly Report of the Town Clerk, August 2023

Motion by Councilwoman Linson to accept the Monthly Report of the Town Clerk for August 2023. Seconded by Councilman Kelly.

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

Motion carried.

TOWN CLERK – No report.

HIGHWAY SUPERINTENDENT – No report.

COUNCILMAN KELLY

Councilman Kelly reported that he is working with Building Inspector Norm Druschel and Highway Superintendent Switzer to address drainage issues throughout the Town.

COUNCILWOMAN LINSON

Councilwoman Linson informed those present that the discussions reading the intermunicipal sewer agreement with Macedon are still in process and a meeting would be scheduled in the near future. She also shared the 2022 Walworth-Seely Library Annual Report with Board members, and discussed upcoming events to be held by the Walworth Historical Society.

COUNCILMAN HARDEN – No report.

COUNCILMAN JOHNSON

Councilman Johnson stated that a new checklist had been drafted for use by the Planning Board clerk for streamlining the Planning Board meeting process, and shared that the cannabis dispensary licenses are still on hold.

SUPERVISOR DONALTY

Supervisor Donalty invited those present and members of the public to attend the upcoming dedication ceremony for the First Responders pavilion on October 7, 2023 at 11:00 AM.

RESOLUTIONS:

RESOLUTION 144-23: BUDGET MODIFICATIONS

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

Budget Modifications for SEPT 21, 2023

	\$		Acct #	Description		Acct #		Reason
General Fund								
Transfer	\$ 9,500.00	FROM	A1990.41	Contingent	TO	A1620.45	Audit	to cover balance of 2022 audit expense to amend budget to recognized restricted donation from Friends of the Parks
Amend	\$ 3,500.00	Increase	A2707	Gifts/Donations	Increase	A8989.43	Celebrations	
Highway Fund								
Transfer	\$ 30,423.90	FROM	DA5112.21	perm Improvements - Wedge	TO	DA5110.43	General repairs - resurfacing	to align funds with upcoming expenses to align funds with upcoming expenses
Transfer	\$ 28.08	FROM	DA5112.22	Perm Improvements - psv/grinding	TO	DA5110.43	General repairs - resurfacing	

Adopted this 21st day of September, 2023 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 145-23: ABSTRACT 9, APPROVAL

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

TOWN OF WALWORTH

Abstract # 009

09/20/2023
09:02:26

Summary by Fund

Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	18,895.89	100,642.59	119,538.48
CM1-	PARK SPECIAL REVENUE FUND	195.84	9,885.60	10,081.44
CM6-	CEMETERIES		88.99	88.99
DA	HIGHWAY FUND	10,579.86	158,714.98	169,294.84
HC	NEW PAVILION IN GINEGAW PARK		50,768.70	50,768.70
HD	COMPREHENSIVE MASTER PLAN		2,245.00	2,245.00
SL1-	WALWORTH LIGHT DISTRICT	441.34		441.34
SL2-	HARVEST HILL LIGHT DISTRICT	708.18		708.18
SL3-	GANANDA LIGHT DISTRICT	1,194.48		1,194.48
SL4-	BROOKSIDE LIGHT DISTRICT	21.64		21.64
SL5-	ORCHARD VIEW LIGHT DISTRICT	244.85		244.85
SS	WALWORTH SEWER DISTRICT #1	5,015.13	34,052.23	39,067.36
SW19	WATER EXT #19 LIN/SWA/CO	2,160.00		2,160.00
SW20	WATER EXT #20 ARBOR/TUMMONDS	540.00		540.00
TA	TRUST & AGENCY	92,630.32		92,630.32
TC	CUSTODIAL TRUST		4,918.25	4,918.25
Total:		132,627.53	361,316.34	493,943.87

Voucher Numbers 1088-1273, 115-134, 68-84

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

Adopted this 21st day of September, 2023 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 146-23: ADOPTION OF PROPOSED LL NO. 7 OF 2023 A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW

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

The following was submitted:

WHEREAS, a Public Hearing was held on September 21, 2023 at a meeting of the Town Board,

Proposed Local Override Law

Proposed Local Law No. 7 of the year 2023
Town of Walworth, County of Wayne

A local law to override the tax levy limit established in General Municipal Law § 3-c

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Walworth, County of Wayne pursuant to General Municipal Law § 3-c, and to allow the Town of Walworth, County of Wayne to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2024 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Walworth, County of Wayne is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local Law shall take effect immediately upon filing with the Secretary of State.

Town Supervisor Donalty stated that the State’s tax cap had been determined to be 2%, and Councilman Johnson explained the need for this Local Law.

Adopted this 21st day of September, 2023 at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 147-23: TO SET PUBLIC HEARING FOR TOWN OF WALWORTH SEWER DISTRICT SPECIAL ASSESSMENT ROLLS FOR 2023

Councilwoman Linson offered Resolution 147-23 and moved its adoption. Seconded by Councilman Kelly to wit:

WHEREAS, the costs in connection with the Town of Walworth’s sewer districts must be paid for in accordance with law, including in relation to the transition from the dated Walworth Treatment Plant in the Town of Walworth to the planned regional treatment plant to be run by the Wayne County Water and Sewer Authority; and

WHEREAS, in connection with the payment of such costs, the Town of Walworth will be collecting revenues via special assessments against the Town of Walworth sewer districts; and

WHEREAS, such special assessments will be imposed based upon the number of equivalent dwelling units (“EDUs”) assigned to each tax parcel, as defined and determined in accordance with the Walworth Town Code; and

WHEREAS, rolls specifying such special assessments have been filed with and are available for review by the public at the Office of the Walworth Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing shall be had on the Town of Walworth Sewer District Special Assessment Rolls for 2023 on **October 5th at 6:30 p.m.** for the purpose of hearing the public in relation to such rolls; and

BE IT FURTHER, RESOLVED, that the Town Clerk shall advertise said public hearing as required under New York State Law.

Adopted this 21st day of September, 2023, at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 148-23: TO SET PUBLIC HEARING FOR LEHRWOOD LIGHTING DISTRICT SPECIAL ASSESSMENT ROLL FOR 2023

Councilman Johnson offered Resolution 148-23 and moved its adoption. Seconded by Councilman Kelly to wit:

WHEREAS, the costs in connection with the Lehrwood Lighting District must be paid for in accordance with law, including in relation to the costs to operate and maintain the same; and

WHEREAS, in connection with the payment of such costs, the Town of Walworth will be collecting revenues via special assessments against the lands within the Lehrwood Lighting District; and

WHEREAS, such special assessments will be imposed as set forth in the Lehrwood Lighting District Map, Plan and Report, which has been filed with and is available for review by the public at the Office of the Walworth Town Clerk; and

WHEREAS, a roll specifying such special assessments has been filed with and is available for review by the public at the Office of the Walworth Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing shall be had on the Lehrwood Lighting District Special Assessment Roll for 2023 on **October 5th at 6:30 p.m.** for the purpose of hearing the public in relation to such roll; and

BE IT FURTHER, RESOLVED, that the Town Clerk shall advertise said public hearing as required under New York State Law.

Adopted this 21st day of September, 2023, at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 149-23: TO SET PUBLIC HEARING FOR LEHRWOOD SIDEWALK DISTRICT SPECIAL ASSESSMENT ROLL FOR 2023

Councilwoman Linson offered Resolution 149-23 and moved its adoption. Seconded by Councilman Johnson to wit:

WHEREAS, the costs in connection with the Lehrwood Sidewalk District must be paid for in accordance with law, including in relation to the costs to maintain the same; and

WHEREAS, in connection with the payment of such costs, the Town of Walworth will be collecting revenues via special assessments against the lands within the Lehrwood Sidewalk District; and

WHEREAS, such special assessments will be imposed as set forth in the Lehrwood Sidewalk District Map, Plan and Report, which has been filed with and is available for review by the public at the Office of the Walworth Town Clerk; and

WHEREAS, the roll specifying such special assessments has been filed with and is available for review by the public at the Office of the Walworth Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing shall be had on the Lehrwood Sidewalk District Special Assessment Roll for 2023 on **October 5th at 6:30 p.m.** for the purpose of hearing the public in relation to such roll; and

BE IT FURTHER, RESOLVED, that the Town Clerk shall advertise said public hearing as required under New York State Law.

Adopted this 21st day of September, 2023, at a meeting of the Town Board.

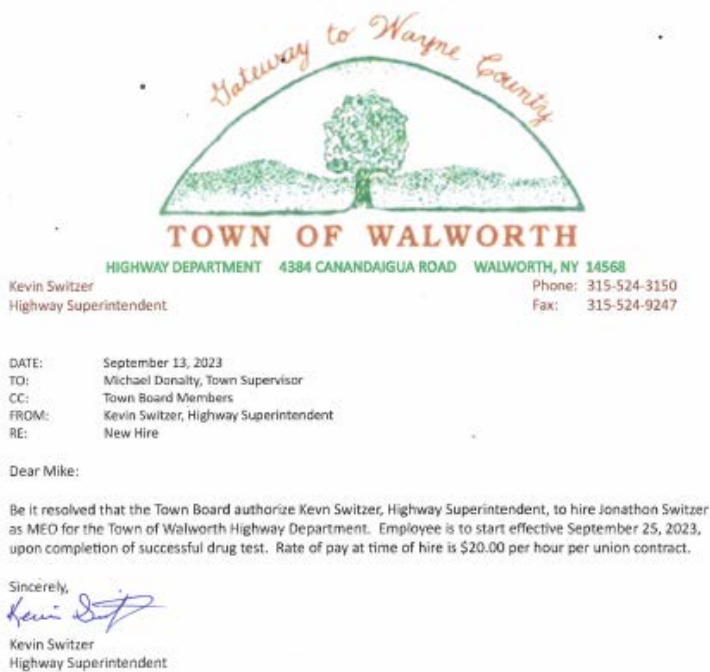
Roll call vote:	Councilwoman Linson	Aye
	Councilman Kelly	Aye
	Councilman Harden	Absent
	Councilman Johnson	Aye
	Supervisor Donalty	Aye

Resolution carried.

RESOLUTION 150-23: TO AUTHORIZE THE HIRE OF JONATHON SWITZER AS MOTOR EQUIPMENT OPERATOR FOR THE HIGHWAY DEPARTMENT, EFFECTIVE SEPTEMBER 25, 2023

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

The following was submitted:



NOW, THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the hiring of Jonathon Switzer as Motor Equipment Operator in the Town of Walworth Highway Department, effective September 25, 2023, upon completion of a successful drug test and at a rate of pay of \$20.00 per hour, per union contract.

Discussion ensued regarding direct supervision of Jonathon Switzer, and he will report to Deputy Highway Superintendent James LeMay.

Adopted this 21st day of September, 2023 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 151-23: TO ACCEPT RESTRICTED DONATION FROM THE FRIENDS OF THE WALWORTH PARKS, INC. IN THE AMOUNT OF \$3500.00 TO BE USED TO OFFSET EXPENSES OF THE HARVEST MOON AND LIGHT THE NIGHT CELEBRATIONS

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

The following was submitted:

FRIENDS OF THE WALWORTH PARKS INC.
Walworth, New York

September 18, 2023

Walworth Town Board

The Friends of the Walworth Parks group is pleased to make a donation of \$3500.00 to be used to offset expenses for the Harvest Moon and the Light the Night celebrations. Contributing funds were raised by the Friends Group throughout the course of the year by a variety of fundraising events.

The Friends of the Walworth Parks group is pleased to work in cooperation with the Walworth Recreation Department to provide opportunities for families to enjoy time together happily and safely. Our goal is to preserve, protect, improve and promote the use of the Town of Walworth’s parks and recreational areas.

Friends of the Walworth Parks

BE IT RESOLVED, the following money be accepted as a restricted donation from the Friends of the Walworth Parks, Inc., to be used to offset expenses of the Harvest Moon and Light the Night celebrations.

Adopted this 21st day of September, 2023 at a meeting of the Town Board.

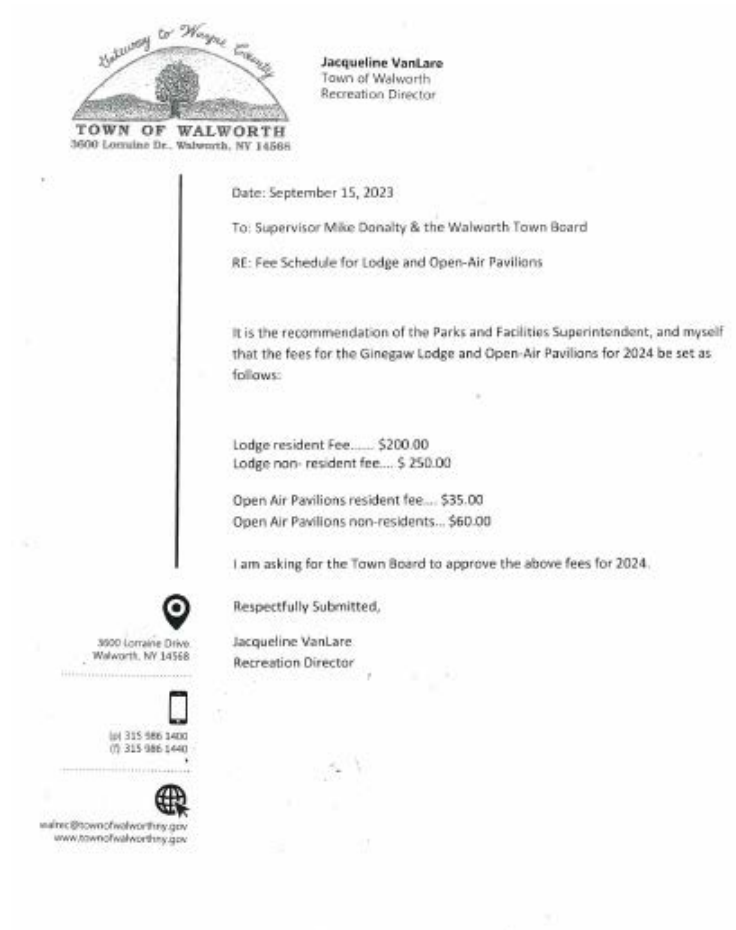
Roll call vote:	Councilwoman Linson	Aye
	Councilman Kelly	Aye
	Councilman Harden	Absent
	Councilman Johnson	Aye
	Supervisor Donalty	Aye

Resolution carried.

RESOLUTION 152-23: ADOPT AND SET 2024 FEE SCHEDULE FOR GINEGAW LODGE AND OPEN-AIR PAVILIONS

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

The following was submitted:



BE IT RESOLVED, the 2024 fee schedule be adopted and set for Ginegaw Lodge and open-air pavilions.

Recreation Director VanLare explained the changes in pricing due to operational costs.

Adopted this 21st day of September, 2023 at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 153-23: AUTHORIZE THE USE AND APPROPRIATION OF COMPUTER EQUIPMENT RESERVE FUNDS IN AN AMOUNT NOT TO EXCEED \$10,000.00 TO UPGRADE OUR VIDEO SERVER AND STORAGE, SUBJECT TO PERMISSIVE REFERENDUM

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

WHEREAS, the Town Hall utilizes a building surveillance camera system which requires a server; and

WHEREAS, the server which supports the camera system in no longer working and needs to be upgraded;

WHEREAS, the Town of Walworth has funds available in its Computer Equipment Reserve to cover this cost, subject to a 30-day permissive referendum;

NOW, THEREFORE, IT BE RESOLVED, that the Town Board hereby authorizes the use and appropriation of funds not to exceed \$10,000.00 from the Computer Equipment Reserve fund, subject to permissive referendum.

Adopted this 21st day of September, 2023 at the meeting of the Town Board.

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

Resolution carried.

COMMUNICATION:

- **Town of Walworth Wastewater Treatment Plant Report for August 2023**
- **Walworth Town Court Report for the month of August 2023**
- **Monthly Building and Zoning Report for August 2023**
- **Recreation Department Month End Report for August 2023**
- **Parks & Facilities Department Monthly Report, dated September 15, 2023**

TOWN BOARD MEETINGS:

DATE	TIME	MEETING TYPE
SEPTEMBER 28, 2023	6:00 PM	BUDGET WORKSHOP
OCTOBER 5, 2023	6:30 PM	REGULAR
OCTOBER 12, 2023	6:00 PM	BUDGET WORKSHOP

NEW AND OTHER BUSINESS:

- **Employee Handbook/Policies and Procedures Manual Updates**

Councilwoman Linson and Councilman Johnson shared that there is no update on the Policies and Procedures, but stated that the Employment Handbook was with the employment attorney for review.

➤ **Dolomite Park Update**

Councilwoman Linson stated that the deconstruction and removal of the stone at Dolomite Park had been completed with minimal damage, and the Town is awaiting contact from Wayne Youth Lacrosse for the next steps. Councilman Johnson thanked the Wayne Youth Lacrosse organization for the removal of the stone.

PUBLIC PARTICIPATION:

No members of the public wished to address the Town Board.

Councilwoman Linson shared that the President of the Library Board of Trustees wished to thank the Town Board for its clarifying letter regarding the Chapter 414 proposition.

Councilman Johnson commended the Town Comptroller for her work and results of the 2022 fiscal audit.

ATTORNEY CLIENT PRIVILEGE/ EXECUTIVE SESSION:

Motion by Councilwoman Linson to enter into an session of attorney client privilege followed by an executive session to discuss medical, financial, credit, or employment history of a particular person/corp, or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion or suspension; and information relating to current/future investigation or prosecution of a criminal offense.

Seconded by Councilman Kelly.

Highway Superintendent Switzer and Town Attorney Young were asked to remain in the meeting room.

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

Motion carried.

Time: 7:09 PM.

RECONVENE:

Motion by Councilman Kelly to reconvene the regularly scheduled meeting.

Seconded by Councilman Johnson.

Time: 8:14 PM.

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

Motion carried.

It was noted that the Town Board had agreed to take disciplinary action against an employee.

ADJOURNMENT:

Motion by Supervisor Donalty to adjourn. Seconded by Councilman Kelly.

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

Motion carried.

Time: 8:14 PM

Respectfully Submitted,
Aimée Phillips
Town Clerk