

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.

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

<b><u>ABSENT:</u></b>	Jim Harden	Councilman
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**OTHERS PRESENT:** One (1) member of the public.

**PUBLIC HEARING – 6:30 PM: TOWN OF WALWORTH SEWER DISTRICT SPECIAL ASSESSMENT ROLLS FOR 2023**

**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 TOWN OF WALWORTH SEWER DISTRICT SPECIAL ASSESSMENT ROLLS FOR 2023**

**PLEASE TAKE NOTICE THAT** the Town of Walworth will be collecting revenues via special assessments against the Town of Walworth sewer districts to pay for costs of the Town of Walworth’s sewer districts.

**PLEASE TAKE FURTHER NOTICE THAT** rolls specifying such sewer special assessments have been filed with the Walworth Town Clerk where they are available for inspection by the public.

**PLEASE TAKE FURTHER NOTICE** that a public hearing will be had on the Town of Walworth Sewer District Special Assessment Rolls for 2023 on **October 5th at 6:30 p.m.** at the Walworth Town Hall for the purpose of hearing the public in relation to such rolls.

Dated: September 21, 2023

By Order of the Town Board  
TOWN OF WALWORTH

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

Time: 6:32 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: 6:33 PM.

**PUBLIC HEARING – 6:30 PM: LEHRWOOD LIGHTING DISTRICT SPECIAL ASSESSMENT ROLL FOR 2023**

**PUBLIC HEARING RULES AND PROCEDURES:**

Supervisor Donalty reviewed the procedures for the public hearing and waived the reading of the following legal notice:

**NOTICE OF PUBLIC HEARING FOR LEHRWOOD LIGHTING DISTRICT SPECIAL ASSESSMENT ROLL FOR 2023**

**PLEASE TAKE NOTICE THAT** the Town of Walworth will be collecting revenues via special assessments against the Lehrwood Lighting District to pay for costs of the Lehrwood Lighting District.

**PLEASE TAKE FURTHER NOTICE THAT** a roll specifying such special assessments has been filed with the Walworth Town Clerk where it is available for inspection by the public.

**PLEASE TAKE FURTHER NOTICE** that a public hearing will be had on the Lehrwood Lighting District Special Assessment Roll for 2023 on **October 5<sup>th</sup> at 6:30 p.m.** at the Walworth Town Hall for the purpose of hearing the public in relation to such roll.

Dated: September 21, 2023

By Order of the Town Board  
TOWN OF WALWORTH

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

Time: 6:33 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 Councilman Johnson to close the Public Hearing.  
Seconded by Councilwoman Linson.

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

Motion carried.

Time: 6:34 PM.

**PUBLIC HEARING – 6:30 PM: LEHRWOOD SIDEWALK DISTRICT SPECIAL ASSESSMENT ROLL FOR 2023**

**PUBLIC HEARING RULES AND PROCEDURES:**

Supervisor Donalty reviewed the procedures for the public hearing and waived the reading of the following legal notice:

**NOTICE OF PUBLIC HEARING FOR LEHRWOOD SIDEWALK DISTRICT SPECIAL ASSESSMENT ROLL FOR 2023**

**PLEASE TAKE NOTICE THAT** the Town of Walworth will be collecting revenues via special assessments against the Lehrwood Sidewalk District to pay for costs of the Lehrwood Sidewalk District.

**PLEASE TAKE FURTHER NOTICE THAT** a roll specifying such special assessments has been filed with the Walworth Town Clerk where it is available for inspection by the public.

**PLEASE TAKE FURTHER NOTICE** that a public hearing will be had on the Lehrwood Sidewalk District Special Assessment Roll for 2023 on **October 5<sup>th</sup> at 6:30 p.m.** at the Walworth Town Hall for the purpose of hearing the public in relation to such roll.

Dated: September 21, 2023  
By Order of the Town Board  
TOWN OF WALWORTH

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 Councilman Kelly to close the Public Hearing.  
Seconded by Councilwoman Linson.

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

Motion carried.

Time: 6:35 PM.

**MINUTES**

Motion by Councilman Johnson that the minutes of September 21, 2023 Regular Meeting are approved as submitted by the Town Clerk. Seconded by Councilman Kelly.

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

Motion carried.

**ELECTED OFFICIALS’ REPORTS:**

**TOWN CLERK**

Town Clerk Phillips stated that the 2024 Tentative Budget had been presented to members of the Town Board for review.

**HIGHWAY SUPERINTENDENT** – No report.

**COUNCILMAN KELLY**

Councilman Kelly commended the Walworth and surrounding communities and organizations for its assistance in responding to the recent barn fire on Lincoln Road.

**COUNCILWOMAN LINSON**

Councilwoman Linson shared that the recent Open House held by the Walworth Historical Society was a success with many attendees. She also stated that the Walworth Seely Public Library will be holding an informational meeting regarding the Chapter 414 proposal on Friday, October 6, 2023 at 11:00 AM, and that its next Board of Trustees meeting on Thursday, October 12, 2023. Councilwoman Linson also informed those present that a local Boy Scout is working with the Library on an Eagle Scout project to construct a community garden, and the Friends of the Walworth Seely Library Book Sale will be held at the Lodge at Ginegaw Park October 26 – 28, 2023 with its preview sale taking place on October 25, 2023.

**COUNCILMAN HARDEN** – No report.

**COUNCILMAN JOHNSON**

Councilman Johnson shared that the cannabis dispensary licenses are still on hold, though there is discussion at the State level regarding allowing medical providers to open dispensaries. He also updated those present on the progress made on the Town’s updated Comprehensive Plan. Town Clerk Phillips stated that an open house to review the Comprehensive Plan and its components will be held on November 15, 2023 from 6:30-7:30 PM at the Lodge in Ginegaw Park.

**SUPERVISOR DONALTY**

Supervisor Donalty shared that the application period for the Assessor’s position has ended and resumés will be reviewed by a committee comprised of Councilwoman Linson, Councilman Johnson and Town Comptroller Stanford. He also read the letter sent by the New York State Town Clerks Association regarding Town Clerk Phillips’ recent certification as a Registered Municipal Clerk. Lastly, Supervisor Donalty read the following statement regarding the recent Wayne Central School bus accident:



Michael R. Donalty  
Town Supervisor  
Walworth, NY 14568

**STATEMENT REGARDING THE WAYNE CENTRAL SCHOOL DISTRICT BUS ACCIDENT LAST WEEK**

As many of you are aware, there was a tragic accident last week involving a Wayne Central school bus. Fortunately, none of the students and staff on the bus were seriously injured, but the bus was completely consumed by the ensuing fire, and the students and staff lost all their personal property left behind on the bus. Sadly, the other driver and his dog lost their lives in the crash, and we extend our sincerest condolences to their family.

The Town of Walworth is proud to be a part of the Wayne Central School District community, and we stand ready to support those involved and affected by this tragedy. We also recognize and appreciate all those who assisted and protected the children and staff during this unfortunate incident, from the first responding police, fire and EMS agencies to the passersby who stopped to lend a hand, and especially to the students and staff from the bus that took the lead to help their fellow students and co-workers exit the bus safely. All deserve the honor of being called "hero," and we are forever grateful for their actions on that day.



3900 Lorraine Drive  
Walworth, NY 14568

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MRD 10/05/2023

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**RESOLUTIONS:**

**RESOLUTION 154-23: TO ADOPT AND APPROVE THE TOWN OF WALWORTH SEWER DISTRICTS SPECIAL ASSESSMENT ROLLS FOR 2023**

Councilwoman Linson offered the Resolution and moved its adoption. Seconded by Councilman Johnson 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 costs incurred as a result of the planned 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 duly filed with the Walworth Town Clerk; and

**WHEREAS**, a public hearing was duly advertised and held on such rolls where the public was permitted to speak on the same.

**NOW, THEREFORE, BE IT, RESOLVED**, that that the Walworth Town Board hereby adopts and approves the 2023 special assessment rolls for the Town of Walworth sewer districts; and, be it further

**RESOLVED**, that such rolls be filed with the Town Clerk and transmitted to the Wayne County Board of Supervisors.

Adopted this 5<sup>th</sup> day of October, 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 155-23: TO ADOPT AND APPROVE THE LEHRWOOD LIGHTING DISTRICT SPECIAL ASSESSMENT ROLL FOR 2023**

Councilwoman Linson offered the Resolution 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**, a roll specifying such special assessments has been filed with the Town Clerk where it has been available for review by the public; and

**WHEREAS**, a public hearing was duly advertised and held on such roll where the public was permitted to speak on the same.

**NOW, THEREFORE, BE IT, RESOLVED**, that that the Walworth Town Board hereby adopts and approves the Lehrwood Lighting District Special Assessment Roll for 2023; and, be it further

**RESOLVED**, that such roll be filed with the Town Clerk and transmitted to the Wayne County Board of Supervisors.

Adopted this 5<sup>th</sup> day of October, 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 156-23: TO ADOPT AND APPROVE THE LEHRWOOD SIDEWALK DISTRICT SPECIAL ASSESSMENT ROLL FOR 2023**

Councilman Kelly offered the Resolution and moved its adoption. Seconded by Councilwoman Linson 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**, a roll specifying such special assessments has been filed with the Town Clerk where it has been available for review by the public; and

**WHEREAS**, a public hearing was duly advertised and held on such roll where the public was permitted to speak on the same.

**NOW, THEREFORE, BE IT, RESOLVED**, that that the Walworth Town Board hereby adopts and approves the Lehrwood Sidewalk District Special Assessment Roll for 2023; and, be it further

**RESOLVED**, that such roll be filed with the Town Clerk and transmitted to the Wayne County Board of Supervisors.

Adopted this 5<sup>th</sup> day of October, 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 157-23: AUTHORIZING CONTINUED USE OF DOLOMITE PARK BY WAYNE YOUTH LACROSSE FOR 2023 FALL SEASON**

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

**WHEREAS**, Wayne Youth Lacrosse (WYL) requests authorization for continued use of Dolomite Park for their Fall season; and

**WHEREAS**, WYL has used the Park to the benefit of the community for several years; and

**WHEREAS**, WYL is a not-for-profit organization that provides activities for our youth and their families;

**THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Walworth hereby grants permission to Wayne Youth Lacrosse for continued use of the park for its Fall session pending proof of insurance and payment of the field use fee(s) according to the Athletic Field Use Fee Structure for Dolomite Park.

Councilwoman Linson updated those present in stating that the gravel had been fully removed and she and Parks Superintendent Buckley had met with Wayne Youth Lacrosse to discuss repair work to be done.

Adopted this 5<sup>th</sup> day of October, 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 158-23: AUTHORIZE TO ADVERTISE AND HIRE A FULL-TIME LABORER/GROUNDSKEEPER FOR THE PARKS DEPARTMENT**

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

**WHEREAS**, the Parks Department will be taking on the additional duties of cemetery mowing and sidewalk plowing; and

**WHEREAS**, additional resources are needed to fulfill those responsibilities;

**BE IT RESOLVED**, that the Supervisor is authorized to advertise and fill a new full-time permanent position in the Parks Department. The new hire will be titled either Laborer or Groundskeeper, depending upon his/her experience and paid according to the Wage Schedule set forth in the current Collective Bargaining Agreement.

Adopted this 5<sup>th</sup> day of October, 2023, at a meeting of the Walworth Town Board.

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

Resolution carried.

**RESOLUTION 159-23: TO ENDORSE DISSOLUTION PLAN AND SET PUBLIC HEARING FOR THE DISSOLUTION OF THE GANANDA SIDEWALK DISTRICT**

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

The following was submitted:

**WHEREAS**, the Gananda Sidewalk District (the “Sidewalk District”) is a special improvement district within the Town of Walworth, NY, duly established generally for the purposes of operating and maintaining sidewalks within the boundaries thereof; and

**WHEREAS**, given the administrative costs and requirements thereof, the Town Board believes it to be in the best interests of the Town to dissolve such Sidewalk District, and to administer the sidewalks therein without a district; and



**WHEREAS**, thus, in accordance with Article 17-a of the General Municipal Law, the Town Board has reviewed the proposed dissolution plan for the Sidewalk District (the “Dissolution Plan”), which Plan is attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby endorses the Dissolution Plan; and, be it further

**RESOLVED**, that a public hearing shall be had on the Dissolution Plan at Walworth Town Hall on **November 16<sup>th</sup> at 6:30 p.m.**; and, be it further

**RESOLVED**, that the Town Board hereby directs the Town Clerk, within five (5) business days of approval of this Resolution, to make available a copy of the Dissolution Plan and a summary thereof to the public for review, including at a public place(s), inclusive of the Town Hall, to publish a copy of the Plan and summary thereof on the Town website, and to publish the summary at least once each week for four successive weeks in a newspaper; and, be it further

**RESOLVED**, that the Town Clerk shall provide for the advertisement of said public hearing according to law, including that such hearing shall be had on notice in the newspaper of at least ten days but not more than 20 days.

Discussion ensued regarding the need for this action, timeframe, future committee discussion, community education, transparency and the potential for additional tax districts.

Councilwoman Linson made the motion to amend the resolution to change the date of the public hearing to November 9, 2023 at 6:30 PM in the format of a special Town Board meeting. Councilman Johnson seconded the motion.

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

Motion failed.

Supervisor Donalty closed discussion on the resolution and the following vote on Resolution 159-23 was recorded:

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

Resolution failed.

**RESOLUTION -23: TO ENDORSE DISSOLUTION PLAN AND SET PUBLIC HEARING FOR THE DISSOLUTION OF THE LEHRWOOD SIDEWALK DISTRICT**

Councilwoman Linson made the motion to withdraw this resolution from the agenda and discussion. Councilman Johnson seconded the motion.

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

Motion carried.

**RESOLUTION 160-23: SET PUBLIC HEARING FOR LOCAL LAW NO. 8 OF 2023 TO AMEND THE WALWORTH TOWN CODE TO ADDRESS THE REMOVAL OF OBSTRUCTIONS, SNOW AND ICE FROM SIDEWALKS**

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

**WHEREAS**, the Town Board has before it for consideration a draft Local Law to delineate responsibilities of owners and tenants for the removal of obstructions, snow and ice from abutting sidewalks, as well as identifying those sidewalks for which the Town is responsible; and

**WHEREAS**, said draft Local Law on file with the Town Clerk where it is available for review by the public; and

**WHEREAS**, Town Board of the Town of Walworth finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon said draft Local Law; now, therefore, be it

**RESOLVED**, that a public hearing be duly advertised for and held on **November 16, 2023 at 6:30 p.m.** for the purpose of permitting the public to speak relative to said proposed Local Law; and, be it further

**RESOLVED**, that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

Councilwoman Linson explained the reasoning for this resolution, and discussion ensued regarding personal and Town liability and cost for snow removal.

Adopted this 5<sup>th</sup> day of October, 2023 at a meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 161-23: TO CONTRACT WITH ENERGETIX CORP TO PROVIDE DOT CLEARINGHOUSE MANAGEMENT AND AUTHORIZE PAYMENT TO BEGIN SERVICE**

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

**WHEREAS**, it is required that employees with a CDL license be registered with the DOT Clearinghouse; and

**WHEREAS**, it is required that their records be queried before hire and annually; and

**WHEREAS**, the Town wishes to contract with Energetix Corp. to be the third-party administrator for this program at the cost of \$99 per year plus the cost of the queries;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Comptroller is authorized to pay the \$99.00 invoice to start this service and purchase the eleven (11) annual queries needed for the current staff at the cost of \$1.25 each for a total of \$112.75. This will bring the Town into compliance with this DOT requirement.

Adopted this 5th day of October, 2023, at a meeting of the Walworth Town Board.

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

Resolution carried.

**COMMUNICATION:**

- **Assessment Department Report of August 2023 Sales**
- **Assessment Department Report for September 2023**
- **Letter from New York State Town Clerks Association regarding Aimee Phillips receiving Registered Municipal Clerk Certification, dated September 27, 2023**

**TOWN BOARD MEETINGS:**

DATE	TIME	MEETING TYPE
OCTOBER 12, 2023	6:00 PM	BUDGET WORKSHOP
OCTOBER 18, 2023	6:00 PM	BUDGET WORKSHOP
OCTOBER 19, 2023	6:30 PM	REGULAR

**NEW AND OTHER BUSINESS:**

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

Councilwoman Linson stated that the Employment Handbook was with the labor and Union attorneys for review.

- **Dolomite Park Update**

This update was provided by Councilwoman Linson earlier in the meeting.

**PUBLIC PARTICIPATION:**

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

**ADJOURNMENT:**

Motion by Councilwoman Linson 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: 7:25 PM

Respectfully Submitted,  
Aimée Phillips  
Town Clerk