

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 Amber Linson Alex Kelly Jim Harden  Rick Johnson Kevin Switzer Aimée Phillips	Supervisor Councilwoman Councilman Councilman (entered meeting at 6:32 PM) Councilman Highway Superintendent Town Clerk
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**ABSENT:** No members of the Town Board were absent.

**OTHERS PRESENT:** Christine Stanford, Town Comptroller; Jenna Camacho, Deputy Town Clerk; Fifteen (15) members of the public.

**PUBLIC HEARING – 6:30 PM – WEST WALWORTH FIRE DEPARTMENT 2024 CONTRACT**

**PUBLIC HEARING RULES AND PROCEDURES:**

Supervisor Donalty reviewed the procedures for the public hearing and waived the reading of the legal notices.

**LEGAL NOTICE:  
TOWN OF WALWORTH  
PUBLIC HEARING**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Walworth will hold a Public Hearing at the Walworth Town Offices, Main Meeting Room, 3600 Lorraine Drive, on **Thursday, November 2, 2023, at 6:30 PM** for the purpose of considering contracting with the **West Walworth Volunteer Fire Department** for the fire protection to be furnished in its fire protection district which is bounded on the north by Lincoln Fire District, on the south by the town line of Macedon, on the east by the Walworth Fire District, and on the west by the County of Monroe. The contract amount requested is \$202,695.

All interested persons may be heard at the above time and place or submit comments in writing to the Walworth Town Clerk, 3600 Lorraine Drive, Walworth, New York 14568.

By Order of the Town Board  
Town of Walworth  
AIMEE PHILLIPS  
TOWN CLERK  
Dated: October 19, 2023

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 wished to address the Town Board.

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	Aye
	Councilman Johnson	Aye
	Supervisor Donalty	Aye

Motion carried.

Time: 6:34 PM.

**PUBLIC HEARING – 6:30 PM – LINCOLN FIRE DEPARTMENT 2024 CONTRACT**

**LEGAL NOTICE:  
TOWN OF WALWORTH  
PUBLIC HEARING**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Walworth will hold a Public Hearing at the Walworth Town Offices, Main Meeting Room, 3600 Lorraine Drive, on **Thursday, November 2, 2023 at 6:30 PM** for the purpose of considering contracting with the **Lincoln Volunteer Fire Department** for the fire protection to be furnished in its fire protection district which is bounded on the north by the town line of Ontario, on the east by the Walworth Fire District, on the west by the County of Monroe and on the south by a line 200 feet north of Atlantic Avenue. The contract amount requested is \$173,000.

All interested persons may be heard at the above time and place or submit comments in writing to the Walworth Town Clerk, 3600 Lorraine Drive, Walworth, New York 14568.

By Order of the Town Board  
Town of Walworth  
AIMEE PHILLIPS  
TOWN CLERK  
Dated: October 19, 2023

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

Time: 6:34 PM.

Lincoln Fire Department President Mike Frederes addressed the Town Board regarding budget increase needs and amounts.

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	Aye
	Councilman Johnson	Aye
	Supervisor Donalty	Aye

Motion carried.

Time: 6:35 PM.

**PUBLIC HEARING – 6:30 PM – WESTERN WAYNE AMBULANCE 2024 CONTRACT**

**LEGAL NOTICE:  
TOWN OF WALWORTH  
PUBLIC HEARING**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Walworth will hold a Public Hearing at the Walworth Town Offices, Main Meeting Room, 3600 Lorraine Drive, on **Thursday, November 2, 2023, at 6:30 PM** for the purpose of considering contracting with **Western Wayne Ambulance, Inc. for 2024**; contract amount is \$33,000.00.

All interested persons may be heard at the above time and place or submit comments in writing to the Walworth Town Clerk, 3600 Lorraine Drive, Walworth, New York 14568.

By Order of the Town Board  
Town of Walworth  
AIMEE PHILLIPS  
TOWN CLERK  
Dated: October 19, 2023

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

Time: 6:35 PM.

Collin Van Laeken, EMS Manager for Western Wayne Ambulance, Inc. addressed the Town Board. Discussion ensued regarding copays, call coverage and funding.

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 Johnson.

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

Motion carried.

Time: 6:48 PM.

**PUBLIC HEARING – 6:30 PM – 2024 TOWN OF WALWORTH PRELIMINARY BUDGET**

**LEGAL NOTICE  
TOWN OF WALWORTH  
NOTICE OF BUDGET PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the annual Preliminary Budget for the Town of Walworth for the fiscal year beginning January 1, 2024, has been completed and filed in the office of the Town Clerk, 3600 Lorraine Drive, Walworth, New York, where it is available for inspection by any interested persons during regular office hours.

**FURTHER NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Walworth will hold a Public Hearing at the Walworth Town Hall, Main Meeting Room, 3600 Lorraine Drive, Walworth, New York on the day of **Thursday, November 2, 2023 at 6:30 PM**, and that at said hearing any persons may be heard in favor or against the Preliminary Budget as compiled, or for or against any item or items therein contained.

**PLEASE TAKE FURTHER NOTICE** that the proposed salaries of each member of the Councilperson, Town Justice, Town Supervisor, Town Clerk, Receiver of Taxes and Superintendent of Highways therein set forth, are as follows:

Councilpersons:	4@ \$7,028.50	\$28,114.00
Town Justices	2@ \$14,979.50	\$29,959.00
Town Supervisor:		\$52,357.00
Town Clerk:		\$48,948.00
Receiver of Taxes:		\$10,015.00
Highway Superintendent:		\$81,845.00

By Order of the Town Board  
Of the Town of Walworth  
AIMEE PHILLIPS  
TOWN CLERK  
Dated: October 19, 2023

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

Time: 6:49 PM.

Deborah Williams addressed the Town Board inquiring as to effects of the ballot propositions pertaining the the Receiver of Taxes and Library Chapter 414 on the Town’s budget. Town Comptroller Stanford explained the differences and adjustments that may be necessary, depending on the outcome of voting.

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	Aye
	Councilman Johnson	Aye
	Supervisor Donalty	Aye

Motion carried.

Time: 6:52 PM.

**MINUTES**

Motion by Councilwoman Linson that the minutes of October 19, 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.

**ELECTED OFFICIALS’ REPORTS:**

**TOWN CLERK**

Town Clerk Phillips reminded those present of the ballot proposition pertaining to the abolishment of the Receiver of Taxes elected office, and the benefits to residents should it pass. Also, she shared the Town of Walworth Comprehensive Plan Committee will be holding an open house on November 15, 2023 from 6:30 to 7:30 PM in the Lodge at Ginegaw Park for residents to review survey results and plan components. Finally, Town Clerk Phillips informed the public that the second round of DEC issued DMP permits are now available.

**HIGHWAY SUPERINTENDENT**

Highway Superintendent Switzer stated that the summer work had been completed, and the Department is now gearing up for the winter season. He reminded the public to drive responsibly.

**COUNCILMAN KELLY**

Councilman Kelly reiterated that residents should drive safely as the weather turns during the next few months. He also reminded voters that District 4 voting will be taking place at the Lodge in Ginegaw Park.

**COUNCILWOMAN LINSON**

Councilwoman Linson shared that the Friends of the Walworth Seely Library books sale was complete and a success, and reviewed the ballot proposition regarding the Library’s Chapter 414 proposition. She also informed those present that the Walworth Historical Society’s next event would take place on November 20, 2023 at 12:00 PM entitled “Soup with Dick and Jane, and the Hometown Heroes will be holding a Veterans’ Day event on November 11, 2023. Lastly, she shared that she and Town Attorney Young are very close to an agreement with the Town of Macedon regarding the Regional Wastewater Treatment Plant project and she shared a cost settlement proposal from LaBella Associates pertaining to overages with the Dewberry Pump Station project.

**RESOLUTION 170-23: TO APPROVE PROJECT COST SETTLEMENT PROPOSAL FROM LABELLA ASSOCIATES**

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

The following was submitted:



31 October 2023  
212140.015

Town of Walworth  
3600 Lorraine Drive  
Walworth, New York 14568

Attn: Michael R. Donalty, Supervisor  
Amber Linson, Deputy Supervisor

RE: Wastewater Collection System  
*Town of Walworth*  
DEWBERRY PUMP STATION IMPROVEMENTS  
Project cost settlement

Supervisor Donalty and Deputy Supervisor Linson:

During the construction of the improvements to the Dewberry pump station several issues arose that resulted in increased costs to the project. These items are:

Probe vs Transducer	\$ 1,000.00
Electrical issues	\$ 13,125.00
Increased concrete pad	\$ 9,283.88
Enclosure issues	\$ 16,250.00
Additional by-pass pumping	\$ 8,500.00
Unaccepted line fillers	<u>\$ 7,200.00</u>
	\$ 55,358.88

Additional details on these costs were provided in our report to the board on 27 June 2023.

Town staff members raised several concerns about these additional costs. LaBella has reviewed these additional costs with the contractors and suppliers and have gotten an agreement from them to reduce the costs by \$9,000.00. If this is acceptable to the Town, a change order will be issued on the purchase order from G. A. Fleet.

While many of the items discussed above were unknown to us at the time of design, or out of our control during manufacture, LaBella is willing to provide another adjustment to our billing to offset a portion of the remaining overages. We do this as a demonstration of our commitment to continue our partnership with the Town Board and staff to provide economic, quality service to your residents. LaBella Associates is willing to offer a reduction of our current project billing by \$19,000.

The remaining \$27,358.88 is value received by the Town and is a legitimate charge to the project budget. This amount was included in the change order previously approved by the Town and requires no further action.



Supervisor Donalty and Deputy Supervisor Linson  
Dewberry Pump Station Improvements

31 October 2023  
212140.015

If these offers are acceptable to the Town Board, we recommend that the Board pay the invoice from G.A. Fleet – less the \$9,000.00.

Further we recommend the Town Board accept our offer of a \$19,000.00 fees reduction as a professional courtesy. We will adjust future Invoices to show this.

We trust that the Change Order to Fleet and our adjustment offer addresses the concerns expressed by the Town staff.

Respectfully submitted,  
LaBella Associates

Michael A. Simon  
Civil Regional Leader

Bradley B. Upson  
Resident Engineer

Xc: Adam Jozwiak, Sewer Superintendent

J:\Walworth, Town of\212140 Public Works\212140.015 - Pump Station Eval\Reports\Dewberry Pump Station Cost Settlement 2023-10-31.docx

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby approves the project cost settlement proposal from LaBella Associates to reduce cost overrun expense to the Town to \$27,358.88.

Adopted this 2<sup>nd</sup> day of November, 2023, at a meeting of the Walworth Town Board.

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

Resolution carried.

**COUNCILMAN HARDEN** – No report.

**COUNCILMAN JOHNSON**

Councilman Johnson shared that the Employee Handbook had been returned from the attorneys and was ready for Town Board review and is close to completion.

**SUPERVISOR DONALTY** – No report.

**RESOLUTIONS:**

**RESOLUTION 171-23: AUTHORIZATION FOR THE TOWN SUPERVISOR TO SIGN THE SERVICE ORDER WITH SPECTRUM ENTERPRISE FOR FIBER INTERNET SERVICES**

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

**WHEREAS**, the Town of Walworth currently receives Internet services through coaxial cable from service provider Spectrum Enterprise; and

**WHEREAS**, it has been determined that upgrading the Internet service to the now-offered fiber network from Spectrum Enterprise will greatly increase the speed and dependability of the service, thus increasing efficiency; and

**WHEREAS**, Spectrum has presented a Service Order for execution by the Town Supervisor to provide fiber Internet service to all three Town-operated locations for a term of 60 months;

**NOW THEREFORE BE IT RESOLVED** that the Town Supervisor is hereby authorized to sign the Service Order for Fiber Internet services from Spectrum Enterprise.

Discussion ensued regarding cost increases and improvements in service.

Adopted this 2nd day of November, 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 172-23: AUTHORIZATION FOR THE TOWN SUPERVISOR TO ENTER INTO A ONE YEAR CONTRACT WITH VANESSA & JESSE TRIOU DBA HAPPY HOME HELPERS FOR CLEANING SERVICES FOR THE WALWORTH TOWN HALL**

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

**WHEREAS**, the Town of Walworth frequently contracts with various professional service providers for specialty services to be performed on an occasional basis; and

**WHEREAS**, while the current providers of these services have done so satisfactorily, the contracts have not been updated in several years; and

**WHEREAS**, the Town Board wishes to act with due diligence in ensuring that the Town is receiving the best value for the services provided; and

**WHEREAS**, the Clerk to the Supervisor contacted five local cleaning services to obtain quotes for cleaning the Town Hall on a regular basis and received only two quotes; and

**WHEREAS**, Vanessa & Jesse Triou dba Happy Home Helper is a locally owned and operated cleaning service that has submitted a quote for \$1591.00 per month (\$19,240.00 per year) which has been determined to be the best value for the Town;

**NOW THEREFORE BE IT RESOLVED** that the Town Supervisor is hereby authorized to sign a one-year Contract with Vanessa & Jesse Triou dba Happy Home Helper to provide cleaning services to the Town Hall, effective January 1, 2024.

Adopted this 2nd day of November, 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 173-23: TO SET PUBLIC HEARING – LOCAL LAW NO. 9 OF 2023 TO AMEND THE WALWORTH TOWN CODE AT CHAPTER 74 TO ADDRESS CONSULTANT AND PROFESSIONAL FEES**

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

**WHEREAS**, in order to continue to ensure the Town is adequately reimbursed for professional and consultant fees incurred by the Town in addressing development applications, the Town Board now has before it a proposed Local Law “to Amend the Walworth Town Code to Address Consultant and Professional Fees;” said draft Local Law is on file with the Town Clerk.

**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 and Supervisor Donalty explained the need for this Local Law.

Adopted this 2<sup>nd</sup> day of November, 2023, at a meeting of the Walworth Town Board.

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

Resolution carried.

**COMMUNICATION:**

- **Letter from Wayne County Water & Sewer Authority regarding proposed water rates and charges for 2024**, dated October 25, 2023

**TOWN BOARD MEETINGS:**

DATE	TIME	MEETING TYPE
NOVEMBER 16, 2023	6:30 PM	REGULAR
DECEMBER 7, 2023	6:30 PM	REGULAR
DECEMBER 21, 2023	6:30 PM	REGULAR

Supervisor Donalty stated that the presentation at the December 7, 2023 Town Board meeting would be George Bastido, Wayne County Emergency Management, regarding the 2024 Solar Eclipse.

**NEW AND OTHER BUSINESS:**

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

As the Employment Handbook had been discussed earlier in the meeting, Councilwoman Linson stated that search for the Assessor was moving forward.

➤ **Dolomite Park Update**

Councilwoman Linson stated that, as per the agreement between the Town and the Wayne Youth Lacrosse, the field restoration was completed with the Parks Department having completed the repairs to the field, and the Wayne Youth Lacrosse organization having supplied the materials.

➤ **K2 Brewing Liquor License Discussion**

**RESOLUTION 174-23: TO WAIVE 30 DAY HOLD PERIOD FOR LIQUOR LICENSE APPLICATION FOR K2 BROTHERS BREWING, 4320 CANANDAIGUA ROAD, WALWORTH, NEW YORK 14568**

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

**WHEREAS**, K2 Brewing, Inc. submitted a Notice of Intent to file a new application for an On-Premises Alcoholic Beverage License for liquor, wine, beer and cider to be sold at 4320 Canandaigua Road, Walworth, New York;

**WHEREAS**, pursuant to the applicable provisions of the Alcohol and Beverage Control Law Section 64, Subdivision 2(a), the Town of Walworth has been notified of their intent to file an application for a liquor license with the New York State Liquor Authority; and

**WHEREAS**, a thirty (30) day hold before said application can be filed is mandated by New York Alcohol and Beverage Control Law, however, this time period may be waived by the municipality; and

**WHEREAS**, the Walworth Town Board wishes to assist the applicant in expediting the application process so as to allow a new business to achieve the greatest level of success by advancing this approval process; now, therefore be it

**RESOLVED**, that to the extent permitted by the New York State Liquor Authority, the Walworth Town Board hereby waives the requirement that written notice of the application be given to the Town at least thirty (30) days prior to submitting this application; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to issue a letter to the applicant and to the New York State Liquor Authority to confirm the Town’s receipt of the Notice of Intent to file for the liquor license and a waiver of the thirty (30) day hold on the processing of said application.

Adopted this 2<sup>nd</sup> day of November, 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 175-23: LIQUOR LICENSE APPLICATION FOR K2 BROS. BREWING, 4320 CANANDAIGUA ROAD, WALWORTH, NEW YORK 14568**

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

**WHEREAS**, pursuant to the requirement of the New York State Alcoholic Beverage Control (ABC) Law, an applicant for a license to sell alcoholic beverages at retail, for on-premises consumption, as well as any applicant for renewal of such a license, must notify the Town Clerk of the municipality wherein the premises are located; and

**WHEREAS**, the notice is given in order that the municipality, if it so desires, may express an opinion for or against the granting of said license or renewal to the ABC Board; and

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Walworth, that with respect to the application submitted by K2 Bros. Brewing, 4320 Canandaigua Road, Walworth, New York for a license to sell alcoholic beverages at retail for on-premises consumption, the Walworth Town Board does express a favorable opinion;

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Town Board of the Town of Walworth adopts this Resolution and authorizes the Town Clerk to issue a letter to the applicant and to the New York State Liquor Authority to confirm receipt of the Intent To File and the inform both parties of the opinion of the Town Board.

Adopted this 2<sup>nd</sup> day of November, 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.

**PUBLIC PARTICIPATION:**

Two members of the public wished to address the Town Board:

- 1) Joe Geiger presented a petition for a speed reduction on Swadling Road to the Town Board
- 2) Deborah Williams spoke cautioning the Town Board to place dollar amounts in all resolutions up for approval

**EXECUTIVE SESSION:**

Motion by Councilman Johnson to enter into 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.

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 Comptroller Stanford was asked to remain in the meeting room for the executive session.

Time: 7:16 PM

**ADJOURNMENT:**

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

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

Motion carried.

Time: 8:13 PM

Respectfully Submitted,  
 Aimée Phillips  
 Town Clerk