

**NOTICE OF PUBLIC HEARING FOR LOCAL LAW TO AMEND THE  
WALWORTH TOWN CODE AT CHAPTER 74 TO ADDRESS CONSULTANT  
AND PROFESSIONAL FEES**

**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. 9 of 2023 to Amend the Walworth Town Code to Address Consultant and Professional Fees.

**PLEASE TAKE FURTHER NOTICE** that the purpose of said Local Law to continue to ensure the Town is adequately reimbursed for professional and consultant fees incurred by the Town in addressing development applications.

**PLEASE TAKE FURTHER NOTICE** that said proposed Local Law is on file at the Walworth Town Clerk's Office located at 3600 Lorraine Dr., 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 **November 16, 2023, at 6:30 PM**, to be held at Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY. An opportunity to be heard in regard thereto will then and there be given to members of the public. Written comments may also be directed to the Walworth Town Clerk, Walworth Town Hall, 3600 Lorraine Dr., Walworth, NY.

Dated: November 2, 2023  
BY ORDER OF THE  
WALWORTH TOWN BOARD  
Aimée Phillips  
Town Clerk

**LOCAL LAW NO. 9 OF 2023 - TO AMEND THE WALWORTH TOWN CODE AT CHAPTER 74 TO ADDRESS CONSULTANT AND PROFESSIONAL FEES**

**BE IT ENACTED**, by the Town Board of the Town of Walworth, Wayne County, State of New York, as follows:

**Section I. Authorization**

The adoption of this Local Law is in accordance with Section 10 of New York Municipal Home Rule Law.

**Section II. Title and Purpose**

This law shall be known as and may be cited as Local Law No. 9 of 2023 to Amend the Walworth Town Code to Address Consultant and Professional Fees, and its purpose is to revise and clarify how consultant and professional fees incurred by the Town of Walworth in reviewing development applications are to be reimbursed to the Town.

**Section III. Legislative Intent and Finding**

Chapter 74 should be revised as set forth herein, all in order to continue to ensure the Town is adequately reimbursed for professional and consultant fees incurred by the Town in addressing development applications.

**Section IV. Amendment**

*The following legislation, which is enacted and implemented by way of this local law, is to be codified in the Walworth Town Code as set forth herein:*

*Section 74-2 of the Walworth Town Code, entitled "Consultant fees to be borne by applicant," shall be revised to read as follows:*

Consultant fees incurred for the consulting, professional or other related services described herein shall be borne by the applicant. A deposit to be held in escrow in addition to the application fee may be required in advance to cover the estimated costs. Should no escrow be required, the costs will be billed to the applicant as required.

*Section 74-3 of the Walworth Town Code, entitled "Escrow," subsection A and B thereof, shall be revised to read as follows:*

A. Escrow Requirement and Amount. In accordance and consistent with the Town of Walworth Fee Schedule (where minimum initial escrow amounts based on the estimated cost to the Town of reviewing the particular type of application may be set forth) to the extent addressed therein, the Department of the Building Inspector and Code Enforcement will determine whether an escrow deposit will be required in advance and the amount required to be initially deposited. The

amount shall be based on the estimated cost to the Town of reviewing the particular type of application. The Department may consider the consultant and professional review expenses incurred by neighboring municipalities in reviewing similar applications and may also consider the Town's past cost in reviewing similar applications. In establishing whether a deposit shall be required, and the amount thereof, the Town may take into consideration the size, type and number of buildings to be constructed; the number of lots proposed; the topography, soil conditions, and other environmental conditions at such site; the infrastructure proposed in the application; any special conditions the reviewing board may deem relevant; and any other factors the Town may find relevant.

B. Funding of Escrow. Where an escrow is required, if at any time during the review and processing of an application there shall be insufficient monies on hand to the credit of an applicant to pay incurred costs, or if it shall reasonably appear to the reviewing board or the Department of the Building Inspector and Code Enforcement that such monies will be insufficient to meet anticipated costs, the Town shall cause the applicant to deposit additional sums deemed necessary or advisable in order to meet such costs or anticipated costs.

*Section 74-4[A] of the Walworth Town Code, entitled "Payment of Consultant Fees," shall be revised to read as follows:*

A. Vouchers and Billings. Upon receipt and approval by the Town Board of itemized invoices for services rendered on behalf of the Town regarding a particular application, where an escrow is established, the Supervisor shall cause vouchers to be paid out of the monies so deposited. The record of such account shall be debited accordingly. Where there is no escrow requirement, the costs shall thereafter be billed on a monthly basis and paid by the applicant within 30 days. Upon request by the applicant, the Town shall make copies of all vouchers available within a reasonable period of time; copies of the vouchers may be redacted to protect proprietary information and/or legally privileged communications between the Town officials and the consultants.

*Section 74-4[F] of the Walworth Town Code, entitled "De minimis review costs," shall be removed and repealed in its entirety.*

## **Section V. Validity and 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 adjudged 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 VI. Repeal, Amendment and Supersession of Other Laws**

All other ordinances or local laws of the Town which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

**Section VII. Effective Date**

This Local Law will take effect immediately, subject to filing with the Secretary of State of NY.