

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 6:35 PM and led those present in the recitation of the Pledge of Allegiance.

PRESENT:

| | |
|-----------------|--------------|
| Michael Donalty | Supervisor |
| Amber Linson | Councilwoman |
| Jim Harden | Councilman |
| Aimée Phillips | Town Clerk |

ABSENT:

| | |
|---------------|------------------------|
| Alex Kelly | Councilman |
| Rick Johnson | Councilman |
| Kevin Switzer | Highway Superintendent |

OTHERS PRESENT: Christine Stanford, Town Comptroller; Michael Buckley, Parks and Facilities Superintendent; Adam Jozwiak, Sewer Superintendent, Gene Bavis, Town Historian, Anne Brown, Walworth-Seely Public Library Director; Bernie Maurer, Walworth-Seely Public Library Assistant and Bookkeeper; Evan Phillips, Eagle Scout candidate; Kate Powers, Senior Planner, LaBella Associates; Barbara Johnson, Senior Planner, LaBella Associates; George Bastedo, Director, Wayne County Office of Emergency Management; one (1) Town newspaper reporter and one (1) member of the public.

PUBLIC HEARING – 6:30 PM – 2023 TOWN OF WALWORTH COMPREHENSIVE PLAN

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 2023 TOWN COMPREHENSIVE PLAN UPDATE

PLEASE TAKE NOTICE THAT the Walworth Town Board will conduct a public hearing at **6:30 p.m. on December 7, 2023** at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY 14568 on the proposed Town of Walworth Comprehensive Plan Update. Copies of the draft Comprehensive Plan Update are available for public review during normal business hours at the Walworth Town Clerk’s office.

Dated: November 16, 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: 6:38 PM.

LaBella Associates representatives Kate Powers and Barbara Johnston reviewed the purpose of the Town’s Comprehensive Plan, committee and community engagement and involvement and the plan components.

No written correspondence had been received by the Town Clerk’s Office.

Motion by Councilwoman Linson to close the Public Hearing.
 Seconded by Councilman Harden.

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

Motion carried.

Time: 6:45 PM.

MINUTES

Motion by Councilwoman Linson that the minutes of November 16, 2023 Regular Meeting are approved as submitted by the Town Clerk. Seconded by Councilman Harden.

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

Motion carried.

PRESENTATIONS:

- George Bastedo, Wayne County Office of Emergency Management

Mr. Bastedo reviewed an explanation as to the science behind a total eclipse of the sun, as well as anticipated needs and plans for the day of April 8, 2024. Highlighting concerns and potential challenges regarding traffic congestion, cell tower needs, Ginna evacuation, residential and business planning, as well as County involvement, Mr. Bastedo commented on pre-planning and post-planning recommendations.

- Evan Phillips, Eagle Scout Project

Eagle Scout candidate Evan Phillips introduced himself and reviewed his proposal for a community garden, in conjunction with the Walworth-Seely Public Library, and budget request. Discussion ensued regarding ongoing maintenance responsibilities, funding opportunities, materials, labor needs and deadlines for the project.

RESOLUTION 188-23: TO APPROVE PROPOSED EAGLE SCOUT PROJECT FOR A COMMUNITY GARDEN TO BE COMPLETED BY EVAN PHILLIPS AS PRESENTED AND DONATION NOT TO EXCEED \$350.00

Councilman Harden offered the Resolution and moved its adoption. Seconded by Supervisor Donalty to wit:

WHEREAS, Mr. Phillips has submitted a proposal to the Town Board for the construction of a community garden to be located on the grounds of Ginegaw Park; and

WHEREAS, the cost of the construction will be approximately \$602.00; and

WHEREAS, the construction is planned to take place in the spring of 2024; and

WHEREAS, Mr. Phillips petitioned for additional donated funds from the Town in support of his project;

BE IT RESOLVED, the Town Board of Walworth hereby approves the Eagle Scout project for a community garden to be located on the grounds of Ginegaw Park, as presented as well as a donation not to exceed \$350.00 toward the cost of materials. The Eagle Scout project is on file in the Town Clerk’s office.

Adopted this 7th day of December, 2023 at a meeting of the Town Board.

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

Resolution carried.

ELECTED OFFICIALS’ REPORTS:

TOWN CLERK – No report.

HIGHWAY SUPERINTENDENT – No report.

COUNCILMAN KELLY – No report.

COUNCILWOMAN LINSON

Councilwoman Linson spoke regarding the upcoming Wreaths Across America event schedule for December 16, 2023 at 12:00 PM at the Walworth Cemetery, followed by an open house at the Walworth Historical Society.

COUNCILMAN HARDEN – No report.

COUNCILMAN JOHNSON – No report.

SUPERVISOR DONALTY

Supervisor Donalty reported on the following:

- Requests for Proposals for professional services were opened on November 30, 2023, and Councilmen Johnson and Kelly will review for awards to be completed at the December 21, 2023 Town Board meeting
- Councilwoman Linson had resigned her position as Deputy Supervisor, therefore Supervisor Donalty has appointed Councilman Johnson as Interim Deputy Supervisor
- The Association of Towns annual conference will be held in Rochester in 2024 and encouraged Board members to attend

- The Town Board meeting schedule draft has been prepared and there will be no changes except for the elimination of the first meetings in the months of June, July and August 2024, with the second meeting to be held at different locations throughout the Town during those summer months

RESOLUTIONS:

RESOLUTION 189-23: AUTHORIZATION FOR TOWN BOARD TO REASSERT THE CREATION OF THE POSITION OF DEPUTY SUPERVISOR

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

WHEREAS, the establishment of the office of Deputy Supervisor by the Town Board is authorized under NYS Town Law section 42; and

WHEREAS, a search of the records maintained by the office of the Town Clerk resulted in no record of a Resolution having been passed approving the creation of the office of the Deputy Supervisor; and

WHEREAS, the office of the Deputy Supervisor has been recognized by prior past Town Boards for as long as anyone can remember;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby reasserts the establishment of the office of the Deputy Supervisor in accordance with New York State Town Law section 42.

Adopted this 7th day of December, 2023 at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 190-23: AUTHORIZATION TO ISSUE PETTY CASH FUNDS TO THE RECEIVER OF TAXES FOR THE 2024 TAX COLLECTION

Councilwoman Linson offered Resolution 190-23 and moved its adoption. Seconded by Councilman Harden to wit:

WHEREAS, the Town of Walworth will provide the Receiver of Taxes with Petty Cash Funds for 2024 Tax Collection in the amount \$200.00.

BE IT RESOLVED, the funds for Petty Cash is given to the Receiver of Taxes and Assessments for the 2024 Tax Collection in the amount of \$200.00.

Adopted this 7th of December, 2023 at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 191-23: TO APPROVE REVISED CONTROL AGREEMENT AS IT RELATES TO THE REGIONAL WASTEWATER TREATMENT PLANT PROJECT

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

WHEREAS, in lieu of upgrading and continuing to independently operate each of such existing wastewater treatment plants, the Wayne County Water and Sewer Authority (“Authority”) and the Town of Macedon, Town of Marion, Town of Palmyra, Town of Walworth and Village of Palmyra have agreed to work together cooperatively to develop a single facility and conveyance system that would meet all their collective needs (the “Project”); and

WHEREAS, due to increased costs, the Towns recently confirmed their agreement to continue to proceed with the Project, including with a replacement enhanced funding package, and, in connection with proceeding on said basis, the Authority has requested that the Towns execute a revised version of the associated “Control Agreement.”

NOW, THEREFORE, BE IT, RESOLVED, that the Walworth Town Board hereby authorizes execution of said “2023 Amended and Restated Control Agreement,” the same being attached hereto and made a part hereof.

Adopted this 7th day of December, 2023, at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 192-23: TO AUTHORIZE TERMINATION OF SHARED ASSESSOR SERVICES AGREEMENT

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

WHEREAS, on or about September 23, 2019, the Town of Ontario and the Town of Walworth entered into an agreement entitled “Shared Assessor Services Agreement” (the “Agreement”) concerning the sharing of assessment services between said Towns; and

WHEREAS, the assessor providing said services has recently resigned and the Towns wish to terminate the Agreement.

NOW THEREFORE, BE IT RESOLVED, that the Town of Walworth hereby agrees to terminate the Agreement, all pursuant to the attached Agreement to Terminate Shared Assessor Services, which is hereby approved, and which the Supervisor is hereby authorized to execute.

Adopted this 7th day of December, 2023, at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 193-23: TO ADOPT THE TOWN OF WALWORTH POLICY AND PROCEDURE AGAINST DISCRIMINATION AND HARASSMENT (TABLED)

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

WHEREAS, the Town Board has reviewed the New York State Non-Discrimination and Harassment Policy adopted 10/3/2019 and finds that changes need to be made; and

WHEREAS, The Town of Walworth believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace; and

WHEREAS, the Town of Walworth is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subject to harassment or discrimination in the workplace; and

WHEREAS, it is the policy of the Town of Walworth to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation), citizenship, domestic violence victim status or any other characteristic protected by applicable federal, state or local law;

BE IT RESOLVED, that the Town of Walworth hereby adopts the policy and procedure against discrimination and harassment and copies of all documents will be distributed and available to all Town employees.

Discussion ensued regarding pending lawsuits concerning this policy and if the Town should adopt this resolution prior to the outcomes of those cases.

Councilwoman Linson made the motion to table the resolution to be discussed at the Town Meeting held on December 21, 2023. Seconded by Supervisor Donalty.

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

Motion carried.

RESOLUTION 194-23: AUTHORIZE TOWN SUPERVISOR TO SIGN OUT OF DISTRICT SEWER USER AGREEMENT AND MEMORANDUM FOR PROPERTY LOCATED AT 3504 MAIN STREET

Councilwoman Linson offered Resolution 194-23 and moved its adoption. Seconded by Councilman Harden to wit:

The following was submitted:



Walworth Wastewater Treatment Plant
Adam Jozwiak, Sewer Superintendent
3451 Ontario Center Road
Walworth NY 14568
315.986.1400 extension 10
sewer@townofwalworthny.gov

November 28, 2023

Attention: Michael Donalty, Town Supervisor
Walworth Town Board Members

Re: Out of District Sewer User – Dion & Jenny Terwilliger

This letter is regarding the Out of District Sewer User Application for Dion & Jenny Terwilliger at 3504 Main Street, Walworth NY 14568.

The Walworth Sewer Department has no issue with this resident hooking up to the sewer line as an "Out of District" user. This property is considered "Out of District" due to the distance from the Town sewer line and the position of the home. The homeowner must be aware that by doing so they are solely responsible for the cost of the installation of the complete line, including connection. This line will be maintained by the homeowner as the Town is not responsible for maintenance or repair to such line according to Chapter 139-20, paragraph C. (See attached code).

I see no reason to charge this residence any additional fees, above and beyond what in district users are charged, as set by the Town of Walworth.

Should you have any questions please contact me.

Respectfully submitted,

Adam Jozwiak, Town of Walworth
Sewer Superintendent

NOW, THEREFORE BE IT RESOLVED, that the Town Supervisor is authorized to sign the Out of District User Agreement for property located at 3504 Main Street.

Adopted this 7th day of December, 2023, at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 195-23: AUTHORIZING THE TOWN CLERK TO ADVERTISE THE TOWN ORGANIZATIONAL AND REGULAR MEETINGS FOR JANUARY 2024

Councilwoman Linson offered Resolution 195-23 and moved its adoption. Seconded by Councilman Harden to wit:

RESOLVED that the Town Clerk advertise the Town Organizational Meeting for Thursday, January 4, 2024 at 6:00 PM and the Town Board Regular Meeting for Thursday, January 4, 2023 at 6:30 PM.

Adopted this 7th day of December, 2023 at a meeting of the Town Board.

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

Resolution carried.

RESOLUTION 196-23: AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE WAYNE COUNTY HUMANE SOCIETY AGREEMENT FOR SHELTER SERVICES

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

THE WAYNE COUNTY HUMANE SOCIETY
AGREEMENT FOR SHELTER SERVICES

THIS AGREEMENT, made this _____ day of _____, 202_, Pursuant to the provisions of Sections 115 and 116 of the Agriculture and Markets Law, by and between the Town of Walworth, a municipal corporation in the State of New York, party of the first part, and the Wayne County Humane Society, a corporation organized and existing pursuant to the Not-For-Profit Corporation Law of the State of New York, and having its office and principal place of business at 1475 County House Road, Lyons, New York, party of the second part,
WITNESSETH:

FIRST: The party of the second part, in consideration of the payment to it by the party of the first part of the sums of money to be paid in the manner and at the times hereinafter particularly described, hereby covenants and agrees that:

1. The party of the second part will provide and maintain a shelter for animals in such shelter and will humanely euthanized or make available for adoption seized domestic animals not redeemed as provided in Article 7 of the Agriculture and Markets Law. Such shelter shall at all times during the term hereof be under the care and charge of a competent employee and shall be open to the public at reasonable hours.
2. The party of the second part will not turn domestic animals away from the shelter if brought to the shelter by individuals from a contracting Town/Village. The dog control officer will be notified when dog turnovers are made. The shelter personnel will require a DL18 at this time. The dog control officer will be given pertinent information on the dog and the person making the turnover
3. The party of the second part will follow the provisions of Article 7 of the Agriculture and Markets Law and any rules and regulations promulgated pursuant thereof in relation to the holding, care, adoption, licensing, redemption and disposition of seized animals.
4. The party of the second part will file and maintain a complete record of any turn over and subsequent disposition of any dog in the manner prescribed by the Commissioner of Agriculture and Markets as well as any other records required by Article 7.
5. The party of the first part will control its impound fees.

SECOND: In consideration of the performance by the party of the second part of the terms of this Agreement, the party of the first part hereby agrees to pay the party of the second part in accordance with the attached schedule of charges, whenever applicable, to be billed and payable on a monthly basis. Injured animals brought in by a DCO or any duly authorized Town/Village officer of the party of the first part must be seen and treated by a veterinarian before being left with the party of the second part and be accompanied with veterinarian instructions for care. Party of the first part is responsible for veterinary bills in all cases.

This Agreement shall commence on January 1, 2024 and be terminated either upon 30 days written notice by one of the parties to the other or upon the signing of a new Agreement by the parties.

CONTINUED ON NEXT PAGE

IN WITNESS THEREOF, the parties hereto have caused their separate corporate seals to be hereunto affixed and this Agreement to be signed by their authorized officers, the day and year first above written.

TOWN OF WALWORTH

By _____
Supervisor

WAYNE COUNTY HUMANE SOCIETY

By Mark Plyter
Its Executive Director

STATE OF NEW YORK)
) SS.
COUNTY OF WAYNE)

On this _____ day of _____, 2023,
before me, the subscriber, personally appeared _____, to
me personally known, who, being by me duly sworn, did depose and say that (s)he resides in the
_____ of _____, Wayne County, New York;
that (s)he is the Supervisor of the Town of Walworth, Wayne County, New York, the
municipal corporation described herein, and which executed the foregoing Agreement; that (s)he
knows the seal of said corporation; that the seal affixed to said Agreement is such corporate seal;
that it was so affixed by order of the Town/Village Board of such corporation; and that (s)he
signed (her)his name thereto by like order.

Notary Public

STATE OF NEW YORK)
) SS.
COUNTY OF WAYNE)

On this _____ day of _____, 201_____,
before me, the subscriber, personally appeared Mark Plyter, to me personally known, who,
being by me duly sworn, did depose and say that (s)he resides in the Town of Williamson,
Wayne County, New York; that (s)he is the Executive Director of the Humane Society of Wayne
County, New York, which executed the foregoing Agreement; that (s)he knows the seal of said
corporation; that the seal affixed to said Agreement is such corporate seal; that it was so affixed
by order of the Board of Directors of such Not-For-Profit corporation; and that (s)he signed
(her)his name thereto by like order.

Notary Public

BE IT RESOLVED that the Town Supervisor is hereby authorized to sign the agreement with the Wayne County Humane Society for shelter services for 2024.

Adopted this 7th day of December, 2023 at the meeting of the Town Board.

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

Resolution carried.

COMMUNICATIONS:

- **Town of Walworth Monthly Building and Zoning Report for October 2023**
- **Letter from Internal Audit Services Unit, New York State Unified Courts System, dated November 20, 2023**
- **New York State Agriculture and Markets Municipal Shelter Inspection Report, dated November 13, 2023**
- **Town of Highway Department Summary of Highway Work for October and November 2023**
- **Assessment Department October 2023 Sales Report**
- **Animal Control Officer Report for November 2023**
- **Letter of resignation of position of Deputy Supervisor by Amber Linson, dated December 1, 2023**

TOWN BOARD MEETINGS:

| DATE | TIME | MEETING TYPE |
|-------------------|---------|----------------|
| DECEMBER 21, 2023 | 6:30 PM | REGULAR |
| JANUARY 4, 2024 | 6:00 PM | ORGANIZATIONAL |
| JANUARY 4, 2024 | 6:30 PM | REGULAR |

NEW AND OTHER BUSINESS:

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

No update was given at this time.

➤ **Fund Balance Discussion**

Town Comptroller Stanford recommended that Town fund balances should be examined by fund for future planning.

➤ **Part-Time Employee Benefit Discussion**

Town Comptroller Stanford explained the reasoning for a change in the funding of part-time employee health insurances. Councilman Harden thanked Mrs. Stanford for her research and discussion ensued regarding next steps, with Board members agreeing to revisit the discussion at a later date.

PUBLIC PARTICIPATION

Town Historian Gene Bavis shared upcoming events for both the Walworth Historical Society and the Wayne County Bicentennial.

EXECUTIVE SESSION:

Motion by Councilwoman Linson to enter into an executive session to discuss information relating to current/future investigation or prosecution of a criminal offense.

Seconded by Councilman Harden.

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

Motion carried.

Time: 7:55 PM

RECONVENE:

Councilwoman Linson made the motion to reconvene the regularly scheduled meeting. Seconded by Councilman Hadren.

Time: 8:01 PM.

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

Motion carried.

ADJOURNMENT:

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

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

Motion carried.

Time: 8:01 PM

Respectfully Submitted,
Aimée Phillips
Town Clerk