

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
	Jim Harden	Councilman (entered meeting at 6:38pm)
	Rick Johnson	Councilman
	Jenna Camacho	Town Clerk
<b><u>ABSENT:</u></b>	Alex Kelly	Councilman
	Kevin Switzer	Highway Superintendent

**OTHERS PRESENT:** Christine Stanford, Town Comptroller; Donald Young, Esq., Town Attorney; Michael Buckley, Parks Superintendent; Jackie VanLare, Recreation Director

**MINUTES**

Motion by Councilwoman Linson that the minutes of **February 1, 2024 Regular Meeting** are approved as submitted by the Town Clerk. Seconded by Councilman Johnson.

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

Motion carried.

**ELECTED OFFICIALS’ REPORTS:**

**TOWN CLERK** –

Town Clerk Camacho addressed Tax Collection, advised board and residents that March 4,2024 is the last day to pay taxes without and addition penalty added on. Town Clerk also thanked the Town Board and Residents for their patience during the office transition.

**HIGHWAY SUPERINTENDENT** – No report.

**COUNCILMAN KELLY** – No report

**COUNCILWOMAN LINSON** –

Councilwoman Linson congratulated the library on the OWWLIE Award for their work with the 414 Referendum. Councilwoman Linson also advised residents if they attend a program at the library, they will receive two pairs of eclipse glasses for their household. March 7<sup>th</sup>, 2024, there will be a meeting regarding the community garden plans. There will be meeting for the second week of March to sit with the Sewer Authority Town of Macedon and Walworth to go over the lease agreement to get final details. Still some items need clarification but will have before meeting

**COUNCILMAN HARDEN** – No report.

COUNCILMAN JOHNSON –

No movement or update on dispensaries Moratorium still in place. Councilman Johnson advised he has been in contact with Chris Wallace from RG&E and NYSEG in regards to EV Charing station. A Zoom meeting is scheduled for next week to discuss grant options. Will also be in contact with Balliter electrical contractor. Harvest Hill lighting district is being looked at for LED lighting options. When upgrades happened for the whole Town to LED, Harvest Hill was omitted from the upgrade in 2019.

SUPERVISOR DONALTY –

Supervisor Donalty received the Wayne County Treasures report for Sales Tax Distribution for the 4<sup>th</sup> quarter of 2023. Town of Walworth will receive \$274,776,72.00 3<sup>rd</sup> highest in the County in sales tax revenue.

SALES TAX DISTRIBUTION									
4th Quarter 2023									
SCHOOLS	ADA	AMT DUE SCHOOL	TOWNS AND VILLAGES	2020 POPULATION	RATES PER PERSON	AMOUNT DUE BEFORE BREAKDOWN	RATIO PER ASSESSMENT	AMOUNT DUE TOWN	AMOUNT DUE VILLAGE
448.515786786670					#####				
CATO-MERIDIAN	0	\$0.00	ARCADIA	13731		\$407,755.24	0.4080	\$166,364.14	
CLYDE-SAVANNAH	813.44	\$364,840.68	NEWARK(V)	INCL			0.5920		\$241,391.10
GANANDA	821.92	\$368,644.10	BUTLER	1835		\$54,492.09	0.9053	\$49,331.69	
LYONS	842.37	\$377,816.24	BUTLER (V)	INCL			0.0942		\$5,160.40
MARION	622.96	\$279,407.39	GALEN	4415		\$131,107.67	0.6820	\$89,415.43	
NEWARK	1634.38	\$733,045.23	CLYDE(V)	INCL			0.3180		\$41,692.24
N.ROSE-WOLCOTT	990.34	\$444,183.12	HURON	1872		\$55,590.84		\$55,590.84	
PALMYRA-MACEDON	1510.96	\$677,689.41	LYONS	5679		\$168,643.36		\$168,643.36	
PENFIELD	403.92	\$181,164.50	MACEDON	9270		\$275,281.56		\$275,281.56	
PHILIPS-CLIFTON SPRING	21.27	\$9,539.93	MARION	4566		\$135,591.76		\$135,591.76	
PORT BYRON	8.08	\$3,624.01	ONTARIO	10446		\$310,204.01		\$310,204.01	
RED CREEK	401.59	\$180,119.45	PALMYRA	7403		\$219,839.20	0.6605	\$145,203.79	
SODUS	916.64	\$411,127.51	PALMYRA (V)	INCL			0.3395		\$74,635.41
VICTOR	28.24	\$12,666.09	ROSE	2291		\$68,033.45		\$68,033.45	
WAYNE	1960.22	\$879,189.62	SAVANNAH	1632		\$48,463.81		\$48,463.81	
WEBSTER	177.57	\$79,642.95	SODUS	8028		\$238,390.17	0.6300	\$150,191.48	
WILLIAMSON	885.81	\$397,299.77	SODUS (V)	INCL			0.1140		\$27,177.51
			SODUS POINT (V)	INCL			0.2556		\$61,030.18
TOTAL	12039.71	\$5,400,000.00	WALWORTH	9253		\$274,776.72		\$274,776.72	
			WILLIAMSON	6860		\$203,714.29		\$203,714.29	
BALANCE CHECK		\$0.00	WOLCOTT	4002		\$118,843.23	0.7185	\$85,388.86	
			WOLCOTT (V)	INCL			0.1859		\$32,092.96
			WOLCOTT/RED CR	INCL			0.0956		\$11,361.41
			TOTALS	91283		\$2,710,736.38		\$2,226,195.19	\$484,541.21
						\$0.02			

ELECTED OFFICIALS’ REPORTS:

- Monthly Report of the Supervisor for December 2023
- Monthly Report of the Town Clerk for January 2024
- Receiver of Taxes Report January 16-February 13, 2024

Motion by Councilwoman Linson to accept **all Department Reports as submitted.** Seconded by Councilman Johnson

- Roll call vote:
- Councilwoman Linson

Councilman Kelly

Councilman Harden

Councilman Johnson

Supervisor Donalty

Aye

Absent

Aye

Aye

Aye

Motion carried.

**RESOLUTIONS:**

**RESOLUTION 50-24: TO AMEND THE 2024 TOWN FEE SCHEDULE RECREATION FIELD USE FEES**

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

WHEREAS, the 2024 Town Fee Schedule specifies that the Field Usage Fees are as followed:

- Tier 1: 75% or greater of group/team roster are Walworth residents, and proof of 501(c)(3) designation
- Tier 2: 74% or fewer of group/team roster are Walworth residents, and no proof of 501(c)(3) designation
- Additional fees: Includes Paint and/or chalk used, and labor

WHEREAS, it is necessary to use both resident status and neighboring school district to determine tiers.

WHEREAS, The Town Of Walworth has a split of residents between Gananda and Wayne Central School districts

WHEREAS, the goal is to work in partnership with the districts to support their respective youth programs and development

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby amends the 2024 Fee Schedule as indicated below:

- Tier #1: Greater Walworth Community Partners
  - At least 75% of group/team roster are Walworth Residents and/or Gananda or Wayne CSD families.
  - Or Proof of Non-Profit Designation
- Tier #2: Non-Community/For-Profit
  - 74% or fewer of group/team roster are Walworth Residents and/or Gananda or Wayne CSD families.
  - No proof of Non-Profit Designation

Additional fees: Includes paint and/or chalk used, labor, and any mowing in addition to the regular field maintenance mowing schedule

Adopted this 15th day of February, 2024 at the meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 51 -24: BUDGET MODIFICATION TO APPROPRIATE AN  
ADDITIONAL \$320,000 OF FUND BALANCE TO FUND THE WALWORTH-SEELY  
PUBLIC LIBRARY**

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

**WHEREAS**, the Walworth-Seely Public Library successfully executed a Chapter 414 Rerendum in the November 2023 election, and

**WHEREAS**, the Referendum set the amount of financial support at \$320,000, and

**WHEREAS**, the \$320,000 was not raised via a tax levy by the Town, and

**WHEREAS**, the Town of Walworth has sufficient funds available in fund balance, and

**WHEREAS**, the Town Board has considered all options available to fund the Library for 2024, and has determined that using additional fund balance is in the best interest of the Town;

**NOW THEREFORE BE IT RESOLVED** that the Town Board authorizes the following budget modification to fund the Library for the 2024 fiscal year from fund balance.

**General Fund (A)**  
Appropriate additional Fund Balance (A599) \$320,000.00  
Increase Appropriations (A9901.90) \$320,000.00

**Library Fund (L)**  
Increase Revenues (L5031) \$320,000.00  
Increase Appropriations (L3410.400) \$320,000.00

Discussion ensued regarding how to better prepare for collection of taxes for the Library in upcoming years. Christine Stanford, Town Comptroller advised Board Members of fund balance information after this resolution is adopted.

**BE IF FURTHERED RESOLVED** that the Town Comptroller shall pay the library as soon as practicable.

Adopted this 15<sup>th</sup> day of February, 2024 at the meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 52-24: AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE  
WILLIAMSON LAW BOOK COMPANY ANNUAL SOFTWARE SUPPORT  
CONTRACT FOR PAYROLL**

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

The following was submitted:



NOW, THEREFORE, BE IT RESOLVED that Lehrwood Estates is authorized a release from its Letter of Credit in the amount of \$116,044.41as requested.

Town Attorney, Donald Young Esq. explained to Town Board what the reason is for the release of funds.

Adopted this 15th day of February, 2024 at the meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 54-24: AUTHORIZE THE TOWN BOARD TO SIGN RESOLUTION APPROVING 2023 CERTIFIED POINTS FOR THE LINCOLN FIRE DEPARTMENT LENGTH OF SERVICE PROGRAM**

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

The following was submitted:

Town of Walworth  
Resolution of the Town Board  
Resolution Number: \_\_\_\_\_

In the matter of approving the 2023 certified points

WHEREAS, the Town is the sponsor of a Length of Service Award Program (LOSAP) on behalf of the Lincoln of Department in accordance with Article 11-A of the New York State General Municipal Law (GML);

WHEREAS, as required by GML § 219-a(2)(c), the Lincoln of Department has submitted the attached list, certified under oath, of active members of the Fire Department, indicating those volunteers who earned at least fifty (50) points during 2023 to qualify for service credit;

WHEREAS, the certification made by the Fire Department includes a statement that the points recorded on the attached list have been tabulated in accordance with the Point System adopted by the Town to be in effect during calendar year 2023, and to the best of the knowledge of the Fire Department, is a true and accurate reflection of the activities performed by the active members;

WHEREAS, GML § 219-a(2)(d) requires the Town Board (Board) to review and approve the attached list, then return it to the Fire Department to be posted for thirty (30) days; and

WHEREAS, the Board has completed its review of the attached list; NOW, THEREFORE BE IT

RESOLVED, that the Town Board approves the attached list of volunteer firefighters of the Lincoln of Department and the points earned by these firefighters during calendar year 2023; and be it further

RESOLVED, that a copy of this adopted resolution and the attached list shall be returned to the Fire Department for posting for a minimum of thirty (30) days.

Councilperson \_\_\_\_\_ raised the motion to approve, Councilperson \_\_\_\_\_ seconded the motion, and upon roll call the vote of the Board was as follows:

Town Supervisor	_____	Aye / Nay / Absent
Councilperson	_____	Aye / Nay / Absent
Councilperson	_____	Aye / Nay / Absent
Councilperson	_____	Aye / Nay / Absent
Councilperson	_____	Aye / Nay / Absent

The resolution was thereupon declared duly adopted.

Dated: \_\_\_\_\_

Certified by Town Clerk (signature or seal): \_\_\_\_\_

STEP 2

BE IT RESOLVED, that the Town Board is authorized to sign resolution approving 2023 certified points for the Lincoln Fire Department Length of Service Program.

Adopted this 15<sup>th</sup> day of February, 202 at the meeting of the Town Board.

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

Resolution carried.

RESOLUTION 55 -24: ABSTRACT 2 APPROVAL

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

TOWN OF WALWORTH				
Abstract # 002			02/09/2024	
Summary by Fund			13:52:56	
Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	37,004.44	177,070.73	214,075.17
CM1-	PARK SPECIAL REVENUE FUND	205.66	241.07	446.73
DA	HIGHWAY FUND	13,966.77	62,099.88	76,066.65
HD	COMPREHENSIVE MASTER PLAN		1,550.00	1,550.00
SF2-	WEST WALWORTH FIRE PROTECTION		202,695.00	202,695.00
SF3-	LINCOLN FIRE PROTECTION		173,000.00	173,000.00
SL1-	WALWORTH LIGHT DISTRICT	607.28		607.28
SL2-	HARVEST HILL LIGHT DISTRICT	886.84		886.84
SL3-	GANANDA LIGHT DISTRICT	1,348.39		1,348.39
SL4-	BROOKSIDE LIGHT DISTRICT	31.44		31.44
SL5-	ORCHARD VIEW LIGHT DISTRICT	367.73		367.73
SM	GANANDA SIDEWALK DISTRICT		79.99	79.99
SS	WALWORTH SEWER DISTRICT #1	1,368.94	32,422.76	33,791.70
TA	TRUST & AGENCY	82,838.24		82,838.24
TC	CUSTODIAL TRUST	396,337.00	5,901.50	402,238.50
Total:		534,962.73	655,060.93	1,190,023.66

+

Voucher Numbers: 39-181,8-24,137-146

Abstract of audited vouchers is on file in the Town Clerks’ Office

Adopted this 15<sup>th</sup> day of February, 2024 at the meeting of the Town Board

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

Resolution carried.

RESOLUTION 56-24: AUTHORIZATION FOR LABELLA ASSOCIATES, P.C., TO SOLICIT BIDS FOR THE PROPOSED RESTROOM CONSTRUCTION AT GINEGAW PARK, PER THE FEBRUARY 12, 2024, PROBABLE COST ESTIMATE, AT A COST NOT TO EXCEED \$619,200.00(TABLED)

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

The following was submitted:

- RESTROOM BUILDING & PAVILION IMPROVEMENTS					
		790 SF	575	SF	
Item	Description	SF COST	Costs	Comments	Estimate Decrease
1	Civil / Site Work & UTILITIES	\$113.00	\$89,270		\$ 27,120
	Stone Lot & Sidewalks		\$42,144	Bid Alternate for Parking	\$ 69,816
	Utilities- 4" sanitary, 2" water		\$60,745		\$ 147,655
	SWPPP (Stormwater Pollution Prevention Plan)		\$0		\$ 7,500
2	General Construction	\$235.00	\$185,650		\$ 56,400
	Pavilion Improvements: Roof, Siding, Trim, Slab, Soffit		\$19,507		\$ -
	CREDITS: No TILE at Floor and walls	15.35	\$9,010		\$ 9,010
	CREDIT: No Insulation	1.82	\$844		\$ 844
	CREDIT: Change wall construction to Block	5.65	\$3,288		\$ 3,288
3	Mech/Plumbing*	\$70.00	\$55,300		\$ 16,800
4	Electrical	\$62.00	\$48,980		\$ 14,880
	Pavilion Improvements: Power & lighting		\$7,700		\$ -
	SF COST for Building only	\$457.18			
	Sub Total		\$496,153		\$ 353,314
	Bonds & Insurance	3%	\$14,885		
	O&P	15%	\$74,423		
	Mobilization/Phase	2%	\$9,923		
	Total Construction Cost		\$595,384		
	Construction Contingency	4%	\$23,815		
	Total (Rounded) Project Cost		\$619,200		

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes LaBella Associates, P.C., to solicit bids for the proposed restroom construction at Ginegaw Park, per the February 12, 2024, Probable Cost Estimate, at a cost not to exceed \$619,200.00.

Discussion ensued regarding the Ginegaw Park bathroom plans. The Parks Superintendent spoke of deductions that he believes can still be made to drive cost of construction down. Conversation between the Board, Town Comptroller, Parks Superintendent and Recreation Director about construction cost and funds.

Councilwoman Linson moved to table Resolution 56-24 so Board members are able to obtain correct information can be determined funding for this project. Councilman Johnson seconded motion.

Adopted this 15<sup>th</sup> day of February, 2024, at a meeting of the Town Board.

Roll call vote:

Councilwoman Linson

Aye

Councilman Kelly

Absent

Councilman Harden

Aye

Councilman Johnson

Aye

Supervisor Donalty

Aye

Resolution carried.

**RESOLUTION 57-24: TO APPOINT TOWN RESIDENT KRISTEN RUSH TO SERVE AS PLANNING/ZONING BOARD OF APPEALS ALTERNATE MEMBER**

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

WHEREAS, the Town has previously appointed an alternate to the Planning and Zoning Boards; and

WHEREAS, the Town Board is desirous to fill the vacant position of Alternate immediately and has previously advertised as such; and

WHEREAS, Ms. Rush has submitted an application to serve in this position, based upon the recommendation of Planning Board Chairman Dennis Landry;

NOW, THEREFORE, BE IT RESOLVED, that the Walworth Town Board appoints Kristen Rush to serve as Planning/Zoning Board of Appeals Alternate member, term ending December 31, 2024.

Adopted this 15<sup>th</sup> of February 2024 at a meeting of the Town Board.

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

Resolution carried.

**COMMUNICATIONS:**

- Animal Control Officer Report, dated January 30,2024
- Wasterwater Treatment Plant Report- January 2024
- Town Of Walworth Highway Department Monthly Report-January 2024
- Walworth Justice Couty Monthly Report- January 2024
- Parks Department Report January 13-Feruary 9, 2024
- Month End Report Recreation- January 2024
- Assessment Department Report- December 2023-February 2024

**TOWN BOARD MEETINGS:**

DATE	TIME	MEETING TYPE
MARCH 7, 2024	6:30 PM	REGULAR
MARCH 21, 2024	6:30 PM	REGULAR
APRIL 4, 2024	6:30 PM	REGULAR

**NEW AND OTHER BUSINESS:**

- Discuss rezoning of a portion of the Route 441 corridor for business development- Supervisor Donalty advised rezoning of 441 that runs form West Walworth Road and Canandaigua Road corridor is not necessary to create a business district.
- Discuss enacting a moratorium on solar installations

**RESOLUTION 58-24: SET PUBLIC HEARING LOCAL LAW NO. 1-2024 TO IMPLEMENT A TEMPORARY MORATORIUM RELATIVE TO SOLAR FACILITIES AND BATTERY STORAGE, EXCEPT FOR SINGLE FAMILY ROOFTOP SOLAR**

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

**WHEREAS**, the Walworth Town Board finds and hereby determines that the State of New York is currently experiencing and has over the recent past experienced significant new development of solar facilities and continues to receive more interest for additional development of solar facilities; and, in addition, battery storage, particularly for energy generated via solar facilities, has also received significant interest; and

**WHEREAS**, in noting the popularity of new solar facilities in New York as well as the interest in battery storage, the Town would like to examine the potential impacts thereof in the Town of Walworth as well as develop and adopt local legislation to regulate solar facilities and battery storage; and

**WHEREAS**, while the Town considers the aforementioned impacts and develops local legislation to regulate the same, the Town Board finds that any development of solar facilities and battery storage should be prohibited for a temporary period of time until completion of said studies in order to protect the health, safety and welfare of the Town of Walworth, including to better promote community planning and development values in the context of the rapidly changing technology and industry of large scale solar facilities and battery storage; and

**WHEREAS**, pursuant to the Town’s recently approved update to the Comprehensive Plan, the Town seeks to implement local laws to address development of solar facilities; and

**WHEREAS**, during the pendency of the moratorium, the Town Board will consider how best to permit such solar facilities and battery storage installations so as to harmoniously integrate such installations with the existing community.

**NOW, THEREFORE, BE IT RESOLVED**, by the Walworth Town Board, that a Public Hearing shall be had on the 7<sup>th</sup> day of March, 2024, at 6:30 p.m., for the purpose of adopting a local law, a copy of which is attached hereto, to implement a temporary moratorium on solar facilities and battery storage; and be it further

**RESOLVED**, that the Town Clerk advertise for said public hearing in a manner consistent with law; and be it further

**RESOLVED**, that a copy of said proposed Local Law be referred to the Wayne County Planning Department.

Adopted this 15<sup>th</sup> of February 2024 at a meeting of the Town Board.

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

Resolution carried.

**PUBLIC PARTICIPATION** – No public participation

**ADJOURNMENT:**

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

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

Motion carried.

Time: 7:30 PM

Respectfully Submitted,  
Jenna Camacho

Town Clerk