

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.

**PRESENT:**

Michael Donalty	Supervisor
Amber Linson	Councilwoman
Rick Johnson	Councilman
Kevin Switzer	Highway Superintendent
Jenna Camacho	Town Clerk

**ABSENT:** Councilman Jim Harden, Councilman Alex Kelly

**OTHERS PRESENT:** Adam Jozwiak, Sewer Superintendent; Nadine Seppeler, Deputy Town Clerk; Christine Stanford, Town Comptroller; Teresa Flye, Clerk to the Supervisor, Town Newspaper Reporter, and three members of the public.

**MINUTES**

Motion by Councilman Johnson that the minutes of **April 18,2024 Regular Meeting** are approved as submitted by the Town Clerk. Seconded by Councilwoman Linson.

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

Motion carried.

**PRESENTATIONS:**

**ELECTED OFFICIALS’ REPORTS:**

**TOWN CLERK –**

Town Clerk Camacho spoke regarding the current Dog Enumeration, Things going well. Advised 57 new dogs just off the census.

**HIGHWAY SUPERINTENDENT** – No report

**JUSTICE COURT-** No report

**COUNCILMAN KELLY** – No report

**COUNCILWOMAN LINSON –**

Councilwoman Linson congratulated the Friends of the Library book sale on bringing in about \$2,000. The Eagle Scout Garden project will start as early as the upcoming weekend May 4,2024 weather permitting. Historical Society will have their Annual Clean Up on May 11,2024 at 9:00am. Also, the Annual Meeting for the Historical Society will be held on May 13,2024 at 6:00 pm at the Lodge at Ginegaw Park.

**COUNCILMAN HARDEN** – No report.

**COUNCILMAN JOHNSON –**

Councilman Johnson attending the Special meeting for the Town’s Planning Board for the Byrne Dairy project and U-Haul project. Everything was approved to move forward. The Solar committee will be meeting weekly to continue efforts for the Town Code. Councilman Johnson also attended the Lincoln Fire Department Banquet and congratulated Mike Frederes for 50 years and the Ladies Auxiliary for 75 years. out.

**SUPERVISOR DONALTY –**

Supervisor Donalty congratulated Dennis Landry for being named Firefighter of the year for Lincoln Fire Department. Also, a proclamation for Buzz Appleman for his 50 years of Service. Attended Gananda Central on behalf of the county to give achievements to the Girls and Boys Swimming Team and Cheerleading Team. Supervisor Donalty received a request from a resident about a Town Clean up day. Conversation between the Board ensued and was advised the cost is just not worth the effort for the cleanup.

Supervisor Dotaly wanted to update the Town Board and the Residents of Walworth about the investigation that the Town is currently going through into the misappropriation of almost of funds. At this time the Judge overseeing the case has made the decision to turn the case over to another DA's office for review as there could potentially be a conflict of interest.

**RESOLUTIONS:**

**RESOLUTION 86 -24: RESOLUTION FOR DETERMINATION SPECIAL USE PERMIT FOR BYRNE DAIRY FOR A COMBINED RETAIL/CONVENIENCE STORE WITH FUELING FACILITY AT 1828 WALWORTH-PENFIELD ROAD AND ISSUANCE OF LICENSE AND HOLD HARMLESS FOR SEWER LATERAL**

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

**WHEREAS**, Sonbyrne Sales, Inc. (the "Applicant") has submitted an application to the Town which seeks a Special Use Permit (the "SUP Application"), pursuant to the Walworth Town Code at Section 180-13[D](15), relating to the operation of a combination ~4,232 +/- SF retail/convenience store with a fueling facility at the property at 1828 Walworth-Penfield Rd., Walworth, NY (the "Property"), all as more fully detailed in their application materials on file with the Town; and

**WHEREAS**, said SUP Application requires the review, referral and recommendation by the Planning Board, followed by review and approval by the Town Board; and

**WHEREAS**, as Lead Agency, the Walworth Planning Board has issued a Negative Declaration relative to this proposal; and

**WHEREAS**, by Resolution on April 30, 2024, the Walworth Planning Board granted Site Plan approval for the proposal, conditioned upon, among other items, approval of this SUP Application, and also recommended approval of the SUP Application.

**NOW, THEREFORE, BE IT RESOLVED**, that, in relation to the Special Use Permit application, the Town Board has carefully considered all relevant documentary, testimonial, and other evidence submitted, including but not limited to the Special Use Permit application materials, as well as any information submitted by the Town's consultants, including its Engineers, correspondence and oral testimony from the public, Town residents, various State, County and local agencies, and other information, as well as the Planning Board recommendation, and makes the following findings:

Harmony: The subject parcel is in an area that is in harmony with the use proposed, including, given that it is proposed at the intersection of two highly traveled thoroughfares. Moreover, the proposal is squarely consistent with the Property as zoned (Hamlet / Multifamily/Neighborhood Business), which zoning seeks to accomplish the purpose of providing "convenient shopping and service-oriented uses that are accessible to neighborhoods . . .", and which the proposed use accomplishes by offering convenient shopping and services; and

Public Health, Safety and Welfare: The use will positively contribute to the welfare of the community given that it will be located at a highly accessible and convenient location and

will provide a valuable service, thus aligning with the zoning District’s purpose of providing “convenient shopping and service-oriented uses that are accessible to neighborhoods . . .” Moreover, it will avoid significant adverse impacts and, including for all those reasons set forth on the record, and as set forth in the Town’s SEQR negative declaration, which is expressly incorporated herein and made a part hereof; and, be it further

**RESOLVED**, that in consideration of the aforementioned findings, and in consideration each of the criteria for the granting of the requested special use permit, including as set forth herein, and subject to any conditions set forth herein, the Town Board hereby approves the Applicant’s Special Use Permit Application for the operation of a combination retail/convenience store with a fueling facility in accordance with its Application; and, be it further

**RESOLVED**, that the approval of the SUP Application is subject to the following conditions:

1. That all written comments of the Town’s Engineer relative to this proposal be fully addressed, as follows: comments requiring a map change/revision shall be addressed prior to signatures on the Plans, all to the satisfaction of the Town’s Engineer and Planning Board Chairman; all other comments shall be addressed prior to issuance of a building permit and/or certificate of compliance, all to the satisfaction of the Town’s Engineer and Planning Board Chairman; and
2. That the proposed sanitary sewer meet with the approval of the Walworth Sewer Department, requiring signature relative to plans for the same on the final Site Plan, and that the sanitary sewer comply with any applicable specifications and requirements of the Town of Walworth, including the Sewer Department; and
3. That, relative to re-use of the Town’s abandoned force main, that an agreement relative to permission to use the same be provided to the Town, all to the Town’s satisfaction, all prior to issuance of any building permit; and
4. That any necessary easements for utilities, etc., be submitted to the Town, subject to the approval of the Town, including any additional easement(s) that may be required relative to crossing private property, and the same is/are to be recorded, all prior to beginning work requiring the same, and all prior to issuance of a Certificate of Compliance; and
5. That all necessary permits and approvals be obtained from any other governmental agencies, including but not limited to NY DOT and the County Highway Dept., prior to beginning work requiring the same, and in any event all prior to issuance of a Certificate of Compliance; and, be it further

**RESOLVED**, that, in relation to the placement of a private sewer lateral in an abandoned Town main to serve the proposed development, the Town Board hereby approves the attached License and Hold Harmless Agreement to permit the same, in accordance with said Agreement.

Councilman Johnson advised reason for this is because the Planning Board was Lead Agency.

Adopted this 2<sup>nd</sup> day of May, 2024 at the meeting of the Town Board.

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

Resolution carried.

**RESOLUTION 87-24: AUTHORIZE METAL ROOF REPLACEMENT ON WEST SIDE OF BIO-BUILDING AND SHINGLE ROOF REPLACEMENT OF LAB/OFFICE BUILDING AT WWTP.**

Councilman Johnson offered the Resolution and moved its adoption. Seconded by Councilwoman 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@ommo6walworth.ny.gov](mailto:sewer@ommo6walworth.ny.gov)

The budgeted line will be short \$831.00 in which we will need to do a budget modification to transfer the additional funds from 558110.24. Should you have any questions please contact me.

Respectfully submitted,

Adam Jozwiak, Sewer Superintendent

April 16, 2024

Attention: Michael Donalty, Town Supervisor  
 Walworth Town Board Members

Re: Roofing projects at WWTP

While working on the 2024 budget last year we received quotes for the removal/replacement of the west side of the bio- building (due to leaks) and a roof replacement on the lab / office building at the Wastewater Treatment Plant.

\$30,000.00 was budgeted on budget line 558130.24 to have these 2 projects completed in 2024.

3 quotes were obtained in September 2023 for the Lab/Office building as follows:

Ron Ferris	\$10,000.00
Lakeside Kanga Roof	\$ 8,900.00 (will honor 2023 quote)
Best Construction	\$ 8,750.00 (2024 quote is \$9,100.00)

2 quotes were obtained in September 2023 for the bio building as follows:

Lakeside Kanga Roof	\$21,931.00
Fingerlakes Construction	\$22,100.00

(Could not get a 3<sup>rd</sup> quote to respond)

Lakeside Kanga Roof has agreed to honor the quotes from September 2023, even though there have been some price increases. I am requesting Town Board approval authorizing the Sewer Superintendent to sign the agreements with Lakeside Kanga Roof for the quotes above (\$8,900.00 for the lab/office building and \$21,931.00 for the bio-building).

**BE IT RESOLVED**, that the Sewer Superintendent contact Lakeside Kanga Roof for the metal roof replacement on the West side of the bio-building and the shingle roof replacement on the lab/office building.

Adopted this 2nd day of May, 2024 at the meeting of the Town Board.

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

Resolution carried.

**COMMUNICATION:**

- Hazardous Material Report Form, from New York State Department of State Office of Fire Prevention and Control- for Tops Markets LLC 2140 Walworth Penfield Rd
- Dog Control Officer Year End Report for 2023
- Wastewater Treatment Plant 2023 Annual Report
- 2023 Highway Department Work Summary
- 2023 Recreation Year End Report
- 2023 Parks and Facilities Year End Report
- 2023 Tax Collection Report
- Animal Control Officer Report for April 2024
- Assessment Yearly Report May 2023-April 2024

**NEW AND OTHER BUSINESS**

- Ginegaw Park Restroom bid awards- No awards to be given out. All bids came in too high for the project with the Fund Balance ARPA currently holds. Supervisor Donalty encouraged all departments to come up with any project they think they might need or want to see if it can be used with ARPA funds before the funds have to be returned.
- LaBella Associates Professional Services November 25,2023- March 22,2024. Invoice was provided to Town for work for the Ginegaw restroom. Discussion ensued concerning the amounts being charged to the Town. It was discussed that Supervisor Donalty will be reaching out to LaBella directly to correct this issue with the cost of services.

**TOWN BOARD MEETINGS:**

DATE	TIME	MEETING TYPE
MAY 16,2024	6:30 PM	REGULAR
JUNE 20,2024	6:30 PM	REGULAR
JULY 18,2024	6:30 PM	REGULAR

No meeting the first Thursday of the months of June, July, and August

Third Thursday regular Board Meetings will be:

June 20, 2024: Lincoln Fire Department, 719 Plank rd.

July 18, 2024: West Walworth Fire Department, 3870 West Walworth Rd.

August 15, 2024: Walworth United Methodist Church, 3679 Main St.

**PUBLIC PARTICIPATION** –

**EXECUTIVE SESSION:**

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

Seconded by

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

Motion carried.

Time:

**EXECUTIVE SESSION EXIT**

Motion by Councilwoman Linson and seconded Councilman Johnson

Time:

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

Motion carried.

**ADJOURNMENT:**

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

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

Motion carried.

Time: 7:11 P.M.

Respectfully Submitted,  
Jenna Camacho  
Town Clerk