

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.

<u>PRESENT:</u>	Michael Donalty	Supervisor
	Amber Linson	Councilwoman
	Alex Kelly	Councilman
	Jim Harden	Councilman
	Rick Johnson	Councilman
	Kevin Switzer	Highway Superintendent
	Aimée Phillips	Town Clerk

ABSENT:

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

PUBLIC HEARING 6:30 PM-Local Law NO. 5-2024, a Local Law to override the Tax Levy limit established in General Municipal Law

Supervisor Donalty to state the procedures for the Public Hearing:

Supervisor Presiding over Public Hearing:

PUBLIC HEARING RULES AND PROCEDURES

The purpose of this Public Hearing is to give everyone the opportunity to express their views on the subject of the public hearing. These views become part of the record, which the Town Board relies on for its findings, conclusions and decisions.

PROCEDURE

The Town Clerk will read the NOTICE OF PUBLIC HEARING.

The Supervisor presiding over the hearing will open the floor to public comments.

Public Participation

All comments before the Board must be given from the podium if possible. Anyone wishing to speak must state their name and address for the record. Individuals will be given a three minute time period to present their comments regarding the matter of the public hearing.

The Supervisor has the authority to take any necessary measures to control the hearing – spontaneous comments from the floor are not permitted.

If a speaker drifts off of the subject of the public hearing, you will be reminded to limit your comments to the matter of the public hearing.

Supervisor Donalty asked Town Clerk Jenna Camacho to read the legal notice for the Public hearing:

**TOWN OF WALWORTH
NOTICE OF PUBLIC HEARING**

LOCAL LAW NO. 5 OF- 2024 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW

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. 5-2024 to override the tax levy limit established in General Municipal Law § 3-c.

PLEASE TAKE NOTICE that the intent of the proposed Local Law is to override the limit on the amount of real property taxes that may be levied by the Town of Walworth, County of Wayne pursuant to General Municipal Law § 3-c, and to allow the Town of Walworth, County of Wayne to adopt a town budget for (a) town purposes (b) fire protection and (c) any other special or improvement district governed by the town board for the fiscal year 2025 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

PLEASE TAKE FURTHER NOTICE that said proposed Local Law is on file in the Walworth Town Clerk’s Office located at 3600 Lorraine Drive, 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 the **19th day of September, 2024, at 6:30 PM**, to be held by the Town Board at the

Walworth Town Hall, 3600 Lorraine Drive, Walworth, New York. An opportunity to be heard in regard thereto will then and there be given. Written comments may also be directed to the Town Clerk.

Dated: September 5, 2024
BY ORDER OF THE
WALWORTH TOWN BOARD
Jenna Camacho
Town Clerk

Supervisor Donalty declared Public Hearing open at 6:34PM.

No public comments were made. No written correspondence sent to the Town Clerks office.

Motion to close the Public Hearing by Councilwoman Linson seconded by Councilman Kelly.

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

Motion carried.

Supervisor Dotaly closed the Public Hearing at 6:34PM.

MINUTES

Motion by Councilman Kelly that the minutes of **September 5,2024 Regular Meeting** are approved as submitted by the Town Clerk. Seconded by Councilwoman Linson.

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

Motion carried.

ELECTED OFFICIALS’ REPORTS:

Monthly Report of the Supervisor for August 2024
Monthly Report of the Town Clerk for August 2024

Motion by Councilwoman Linson to accept **all Department Reports as submitted**. 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 CLERK – No report.

HIGHWAY SUPERINTENDENT – No report.

COUNCILMAN KELLY

Councilman Kelly advised that there was a bee’s nest on Waterford that was brought to his attention. However, that nest was taken care of by a resident of the community.

COUNCILWOMAN LINSON -No report

COUNCILMAN HARDEN – No report.

COUNCILMAN JOHNSON –

Councilman Johnson advised there was a firm who will possibly be sending an application for a 30-acre Solar Farm

SUPERVISOR DONALTY – No report.

RESOLUTIONS:

RESOLUTION 149 -24: BUDGET MODIFICATIONS

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

Budget Modifications for Sept 19, 2024

\$	Acct #	Description	Acct #	Reason
General Fund				
Transfer \$ 120.00	From A1990.41	Contingent	TO A3510.46	Control of Animals - Humane Society Cover bill for deceased dog

Adopted this 19th day of September, 2024 at the 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 150-24: ABSTRACT 9, APPROVAL

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

TOWN OF WALWORTH				
Abstract # 009				
Summary by Fund				
Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	19,741.62	99,175.54	118,917.16
CM1-	PARK SPECIAL REVENUE FUND	364.85	1,413.96	1,778.81
CM6-	CEMETERIES		99.26	99.26
DA	HIGHWAY FUND	7,450.49	14,941.41	22,391.90
SD1-	WALWORTH CONSOLIDATED DRAINAGE		5,140.00	5,140.00
SF3-	LINCOLN FIRE PROTECTION		75,000.00	75,000.00
SL1-	WALWORTH LIGHT DISTRICT	1,719.01		1,719.01
SL2-	HARVEST HILL LIGHT DISTRICT	747.90		747.90
SL3-	GANANDA LIGHT DISTRICT	1,424.99		1,424.99
SL4-	BROOKSIDE LIGHT DISTRICT	36.52		36.52
SL5-	ORCHARD VIEW LIGHT DISTRICT	400.14		400.14
SS	WALWORTH SEWER DISTRICT #1	3,822.22	16,838.48	20,660.70
SW19	WATER EXT #19 LIN/SWA/CO	1,620.00		1,620.00
SW20	WATER EXT #20 ARBOR/TUMMONDS	405.00		405.00
TA	TRUST & AGENCY	91,682.24		91,682.24
TC	CUSTODIAL TRUST	200.00	6,031.50	6,231.50
Total:		129,614.98	218,640.15	348,255.13

Voucher Numbers: 1180-1358, 123-140,245-256

Abstract of audited vouchers is on file in the Town Clerk’s office.

Adopted this 19th day of September, 2024 at the 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 151-24: ADOPTION OF PROPOSED LL NO. 5-2024 A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW

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

The following was submitted:

WHEREAS, a Public Hearing was held on September 19th, 2024 at a meeting of the Town Board,

Proposed Local Override Law

Proposed Local Law No. 5 of the year 2024
 Town of Walworth, County of Wayne

A local law to override the tax levy limit established in General Municipal Law § 3-c

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Walworth, County of Wayne pursuant to General Municipal Law § 3-c, and to allow the Town of Walworth, County of Wayne to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Walworth, County of Wayne is hereby authorized to adopt a budget for the fiscal year 2025 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. 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 adjusted 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 5. Effective date.

This local Law shall take effect immediately upon filing with the Secretary of State.

Adopted this 19th day of September, 2024 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 152 -24: TO ESTABLISH BUILDING DEPARMENT VEHICLE RESERVE FUND

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

WHEREAS, the Town Board of the Town of Walworth desires to establish a Reserve Fund to fund the acquisition or replacement of vehicles for the Building Department; and

WHEREAS, the Town Board, in the 2024 Budget, has budgeted \$5,000 to establish this Reserve Fund; now

THEREFORE BE IT RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be know as the "Building Department Vehicle Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of equipment. The type of equipment to be financed from the Reserve Fund is the acquisition of vehicles for Building inspector use.

The Chief Fiscal Officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Chief Fiscal Officer may invest the moneys in the Reserve Fund in a manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Walworth. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other laws, including a permissive referendum if required by subdivision 4 of Section 6-c.

Conversation ensued and Town Comptroller advised this was something that had been on the books to happen since 2023. An official resolution needed to be completed. Councilwoman Linson also wanted to make sure that the CFO was still supervisor Donalty and not Comptroller. Advised yes, supervisor delegates the duties to the Town Comptroller.

Adopted this 19th day of September, 2024 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/failed.

RESOLUTION 153-24: AUTHORIZE THE HIRE OF MR. JACOB LUTZ AS A FULL-TIME HIGHWAY MEO, EFFECTIVE SEPTEMBER 23, 2024

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

WHEREAS, the Highway Department would like to fill a vacated position; and

WHEREAS, the position was advertised as required; and

WHEREAS, the Highway Superintendent recommends the hiring of Mr. Jacob Lutz, conditionally upon him successfully completing the required drug test; now

BE IT RESOLVED, that the Town Board authorizes the hire of Mr. Lutz as a full-time MEO at the rate of \$20.50 per hour, subject to passing the Alcohol and Drug screening as required by Town Policy, effective September 23, 2024.

Adopted this 19th day of September, 2024 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 154-24: AUTHORIZE THE PARKS SUPERINTENDENT TO CONTRACT WITH ALLIANCE DOOR & HARDWARE INC. FOR THE INSTALLATION OF AN AUTOMATIC OPERATOR AND KILL SWITCH, NOT EXCEED \$6,542.89, WITH THE USE OF ARPA FUNDS

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

WHEREAS the Library’s current automatic operator is not functional, and

WHEREAS the Library wishes to have a kill switch installed, and

WHEREAS the Parks and Facilities Department did solicit 3 quotes for the work per the procurement policy, as follows:

Alliance Door & Hardware Inc	\$6,542.89
Rochester Colonial MFG. Corp.	\$9,875.00
Rochester Door Co.	No Bid

WHEREAS ARPA funds are available to fund this project, Now

THEREFORE, BE IT RESOLVED that the Parks Superintendent is authorized to contract with Alliance Door & Hardware Inc. for the installation of an automatic operator and kill switch, to be expended using ARPA funds in the amount of \$6,542.89

Conversation ensued regarding kill switch lock and replacement of the parts.

Adopted this 19th day of September, 2024 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 155-24: TO AUTHORIZE THE RECREATION DIRECTOR TO PURCHASE TWO 20' x 30' EVENT TENTS AND SIDE WALLS USING ARPA FUNDS NOT TO EXCEED \$8,937.82

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

WHEREAS, the Town has ARPA funds remaining to be allocated; and

WHEREAS, the event tents will be used for the Recreation Departments special events; and

WHEREAS, three written quotes were received and the Recreation Director recommends purchasing from American Tent.

American Tent \$8,937.82

Unline \$12,575.33

Party Tents Direct \$8,439.94

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Walworth hereby authorizes the Recreation Director to expend \$8,937.82 of ARPA funds to purchase two 20' x 30' event tents with side walls from American Tent.

The Board addressed Recreation Director Van Lare regarding why Town didn't go with the Unline. Recreation Director advised the difference with the two companies. Also, the quality of the materials. Supervisor Donalty advised the Town board, Recreation needed to follow procurement policy and get more bids.

Adopted this 19th day of September, 2024 at the 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 156-24: TO AUTHORIZE THE PURCHASE OF AN HP T2600PS MULTIFUNCTION WIDE FORMAT SCANNER-PRINTER FOR THE BUILDING DEPARTMENT USING ARPA FUNDS NOT TO EXCEED \$9,998.23

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

WHEREAS, the Town has ARPA funds remaining to be allocated; and

WHEREAS, the wide format scanner/printer in the Building Department is over ten years old and no longer able to be upgraded/maintained; and

WHEREAS, the Building Department requests to replace the printer; and

WHEREAS, three written quotes were obtained pursuant to the Town's procurement policy as follows: and

Amazon.com	\$9,994.90
CDW	\$9,995.00
Xerox	\$9,998.23

WHEREAS, the Building Department is recommending to purchase from Xerox because the price includes installation, training, and follow-up support. Now,

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Walworth hereby authorizes the use of \$9,998.23 of ARPA funds to purchase an HP T2600PS Wide Format Scanner-Printer from Xerox.

Adopted this 19th day of September, 2024 at the 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 157-24: APPROVING AMENDMENT TO INTERMUNICIPAL AGREEMENT BETWEEN TOWNS OF WALWORTH AND MACEDON RELATIVE TO SEWER DISTRICTS

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

WHEREAS, the Towns of Walworth and Macedon coordinate and cooperate in relation to the operation and maintenance of certain portions of their sewer districts, including in paying for the cost thereof; and

WHEREAS, moreover, the Towns recognize that in the relatively near future they will both be utilizing the Wayne County Water and Sewer Authority’s Regional Sewer Plant, which will impact any such coordination and cooperation; and

WHEREAS, the Towns’ operation and coordination is pursuant to an updated, interim intermunicipal agreement, and such agreement may expire in the near future.

WHEREAS, the parties would like to continue in such coordination and cooperation pursuant to the intermunicipal agreement, and would also like for such intermunicipal agreement to speak to Towns’ transition to the Wayne County Water and Sewer Authority’s Regional Sewer Plant as well as to the proposed operation and maintenance of the Towns’ systems by the Authority.

WHEREAS, the Town Board has before it for its consideration an amendment to the intermunicipal agreement to address the same, entitled “First Amendment and Addendum to Intermunicipal Agreement Between Towns of Walworth and Macedon Relative to Sewer Districts.”

NOW, THEREFORE, BE IT RESOLVED, that the Town of Walworth hereby approves such Amendment and Addendum and authorizes execution of the same.

Councilwoman Linson advised Board why, the updated was needed to IMA with Macedon. IMA is due to expire in October and if no action happens the current agreement will continue. The amendment will extend IMA for another 2 years. This also uses the language from the agreement with the Regional Sewer Project. She explained the updated agreement. Agreement has been sent to Macedon to look over.

Adopted this 19th day of September, 2024 at the 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.

COMMUNICATIONS:

- Assessment Department monthly report for August 2024
- Recreation Department monthly report for August of 2024
- Justice Court monthly report for August of 2024
- Highway Department monthly report for August of 2024
- Building and Zoning monthly report for August 2024
- Letter from Mike Simon at LaBella, dated September 9,2024

Councilwoman Linson understands we do not have any open BIDS for Engineering Firm. Supervisor Donalty advised he responded to LaBella about letter has not revied a response back from them.

TOWN BOARD MEETINGS:

DATE	TIME	MEETING TYPE
OCTOBER 3,2024	6:30 PM	REGULAR
OCTOBER 17,2024	6:30 PM	REGULAR
NOVEMBER 7,2024	6:30 PM	REGULAR

Budget workshop sessions:

- October 8,2024 10-am-2pm
- October 9,2024 11:30am-2pm
- October 10,2024 11:30am-1pm (backup date)

NEW AND OTHER BUSINESS:

The Town Comptroller addressed the Town Board regarding the CM-6 fund for cemeteries. CM-6 fund has the same tax base as general fund. CM-6 could be dissolved into the general fund cemetery lines with board approval. With the Parks department taking over the mowing of cemeteries and maintenance it makes sense to have it all come from the general fund. OSC advised that CM-6 can be absorbed into the General Fund.

The Town Board discussed the current issues with traffic lights at the 4 corners of town, Walworth Penfield, Walworth Ontario, Walworth Marion and Walworth Palmyra. NYS DOT has addressed the situation. The parts for the light have been ordered but is a month out to receive the replacement parts. Once parts are in Highway Superintendent says contractor will be ready to replace/fix the parts.

PUBLIC PARTICIPATION – No public participation

EXECUTIVE SESSION:

Motion by Councilwomen Linson to enter into 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 Council

Roll call vote:

- | | |
|---------------------|-----|
| Councilwoman Linson | Aye |
| Councilman Kelly | Aye |
| Councilman Harden | Aye |
| Councilman Johnson | Aye |
| Supervisor Donalty | Aye |

Motion carried.

Time: 7:30 PM.

RECONVENE:

Supervisor Donalty reconvened the regularly scheduled meeting.

Time: 8:19 PM.

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

Motion carried.

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: 8:19 PM

Respectfully Submitted,
Jenna Camacho
Town Clerk