Presiding Supervisor Laura Elsbree called the Regular Town Board Meeting, County of Wayne, State of New York, held at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY to order at 6:30 PM and led those present in the Pledge of Allegiance.

PRESENT:	Laura Elsbree	Supervisor
	Craig Jeffers	Councilman
	Daniel Botsford	Councilman
	Alex Kelly	Councilman
	Tiffany Paine	Councilwoman
	Valen Fisher	Deputy Town Clerk

ABSENT Kevin Switzer – Highway Superintendent, Nadine Seppeler – Town Clerk

OTHERS PRESENT: One (1) member of the media, Ten (10) members of the public.

MINUTES

Motion by Councilman Kelly that the minutes of **September 17 Regular Meeting, September 22 Special Meeting – Budget Work Session, September 23 Special Meeting - Budget Work Session** are approved as submitted by the Town Clerk. Seconded by Councilman Jeffers.

Roll call vote:	Councilwoman Paine	Aye
	Councilman Jeffers	Aye
	Councilman Botsford	Aye
	Councilman Kelly	Aye
	Supervisor Elsbree	Aye

Motion carried.

PRESENTATIONS: NONE

REPORTS OF COMMITTEES (LIAISON/ELECTED OFFICIALS' REPORTS):

TOWN CLERK –

- **TOWN CLERK PRESENTS THE TENTATIVE BUDGET**
  (Deputy Town Clerk Fisher passed out the Tentative Budget to the Town Board)
  The Tentative Budget is on file with the Town Clerk's office and is available for public inspection upon request.

COUNCILMAN KELLY- Nothing to report.

COUNCILWOMAN PAINE –

- The Walworth Historical Society Open house is this Sunday October 4th from 2:00pm – 4:00pm.
- There is an upcoming Planning Board Meeting scheduled for October 13th.

COUNCILMAN BOTSFORD –

- The Town Engineer will be joining us at our next Town Board Regular meeting and preemptively passed out a memo from a year regarding the sidewalk districts containing an estimate of costs. He hopes to have further conversations on the sidewalk districts in the upcoming months. He encouraged fellow board members to bring any questions concerning the sidewalk districts to the next meeting so that the Town Engineer could provide some answers.

COUNCILMAN JEFFERS -

- Emergency Management Drill will be taking place on Tuesday October 6th from 7:00am to approximately 3:00pm. Residents can expect a large presence of law enforcement and various government officials on site at the Town Hall during this drill.

SUPERVISOR ELSBREE-

- Food Link Distribution will be held at the Walworth Town Hall lower parking lot Tomorrow Friday October 2nd starting at 9:30AM

RESOLUTIONS:

RESOLUTION 181-26 ABSTRACT OF CLAIMS FOR TOWN BOARD APPROVAL DATED OCTOBER 1, 2026

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

Voucher numbers – #3465 - #3496

Are audited and approved for payment by the Town Board.

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ABSTRACT OF CLAIMS FOR TOWN BOARD AUDIT DATED10/01/2026
Town of Walworth
3600 Lorraine Drive

SUMMARY BY FUND

	Prepaids	Unpaids	Totals
AA - General Fund TOTAL	2,202.09	23,756.05	25,958.14
DA - Highway Fund TOTAL	0.00	29,683.49	29,683.49
SD - Special District - Drainage TOTAL	0.00	4,200.00	4,200.00
TA - Trust Agency TOTAL	972.00	0.00	972.00
TC - Trust Custodial TOTAL	0.00	3,194.00	3,194.00
REPORT TOTAL	3,174.09	60,833.54	64,007.63

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

Adopted this 1st day of October 2026 at the meeting of the Town Board.

Roll call vote:	Councilwoman Paine	Aye
	Councilman Jeffers	Aye
	Councilman Botsford	Aye
	Councilman Kelly	Abstain
	Supervisor Elsbree	Aye

Resolution carried.

RESOLUTION 182-26 TO INCREASE CODE ENFORECEMENT OFFICER BRETT MALAFEEW'S HOURS TO 27.5 PER WEEK 1430 HOURS PER YEAR

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

WHEREAS, NYS Retirement and Social Security Law (RSSL Section211) require that retirees of the NYS Employee Retirement System who return to work for any municipality in NYS be paid no more than $35,000 annually, unless exempted from this ruling, and;

WHEREAS, Mr. Malafeew is a retiree enrolled in the NYS Police and Fire Retirement System and therefore barred from earning more than $35,000 annually while collecting his pension, and;

WHEREAS, the Town Supervisor filed a Section 211 Application requesting that Section 211 be waived for Mr. Malafeew to allow him to collect the salary greater than $35,000 annually, and;

WHEREAS, The Civil Service Commission approved the waiver for the limited period of June 1, 2026 – May 31, 2028.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Walworth authorizes the salary for Brett Malafeew be increased to $45,373.90 for 27.5 hours per week, 1,430 hours per year, effective October 5, 2026.

Adopted this 1st day of October 2026 at the meeting of the Town Board.

Roll call vote:	Councilwoman Paine	Aye
	Councilman Jeffers	Aye
	Councilman Botsford	Aye
	Councilman Kelly	Aye
	Supervisor Elsbree	Aye

Resolution carried.

COMMUNICATIONS:

- **Email from Tim Burlee - Thank You to the Walworth Recreation Staff**

TOWN BOARD REGULAR SCHEDULED MEETINGS:

DATE	TIME	MEETING TYPE
OCTOBER 15	6:30PM	REGULAR
NOVEMBER 5	6:30PM	REGULAR
NOVEMBER 19	6:30PM	REGULAR

NEW AND OTHER BUSINESS:

SET UPCOMING BUDGET WORK SESSIONS – Work Sessions will take place at 3600 Lorraine Drive, Walworth NY at 6:30PM on the following dates:

- **Wednesday October 7, 2026**
- **Thursday October 8, 2026**
- **Wednesday October 14, 2026**

RESOLUTION 183-26 SET A PUBLIC HEARING FOR LOCAL LAW NO. 1 OF 2026 FOR FLOOD DAMAGE PREVENTION

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

WHEREAS, the Town Board of the Town of Walworth is considering the adoption of Local Law No. 1 of 2026, entitled "Flood Damage Prevention," as authorized by the New York State Constitution, Article IX, Section 2, and the Environmental Conservation Law, Article 36; and

WHEREAS, the Town Board finds that potential and/or actual damages from flooding and erosion may pose a problem to the residents of the Town of Walworth, including the destruction or loss of private and public housing, damage to public facilities (both publicly and privately owned), and injury to or loss of human life; and

WHEREAS, this Local Law is being considered in order to minimize the threat of such damages and to achieve the purposes and objectives of flood damage prevention; and

WHEREAS, pursuant to New York State Town Law and Municipal Home Rule Law, a public hearing is required prior to the adoption of any local law;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Walworth will hold a public hearing on the adoption of Local Law No. 1 of 2026 at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, New York, on October 15, 2026, at 6:30 p.m., for the purpose of permitting the public to speak relative to said proposed Local Law; and,

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish notice of said public hearing in the official newspaper of the Town and post the same on the Town bulletin board at least five (5) days prior to the date of the public hearing, as required by law.

Adopted this 1st day of October 2026 at the meeting of the Town Board.

Roll call vote:	Councilwoman Paine	Aye
	Councilman Jeffers	Aye
	Councilman Botsford	Aye
	Councilman Kelly	Aye
	Supervisor Elsbree	Aye

Resolution carried.

PUBLIC PARTICIPATION-

Ed Raynor – Passed out packets to the Town Board and read aloud and submitted the following letter:

October 1, 2026 Town Board Meeting, statement by Ed Raynor

This is not meant to be a big pass out.
The bottom line is that after four reminders to the Town and through multiple FOIL requests as of September 28, 2026 there have been NO C of O, C of C, Temp C of O or Temp C of C issued for the elevated deck at the Ballroom at Windward Lake (as is evidenced by a copy of the diligent search in answer to the latest FOIL request attached).

The essential initial attachments reference two New York Rules and regulations (NYCRR) numbers 19NYCRR 1205.5(a) and 19 NYCRR 1203.3(d)2.

So as not to bore everyone, what 1205.5(a) does is directly provide that permission to use or occupy a building or portion for which a building permit was issued shall only be granted by the issuance of a C of O or C of C. (the issued/required permit is part of attachment)

1203.3(d)(2) tells the local code enforcement program what it must prohibit the Authority Having Jurisdiction from doing before issuing a C of O or C of C. (namely have appropriate drawings with proper PE or RA credentials and specific details and proper dimensions).

Each member of the Town Boad as well as legal council and the Building Department (and support as needed from the Town Engineer) have a reason to pay attention and be involved.

Remember there is no C of O or C of C for the deck. It has been routinely occupied for almost 5 months and used as a second legal means of egress since June 17th of 2025 (15 months)

Councilmen Jeffers and Kelly are trained fire fighters who know the importance of life safety and proper egress.
Councilman Botsford is very familiar with risk management and I suspect Eastern Shore Insurance agency (the Town's insurance carrier) has no idea yet that NYS Building Code has not always been followed or space is being allowed to be occupied with no C of C.
Councilwoman Paine is the new liaison to the Building Department and will work diligently to get brought up to speed quickly.
Legal Council knows fully well that the job is to protect the Town from errors in procedures and errors involving non-compliance actions and not to protect any employee or specific town representative.

This is not a complicated Building code interpretation. A permit was issued (and now expired) without proper RA or PE corroboration or stamps nor proper finalization by the time the permit has expired. No occupancy certificates have been issued. Unsealed plans are the core defect.

The deck needs to be placed off limits; a new permit must be issued with property authority.
Since there is no second means of legal egress the occupancy level of people must be reviewed.
The town is at risk both financially and morally.

Paul Bonsdyk – Brought up concerns regarding the condition of the Blue Heron Gulf Course. Fairway holes along Gananda Parkway (3-8) have not been maintained. He wants to know who in the Town is responsible for enforcing these holes be maintained and mowed. He requests these be addressed soon.

EXECUTIVE SESSION:

Motion by Councilman Kelly 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 Councilman Jeffers.

Roll call vote:	Councilwoman Paine	Aye
	Councilman Jeffers	Aye
	Councilman Botsford	Aye
	Councilman Kelly	Aye
	Supervisor Elsbree	Aye

Motion carried.

Time: 6:48 PM.

RECONVENE:

Supervisor reconvened the regularly scheduled meeting.

Time: 7:08 PM.

Roll call vote:	Councilwoman Paine	Aye
	Councilman Jeffers	Aye
	Councilman Botsford	Aye
	Councilman Kelly	Aye
	Supervisor Elsbree	Aye

Motion carried.

ADJOURNMENT:

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

Roll call vote:	Councilwoman Paine	Aye
	Councilman Jeffers	Aye
	Councilman Botsford	Aye
	Councilman Kelly	Aye
	Supervisor Elsbree	Aye

Motion carried.

Time: 7:08 PM

Respectfully Submitted,

Nadine Seppeler
Town Clerk