

**WALWORTH TOWN BOARD – SPECIAL MEETING  
22 JANUARY 2015**

Presiding Supervisor Marini called the Special Meeting Town Board Meeting, County of Wayne, State of New York, held at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY to order at 7:30 PM and led those present in the Pledge of Allegiance.

<b><u>PRESENT:</u></b>	Patricia Marini	Supervisor
	Larry Ruth	Councilman
	Vaughn Pembroke	Councilman
	Suzi Hawkins-Mance	Councilwoman
	Judy Markowski	Councilwoman
	Michael Frederes	Highway Superintendent
	Susie Jacobs	Town Clerk

**OTHERS PRESENT:** Rob Burns, Sewer Superintendent; Jacqueline VanLare, Recreation Director; Brendan Bystrak, Labella Associates, P.C. Engineer for the Town; and five (5) attendees.

**MINUTES:**

Motion by Councilman Ruth that the Minutes of January 5, 2015 Special Meeting and January 8, 2015 Organizational Meeting/Regular Meeting be approved as submitted by the Town Clerk.

Seconded by Councilwoman Markowski.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

**PUBLIC PARTICIPATION:**

Resident from Greenview Drive complimented Council members with the word “Kudos” for the Town Solar Project. He also shared concerns for the Ginna Nuclear Power Plant and hopes someone will take leadership. Discussion ensued. Council members thanked the resident.

**SUPERVISOR’S REPORT:**

Motion by Councilwoman Hawkins-Mance to accept as presented the Supervisor’s Report for, December 2015.

Seconded by Councilman Pembroke.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

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**COMMITTEE REPORTS:**

Council members reported on their respective committees with the following Town Board actions:

**RESOLUTION 47-15 AUTHORIZES HIGHWAY SUPERINTENDENT TO ATTEND ADVOCACY DAY:**

Councilwoman Hawkins-Mance offered the following Resolution 47-15 and moved its adoption.

Seconded by Councilman Ruth to wit:

The following was submitted:

January 16, 2015

TO: Walworth Town Board members  
FROM: Michael J. Frederes, Town of Walworth Highway Superintendent  
RE: Permission to attend Advocacy Day

Dear Board Members:

I request permission to attend Advocacy Day in Albany New York on March 3-4th 2015 . The only cost will be \$81.00 for a shared room. Once again we will be sharing rides and I will cover my own meals. Last year Lobbying efforts resulted in an extra \$14,000 for our town. This was a one time payment to help offset the wear and tear on the roads due to the severity of the Winter. This year there will be a part of a \$ 5 billion settlement that we would like a portion to go to Infrastructure.

I feel we need to keep our strong presence in Albany felt as there are hundreds of other lobbyist groups all after limited monies. This is a budgeted item under line A5010.41.

Thank you for your consideration of this matter.

*Mike*

Mike Frederes  
Town of Walworth Highway Superintendent

**RESOLVED**, that Mike Frederes, Highway Superintendent, is authorized to attend Advocacy Day in Albany New York on March 3-4<sup>th</sup>, 2015. Budgeted item from A5010.41 for an amount not to exceed \$81.00, as requested.



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RESOLVED, that Mike Frederes, Highway Superintendent, is authorized to purchase a new and un-sued 2016 – 10 wheel truck from Regional International Corporation; Viking plow Equipment-14' Beau Roc Stainless Steel Body and 13' Smith Stainless Steel Sander, on a Piggy Back Bid from Onondaga County, Contract #7823. Budgeted expenditure under lines DA5130.21 and DA5130.21R for an amount not to exceed \$203,658.34, as requested.

Discussion: This truck is replacing a 2000; which will go to Auction.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

**RESOLUTION 38-15 AUTHORIZES ATTENDANCE AND REGISTRATION FOR THE SEWER DEPARTMENT STAFF (BURNS, PAGLIUSO & MCMULLEN) TO ATTEND FINGER LAKES WATER WORKS / AMERICAN WATER WORKS ASSOCIATION CONFERENCE HELD IN GENEVA, NY ON FEBRUARY 5, 2015:**

Councilman Pembroke offered the following Resolution 38-15 and moved its adoption.

Seconded by Councilwoman Hawkins-Mance to wit:

**BE IT RESOLVED**, authorizing attendance and registration for Rob Burns, John Pagliuso and Tim McMullen to attend the American Water Works Association Conference on Thursday, February 5, 2015, held in Geneva, NY, from budgeted line SS8110.41 for an amount not to exceed \$66.00.

Adopted this 22<sup>nd</sup> day of January 2015, at the meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

**RESOLUTION 46-15 AUTHORIZES THE EMPLOYMENT OF MS. MARIA SHUFELT TO FILL THE POSITION OF COURT CLERK:**

Councilman Pembroke offered the following Resolution 46-15 and moved its adoption. Seconded by Councilman Ruth to wit:

WHEREAS, there has been a Court Clerk position vacancy in the Justice Court since September 2014; and

WHEREAS, it is the desire of the Town Justices to fill the vacancy; and

WHEREAS, applications were received by interested individuals for the position; and

WHEREAS, interviews were scheduled with the qualified candidates who meet the requirements;

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NOW, THEREFORE,

BE IT RESOLVED that the Town Justices recommend the hiring of Maria Shufelt to fill the Court Clerk position upon completion of the necessary employment hiring process; and

BE IT FURTHER RESOLVED, that Ms. Maria Shufelt shall be compensated consistent with the Entry level of the 2015 Salary Matrix adopted by the Town.

Adopted this 22<sup>nd</sup> day of January 2015, at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

**RESOLUTION 39-15 AUTHORIZATION TO ISSUE PETTY CASH FUNDS TO THE JUSTICE COURT CLERK FOR THE PURPOSE TO MAKE CHANGE:**

Councilman Pembroke offered the following Resolution 39-15 and moved its adoption.

Seconded by Councilwoman Hawkins-Mance to wit:

**WHEREAS**, the Town of Walworth will provide the Justice Court Clerk with a Petty Cash Funds for the purpose to “make change”, in the amount of \$200.00 prepay.

**BE IT RESOLVED**, the funds for Petty Cash is given to the Justice Court Clerk for the purpose of making change, in the amount of \$200.00 prepay.

Adopted this 22<sup>nd</sup> day of January 2015 at the meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

**OTHER BUSINESS:**

**RESOLUTION 40-15 AUTHORIZING THE ACQUISITION OF DEVELOPMENT RIGHTS AND ACCEPTANCE OF A CONSERVATION EASEMENT IN RELATION TO PROPERTY, PRIMARILY AGRICULTURAL IN NATURE, OWNED BY LAWRENCE D. DEMINCK:**

Councilwoman Hawkins-Mance offered the following Resolution 40-15 and moved its adoption.

Seconded by Councilman Ruth to wit:

WHEREAS, the Town of Walworth has been working together with the Genesee Land Trust, Inc. (“GLT”), in relation to the acquisition of development rights in approximately 241.38 acres of primarily agricultural land on Tummonds Road

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(the “Property”) in the Town of Walworth (the “Town”) , owned by Lawrence D. DeMinck (the “Owner”); and

WHEREAS, the Property, being primarily agricultural in nature, comprises 171 acres of prime soils, and an additional 25 acres of soils of statewide importance; and

WHEREAS, given the value of agricultural lands, GLT and the Town would like to preserve the agricultural use of the Property; and

WHEREAS, the Property is located within Wayne County’s Agricultural District #1, created pursuant to Article 25AA of the New York State Agriculture and Markets Law. In Section 300, it states: “It is hereby found and declared that many of the agricultural lands in New York State are in jeopardy of being lost for any agricultural purposes. When nonagricultural development extends into farm areas, competition for limited resources results...It is therefore the declared policy of the state to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products...It is the purpose of this article to provide a locally-initiated mechanism for the protection and enhancement of New York State’s agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance;” and

WHEREAS, in order to preserve the agricultural use of the Property, the Town and GLT would like to purchase the development rights in the Property by execution of a proposed Purchase of Development Rights Agreement and Sales Contract (the “Purchase Contract”), which Purchase Contract is attached hereto; and

WHEREAS, said Purchase Contract would authorize the purchase by the Town and GLT of development rights in the property, such that, upon its execution, the Owner of the Property would convey to the Town and GLT a Conservation Easement generally constraining the use of the Property to agricultural use only; and

WHEREAS, said proposed Conservation Easement is attached hereto; and

WHEREAS, the purchase price set forth in the Purchase Contract, which represents the consideration for the acquisition of the Conservation Easement conveying the development rights to the Town and GLT is \$256,000.00, to paid for by NY State grant monies and Federal grants monies, and said purchase is at no (\$0.00) cost to the Town; and

WHEREAS, the proposal herein is a Type II Action pursuant to SEQR at Section 617.5(c)(3) of the SEQR Regulations and is therefore not subject to further SEQR review, now, therefore, be it

RESOLVED, that, in recognition of the inherent value to the Town of Walworth of the preservation of agricultural lands, the Town Board of the Town of Walworth finds it in the best interest of the Town to acquire the development rights of the

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Property in order to retain the agricultural nature of the land, the purchase of said development rights being at no cost to the Town; and, be it further

RESOLVED, that, pursuant to NY Town Law Section 64 and NY General Municipal Law Section 247, the Town Board of the Town of Walworth hereby authorizes the Supervisor to execute the Purchase Contract, accept the Conservation Easement and take any additional related action required to effectuate said Purchase Contract and Conservation Easement in connection with the acquisition of the development rights to the Property.

Adopted this 22<sup>nd</sup> day of January 2015, at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

**RESOLUTION 41-15 AUTHORIZES THE TOWN SUPERVISOR TO SIGN QUOTE NO. 3166 WITH INTEGRATED SYSTEMS FOR SILVER MONITORING SERVICES:**

Councilman Ruth offered the following Resolution 41-15 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit:  
The following was submitted:



Phone: (585) 924-8670  
Fax: (585) 924-8842  
7588 Main Street - Fishers  
Victor, NY 14564

**Quote**  
No.: **3166**  
Date: 1/9/2015

Prepared for:  
  
Town of Walworth  
3600 Lorraine Drive  
Walworth, NY 14568 U.S.A.

Prepared by: Beth Larter  
Account No.: 44  
Phone: (315) 986-1400  
Fax: (315) 986-1440

Quantity	Item ID	Description	UOM	Sell	Total
<b>Coverage Dates: 1/29/2015 - 1/28/2016</b>					
1.00	* Quoted Item	Silver Monitoring Services - 50 Nodes	EA	\$2,495.00	\$2,495.00
<b>24x7 Node Monitoring and 8x5 Technician Assisted alert notification for up to 50 sensors</b>					
<b>1 MAP creation that visually displays sensor health with 24x7 access to MAP and sensor health</b>					
<b>10 hours of remote technician support services</b>					

Your Price:           \$2,495.00  
Total:           \$2,495.00

Prices are firm until 1/24/2015    Terms: Upon Receipt

**Prepared by:** Beth Larter, beth.larter@integratednet.com  
Integrated Systems  
**Accepted by:** \_\_\_\_\_

**Date:** 1/9/2015  
**Date:** \_\_\_\_\_

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**BE IT RESOLVED**, that the Town Supervisor sign Quote No. 3166, with Integrated Systems for Silver Monitoring Services from budgeted line A1620.44, for an amount not to exceed \$2,495.00; same amount expended in 2014.

Adopted this 22<sup>nd</sup> day of January 2015, at the meeting of the Town Board.

Discussion ensued.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

**RESOLUTION 42-15 FINANCIAL TRANSFERS:**

Councilwoman Hawkins-Mance offered the following Resolution 42-15 and moved its adoption. Seconded by Councilman Pembroke to wit:

The following was submitted:

BE IT RESOLVED that the Town Comptroller be authorized to modify budget as follows:

To adjust for final costs for 2015 of Healthcare Costs:

Transfer from General Fund Balance to:

\$3,500.00 to A9040.81 Health Savings/Flexible Spending

\$17,135.64 to Employee Benefits Healthcare A9060.81

Transfer from Highway Fund Balance to:

\$7,278.76 to DA9060.81 Employee Benefits Healthcare

Transfer from Sewer Fund Balance to:

\$1,628.72 to SS9060.81 Employee Benefits Healthcare

Adopted this 22<sup>nd</sup> day of January, 2015 at the meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

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**RESOLUTION 43-15 ABSTRACT 1:**

Councilman Ruth offered the following Resolution 43-15 and moved its adoption. Seconded by Councilwoman Markowski to wit:

The following was submitted:

To: Walworth Town Board  
 From: Jean Johnson, Town Comptroller  
 Date: 22-Jan-15  
 Re: Abstract #1

Attached please find a copy of the Abstracts by Fund. I have audited all claims and will be transferring funds to cover payments by Fund as follows:

Voucher Numbers #1-117

General Fund	\$157,318.11
Highway Fund	\$41,710.48
Sewer Fund	\$45,530.85
Park Special Revenue Fund	\$886.60
Walworth Light District	\$0.00
Harvest Hill Light District	\$0.00
Gananda Light District	\$43.00
Brookside Light District	\$0.00
Orchard View Light District	\$0.00
Gananda Sidewalk	\$31.65
Consolidated Drainage	\$5,000.00
Self Insurance Fund	\$1,304.00
West Walworth Fire Dist.	\$161,635.00
Total Payments	\$413,459.69

Voucher Numbers #1-6

Trust & Payroll	\$248,912.50
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Checks will be issued on January 23, 2015

Checks Reviewed Prior To Mailing 1/23/15 \_\_\_\_\_



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Office of the New York State Comptroller  
New York State and Local Retirement System  
Employees' Retirement System  
Police and Fire Retirement System  
110 State Street, Albany, New York 12244-0001

**Standard Work Day  
Resolution for Employees\*  
RS 2418**  
(Rev. 7/11)

BE IT RESOLVED, that the The Town of Walworth, Location code 3011605, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Title	Standard Work Day (Hrs/day)
Town Justice	6
Justice Clerk	6
Receiver of Taxes & Assessments	6
Deputy Receiver of Taxes & Assessments	6
Town Comptroller	6
Sewer Superintendent	6
Zoning Board Members	6
Planning Board Members	6

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

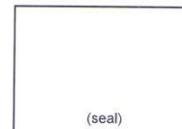
\_\_\_\_\_  
(Signature of clerk) Date enacted: \_\_\_\_\_

I, Susie C. Jacobs, clerk of the governing board of the Town of Walworth  
(Name of Employer)

of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that \_\_\_\_\_ of such members were present at such meeting and that \_\_\_\_\_ of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto  
Set my hand and the seal of the  
Town of Walworth  
(Name of Employer)



\*To be used for all employees. Please list Elected and Appointed Officials on the form (RS2417-A) Standard Workday and Reporting Resolution for Elected and Appointed Officials.

**See Instructions for Completing Form on Back**

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Office of the New York State Comptroller  
New York State and Local Retirement System  
Employees' Retirement System  
Police and Fire Retirement System  
110 State Street, Albany, New York 12244-0001

**Standard Work Day  
Resolution for Employees\*  
RS 2418**

(Rev. 7/11)

BE IT RESOLVED, that the The Town of Walworth, Location code 3011605, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Title	Standard Work Day (Hrs/day)
Code Enforcement	6
Building Inspector	6
Sole Assessor	6
Clerk to the Assessor	6
Parks / Recreation Director	6
Parks / Recreation Assistant	6
Parks / Recreation Clerk	6
Grounds Keeper	6

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

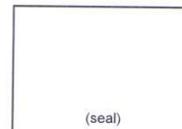
\_\_\_\_\_  
(Signature of clerk) Date enacted: \_\_\_\_\_

I, Susie C. Jacobs, clerk of the governing board of the Town of Walworth  
(Name of Employer)

of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that \_\_\_\_\_ of such members were present at such meeting and that \_\_\_\_\_ of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto  
Set my hand and the seal of the  
Town of Walworth  
\_\_\_\_\_  
(Name of Employer)



\*To be used for all employees. Please list Elected and Appointed Officials on the form (RS2417-A) Standard Workday and Reporting Resolution for Elected and Appointed Officials.

**See Instructions for Completing Form on Back**



**WALWORTH TOWN BOARD – SPECIAL MEETING  
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**RESOLUTION 45-15 AUTHORIZES SUPERVISOR TO SIGN ANNUAL CONTRACT FOR SOFTWARE SUPPORT – MUNICIPAL ACCOUNTING WITH WILLIAMSON LAW BOOK:**

Councilman Ruth offered the following Resolution 45-15 and moved its adoption. Seconded by Councilwoman Hawkins-Mance to wit: The following was submitted:

**Williamson Law Book Company**  
790 Canning Parkway Victor, New York 14564

January 15, 2015

Town of Walworth  
3600 Lorraine Drive  
Walworth, NY 14568

**ANNUAL SOFTWARE SUPPORT CONTRACT**

Enclosed is an invoice renewing your Software Support coverage for the following program:

**Municipal Accounting**

This agreement between Williamson Law Book Company (WLB) and the Town of Walworth (referred to as "customer") will provide ongoing software support and maintenance to the customer as described herein.

Williamson Law Book Company (WLB) agrees to provide the customer with:

- Support: WLB will provide support to assist in using the software. Support will be provided by internet, phone or fax during normal business hours.
- Notice of all program enhancements and their benefits.
- All state mandated changes at no extra charge (excluding any training required by the customer).

The customer agrees to:

- Maintain hardware in proper working condition.
- Make continued efforts to work with and properly use WLB software.
- Train new personnel in the event of employee turnover. (Additional training may be purchased from WLB).

Charges for the Software Support Contract shall be \$907.50 as specified on the enclosed invoice.

**\*\*\*Please sign and return one copy of this contract with your payment\*\*\***

Thank you.



Williamson Law Book Company

Accepted for the Town of Walworth

By: Patricia Marini Title: Supervisor Date: 1/21/2015

**Resolved that,** the Supervisor is authorized to sign annual contract with Williamson Law Book for Municipal Accounting software support.

Adopted this 22<sup>nd</sup> day of January 2015, at the meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

**WALWORTH TOWN BOARD – SPECIAL MEETING  
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**7:45 PM PUBLIC HEARING – PROPOSED LOCAL LAW NO. 1 OF THE YEAR  
2015 CHAPTER 18 ETHICS, CODE OF:**

Supervisor Marini gave instructions on the Public Hearing.

I Susie C. Jacobs, Town Clerk, certify that the notice of Public Hearing for Proposed Local Law No. 1 of the Year 2015 was duly published two (2) times in the Town's official newspaper on January 11, 2015 and January 18, 2015, with the same dates being posted at the Town Hall & Town Website. Copies are available to the public.

Motion by Councilman Ruth to waive the reading of the Public Notice.  
Seconded by Councilwoman Hawkins-Mance.

Supervisor Marini declared the Public Hearing opened and asked if anyone present would like to speak in **FAVOR** or **AGAINST** Proposed Local Law No. 1 of the year 2015.

Time: 7:46 PM.

No one present wished to offer any comments.

Motion by Councilwoman Hawkins-Mance to close the Public Hearing.  
Seconded by Councilwoman Markowski.

Time: 7:47 PM.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

**RESOLUTION 37-15a ADOPTION OF PROPOSED LOCAL LAW NO. 1 OF  
THE YEAR 2015- CHAPTER 18 ETHICS, CODE OF:**

Councilwoman Hawkins-Mance offered the following Resolution 37-15 and moved its adoption.

Seconded by Councilman Ruth to wit:

**WHEREAS**, the Town Board of the Town of Walworth held a Public Hearing on January 22, 2015, to consider the adoption of proposed Local Law No. 1 of the Year 2015, Chapter 18 Ethics, Code of.

Be it enacted by the TOWN BOARD of the TOWN OF WALWORTH as follows:

**Chapter 18  
ETHICS, CODE OF**

**§ 18-1. Purpose.**

Officers and employees of the Town of Walworth hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

**§ 18-2. Definitions.**

(a) “Board” means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning of board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.

(b) “Code” means this code of ethics.

(c) “Harassment” means the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands. The purposes may vary, including racial prejudice, personal malice, and an attempt to force someone to quit a job or grant sexual favors, apply illegal pressure to collect a bill, or merely gain sadistic pleasure from making someone fearful or anxious. Such activities may be the basis for a lawsuit if due to discrimination based on race, age or sex, a violation on the statutory limitations on collection agencies, involve revenge by an ex-spouse, or be shown to be a form of blackmail (“I’ll stop bothering you, if you’ll go to bed with me”). The victim may file a petition for a “stay away” (restraining) order, intended to prevent contact by the offensive party. A systematic pattern of harassment by an employee against another worker may subject the employer to a lawsuit for failure to protect the worker.

(d) “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock.

(e) “Municipality” means Town of Walworth. The word “municipal” refers to the municipality.

(f) “Municipal officer or employee” means a paid or unpaid officer or employee of the Town of Walworth, including, but not limited to, the members of any municipal board.

(g) “Relative” means a spouse, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

### **§ 18-3. Applicability.**

This code of ethics applies to the officers and employees of the Town of Walworth, and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Walworth.

### **§ 18-4. Prohibition on use of municipal position for personal or private gain.**

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

### **§ 18-5. Disclosure of interest in legislation and other matters.**

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

**§ 18-6. Recusal and abstention.**

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

**§ 18-7. Prohibition inapplicable; disclosure, recusal and abstention not required.**

(a) This code's prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:

(1) adoption of the municipality's annual budget;

(2) Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) all municipal officers or employees;

(ii) all residents or taxpayers of the municipality or an area of the municipality; or

(iii) the general public; or

(3) Any matter that does not require the exercise of discretion.

(a) Recusal and abstention shall not be required with respect to any matter:

- (i) Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;
- (ii) Which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

**§ 18-8. Investments in conflict with official duties.**

- (a) No municipal officer or employee may acquire the following investments:
  - (1) Investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or
  - (2) Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- (b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
  - (1) Real property located within the municipality and used as his or her personal residence;
  - (2) less than five percent of the stock of a publicly traded corporation; or
  - (3) Bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

**§ 18-9. Private employment in conflict with official duties.**

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (a) Can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;
- (b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- (c) violates section 805-a(1)(c) or (d) of the General Municipal Law; or
- (d) Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

**§ 18-10. Future employment.**

- (a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- (b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.

(c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

**§18-11. Personal representations and claims permitted.**

This code shall not be construed as prohibiting a municipal officer or employee from:

- (a) Representing himself or herself, or his or her spouse or minor children before the municipality; or
- (b) Asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

**§ 18-12. Use of municipal resources**

(a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

- (1) Any use of municipal resources authorized by law or municipal policy;
- (2) The use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
- (3) The occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

(c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

**§ 18-13. Interests in Contracts.**

(a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

(b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

**§ 18-14. Nepotism.**

Except as otherwise required by law:

- (a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
- (b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

**§ 18-15. Political Solicitations.**

(a) No municipal officer or employee shall directly or indirectly to compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

**§ 18-16. Confidential Information.**

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

**§ 18-17. Gifts.**

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a (1) (a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

(1) The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) The gift is intended as a reward for any official action on the part of the officer or employee.

(d) For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(f) This section does not prohibit any other gift, including:

(1) Gifts made to the municipality;

(2) Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship,

rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;

(3) Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or

(6) Meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

**§ 18-18. Interpersonal Relationships in the Work Place - Harassment.**

(a) Municipal Officers and employees will act in such a way that they create a trustworthy work environment. They will keep watch to not act in such a way so as to create an intimidating, hostile or offensive environment. They will always keep in mind the respect for the human dignity of their coworkers and not practice any type of harassment, intimidation or threats.

**§ 18-19. Board of Ethics.**

(a) There is hereby established a board of ethics for the municipality. The board of ethics shall consist of five (5) members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be a municipal officer or employee. The members of such board of ethics shall be appointed by the Town Board, serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the board of ethics.

(b) The board of ethics shall render advisory opinions to the officers and employees of the Town of Walworth with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the municipality's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Town Board of the Town of Walworth.

**§ 18-20. Posting and distribution.**

(a) The Town Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.

(b) The Town Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Walworth.

(c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Town Clerk who must maintain such acknowledgments as a public record.

(d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal

officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

**§ 18-21. Enforcement.**

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

**§ 18-22. Effective date.**

This code takes effect immediately upon adoption.

**BE IT RESOLVED**, the Town Board of the Town of Walworth does hereby adopt Resolution 37-15 Proposed Local Law No. 1 of the year 2015 to the Town of Walworth Municipal Code.

**BE IT RESOLVED**, the Town Clerk submits the necessary documents pertaining to the adoption of said proposed Local Law No. 1 of 2015, for filing with the Secretary of State.

Adopted this 22<sup>nd</sup> day of January 2015, at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Resolution carried.

**COMMUNICATIONS:**

**NYS DEPARTMENT OF STATE DIVISION OF LOCAL GOVERNMENT  
ACKNOWLEDGEMENT OF WEBINAR ON ZONING BOARD OF APPEALS –  
PATRICK SCHMITT:**

Document submitted and on file in the Town Clerk’s Office.

Motion by Councilwoman Hawkins-Mance to Accept and File.

Seconded by Councilwoman Markowski.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

**WALWORTH FOOD PANTRY THANK YOU LETTER:**

The following was submitted:

**WALWORTH TOWN BOARD – SPECIAL MEETING  
22 JANUARY 2015**

January 8, 2015

Dear Susie Jacobs,

On behalf of the Walworth Food Pantry, I would like to thank you and your fellow Town Hall workers for their part in providing gifts and food for our clients in the Christmas Sharing program again this year. We were able to service 20 families in Walworth and many others in the Walworth-Ontario area through generous donations such as yours.

We appreciate your continued participation in this program as we work to serve those in need in the Walworth community.

We also appreciate your continued service as a collection point for donated food. This collection is a mainstay in keeping our shelves stocked.

Sincerely,

Elaine Leasure

Food Pantry Board Member

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Motion by Councilwoman Hawkins-Mance to Accept and File.  
Seconded by Councilman Ruth.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye
	Supervisor Marini	Aye

Motion carried.

**WALWORTH TOWN BOARD – SPECIAL MEETING  
22 JANUARY 2015**

**LOOKING AHEAD:**

- Walworth Route for the 2015 Saga Ruddy de Cure scheduled for June 13, 2015 – meeting scheduled for tomorrow. More information forthcoming.
- One quote has been obtained for the replacement of Automatic Doors for the Upper Level. Additional quote will sought. This is a non-Budgeted item.
- The next Town Board Meeting date is Thursday, February 5, 2015, at 7:30 PM.

**ADJOURNMENT:**

Motion by Councilwoman Hawkins-Mance to adjourn.  
Seconded by Councilman Ruth and unanimously carried.  
Time: 7:49 PM.

Respectfully Submitted,

Susie C. Jacobs, MMC, RMC  
Town Clerk