

TOWN BOARD MEETING
February 10, 2020
6:00 P.M.

PRESENT: Councilpersons: Kevin Armstrong, Leonard Govern, Patty Wood,
Supervisor Joseph Cetta, Supt. Of Highway Walt Geidel, Attorney
Carly Walas and Town Clerk Ronda Williams

ABSENT: Luis Rodriguez-Betancourt

OTHERS PRESENT: Martin Way, Sharon Way, Ron Galley, Tara Vitti, Jason Schwartz,
Jennifer Davis-Mason, Rev. Parrish Bridges, Matthew Appley, Ted
Hayek, Kathleen Hayek, Lillian Browne – The Reporter

Supervisor Cetta called the Public Hearing to order for anyone to speak in favor or opposed to Local Law 1 of 2020 a law changing the date established for Grievance Day for Real Property Assessment Review.

Councilwoman Wood commented, “I still think it should be held on a Friday or Monday for out of town property owners.”

With no other comments, the Public Hearing was closed at 6:12 p.m.

PRIVILEGE OF THE FLOOR:

Destination Walton Group presented a video they had submitted to the television show HGTV “Home Town Take Over” for the purpose of entering a sweepstakes to revitalize small towns.

The group plans to update the video and use it for future promotional material. They will show this video at the Walton Theater on March 1, 2020 to the public. Many commented on the video’s positive motivation. Supervisor Cetta informed the audience that lumber from Pine Hill shown in the video was used in the construction of the main mass of the USS Constitution “Old Iron Side.”

Walton Chamber President Tara Vitti stated she is starting up the beautification committee once again and is looking for volunteers.

FLOOR TIME:

None requested

RESOLUTION #34

APPROVAL OF MINUTES

A motion was made by Councilman Govern, seconded by Armstrong approving the minutes of January 13, 2020 as presented. All in favor, motion carried.

CODE ENFORCEMENT REPORT:

Town of Walton
Code Enforcement Office
Stephen L. Dutcher, CFM

2019 Annual Summary Report

Building Permits Issued	60
Building Inspections Completed	215
Fire Inspections Completed	10
Notices of Violation Issued	3
Tickets Issued	0
Certificates Issued	36
Complaints Received	12
Floodplain Development	
Permits Issued	1
CO Searches	31
Permit Revenue	\$6,221.80
CO Search Revenue	<u>\$825.00</u>
Total	\$7046.80
Permit Valuation	\$1,873,925.00

2019 saw a continued downward trend in the number of permits issued. Overall permits were down 13 from last year and 33 from the previous year. Historically low average for the number of permits annually is 80-90. The valuation of the permits however was up about \$400,000.00 as compared to last year.

Flood mitigation continues as projects are identified and funding becomes available. In 2019 two substantial projects were completed, the Water Street Floodplain Reclamation project and the South Street Streambank Restoration Project. Numerous smaller but equally significant projects took place such as the stream repair on Marvin Hollow.

Looking forward, the “Breakey Motors” project has started with demolition expected to be completed this winter and the reclamation of the flood plain completed this coming spring/summer.

The boat launch on Water Street is also expected to be installed this spring/summer and it is hopeful that the proposed boat launch site near the Beerston bridge will be approved by NYC DEP so that it can be constructed this spring/summer as well.

The boat launch at “Ice House Turn” had 278 people using 189 water craft from July 3 (when the use log was placed there) to the end of the year. This number I’m sure could be easily doubled had the log captured use during the prime kayaking season in the spring. Having a launch in the middle of the Village can only help increase that traffic.

The CRS 5-year recertification is scheduled for August 6, 2020. I will be working to at least maintain our current rating of 8 with a goal of achieving a 7 or 15% discount on flood insurance.

DOG CONTROL REPORT:

Martin J. Way, Jr.
Dog Control Officer, Town of Walton
129 North Street Walton,
New York 13856
January 2020
Dog Control Activity Summary

Complaints	11
Dogs Seized	2
Returned to Owner	1
Humane Society	1
Dangerous Dogs	0
Tickets Issued	1
Total Redemption Fees	1 for \$10.00
Help Requested	1
Mileage	38 Miles

ASSESSOR REPORT:

Walton Town Board Report / Assessor
2020

January/February

- Ongoing: reviews of new construction and updates to property records. I received comprehensive end of year permit reports from Stephen Dutcher.
- Ongoing: exemption renewals and new applications being processed. I’ve helped a few people complete their paperwork and add up their income. They are bringing me the letters the State sent them also, and I’ve helped with those as well. Hopefully by next year the new STAR process will be familiar to most. Assessors’ training this month at the Assessors’ meeting was about the automatic income verification online tool. John Wolham came down from Albany to present to the group.
- Ongoing updates to sales records for transmittal to the State. I’ve requested and expect to qualify for a 2020 Equalization Rate of 100%.
- Currently the Senior Partial exemption levels are on a sliding scale from 10,500 to 16,300 incomes per year. There is no exemption for anyone with combined owner income 16,301 or greater. If the Board would like to increase this limit the local law must be updated and the new paperwork will be submitted to the County Department of Real Property Tax Services. On the 2019 Assessment Roll we had 16 Senior Partial exemptions valued at 515,733.
- I’m considering a continuing education class about blueprint reading. Flyer is attached. I already read blueprints, but this is a good instructor and I think there will be useful information presented especially regarding commercial properties. Unless another class more relevant to Walton is offered in the meantime, I’d like to take this class to fulfill part of my continuing education requirement for 2020. Pending approval, I’ll register and submit the voucher to Ronda.

SUPERINTENDENT OF HWY. REPORT:

Reported that he has gone out to bid for the annual highway material bids. The bid opening will take place on February 27, 2020.

Requested to move Cody Somers from probational MEO to MEO upon his completion of the probational period as stated in the Union Contract.

RESOLUTION #35

PROBATIONAL MEO TO MEO

A motion was made by Councilman Armstrong, seconded by Govern to move Cody Somers from probational MEO to MEO following the required probational period as stated in the Union Contract. This position shall take effect immediately and follow the salary schedule as laid out in the current contract. All in favor, motion carried.

Reported that he has not had to utilize the wingman due to the mild winter.

TOWN CLERK'S REPORT:

Provided Financial Reports

Reported that I am 74% collected \$, that is up from 60% last year. I reported that we have received over 40 partial payments and that it is working nicely, but added that a future request would be for two tear off slips to accommodate the two payments.

Reported that we have received the cash account audit report for the Town Clerk and Justice Court records. The report renders assurance that all cash receipts and disbursements were properly recorded by the individuals in these departments and the justices are current in their reporting to the Department of Motor Vehicles for the TSLE&D program. The report further indicated that no adjustments were necessary to be made to any of these accounts.

RESOLUTION #36

TOWN CLERK/JUSTICE CASH AUDIT

A motion was made by Councilwoman Wood, seconded by Armstrong to accept the 2019 Cash Account Audit submitted by Brian Pickard CPA. All in favor, motion carried.

I provided the Board with an updated Code of Ethics Policy that Attorney Walas has reviewed and approved.

RESOLUTION #37

CODE OF ETHICS POLICY

A motion was made by Councilwoman Wood, seconded by Armstrong to approve the Code of Ethics Policy and such policy will replace the previous policy adopted on December 15, 1970. All in favor, motion carried.

Code of Ethics for the Town of Walton

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS section 806 of the General Municipal Law requires the governing body of each county, city (other than the City of New York), town, village, school district and fire

district¹ to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS section 806 of the General Municipal Law also authorizes the governing body of any other municipality to adopt such a code of ethics, and

WHEREAS, a code of ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

WHEREAS, the Town of Walton adopted by resolution a certain code of ethics on December 15, 1970, and now desires to update and replace such code;

NOW, THEREFORE, be it resolved that the of the Town Board of the Town of Walton hereby adopts a code of ethics to read as follows:

Code of Ethics of the Town of Walton

Section 1. Purpose.

Officers and employees of the Town of Walton 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 of the Town of Walton 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.

Section 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.

¹ This model code of ethics is for use by municipalities other than fire districts. The State Comptroller has promulgated a separate model code of ethics for fire districts.

(c) “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.

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

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

(f) “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.

Section 3. Applicability.

This code of ethics applies to the officers and employees of the Town of Walton, 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 Walton.

Section 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.

Section 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.

Section 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.

Section 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.

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

(1) 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;

(2) 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 18. Board of Ethics.

(a) There is hereby established a board of ethics for the municipality. The board of ethics shall consist of three 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 Board², 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 Walton 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.

Section 19. Posting and distribution.

(a) The Town Clerk 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.

² In the case of a county operating under an optional or alternative form of county government or county charter, insert the "county executive" or "county manager," as the case may be, "subject to confirmation by the Town of Walton."

(b) The Town Clerk 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 Walton.

(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.

Section 20. 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.

Section 21. Effective date.

This code takes effect immediately.

SUPERVISOR'S REPORT:

RESOLUTION #38

LOCAL LAW 1 OF 2020 A LOCAL LAW TO CHANGING THE DATE ESTABLISHED FOR GRIEVANCE DAY FOR REAL PROPERTY ASSESSMENT REVIEW

A motion was made by Councilman Govern, seconded by Armstrong adopting Local Law 1 of 2020 A LOCAL LAW TO CHANGE THE DATE ESTABLISHED FOR GRIEVANCE DAY FOR REAL PROPERTY ASSESSMENT REVIEW. The date will be changed from the 4th Tuesday in May to the 4th Wednesday in May. Vote: Armstrong, Govern, Wood, Cetta – Yea, 0 Nays, Rodriguez-Betancourt Absent.

Supervisor Cetta presented the Delaware County Planning Departments Service Contract to the Board. The contract provides assistance to our Planning Department with a cost of \$3,500.00 for 1/1/20-12/31/20

RESOLUTION #39

DELAWARE COUNTY PLANNING SERVICES CONTRACT

A motion was made by Councilman Armstrong, seconded by Govern granting Supervisor Cetta permission to enter into an agreement for services with the Delaware County Planning Board for the amount of \$3,500.00. All in favor, motion carried.

Supervisor Cetta provided the Board with an insurance proposal for 2/1/2020-2/1/2021 in the amount of \$32,348.27 up from \$31,565.74. An additional proposal for cyber liability at \$423.50 per year.

RESOLUTION #40

APPROVAL OF INSURANCE PROPOSAL

A motion was made by Councilman Armstrong, seconded by Govern to approve the insurance proposal from NBT Insurance as submitted. All in favor, motion carried.

Budget Amendments December 2019			
General-A	Account	Increase	Decrease
Town Board, CE	1010.4		90
Supervisor	1220.4	970	
Town Clerk, CE	1410.4	1,330	
Attorney, CE	1420.4	7,650	
Buildings,Equipt	1620.2	2,070	
Celebrations, CE	7550.4	8	
Contingency	1990.4		3,500
Judgement & Claims	1950.4		8,528
		12,028	12,028
General-B	Account	Increase	Decrease
Zoning, CE	8010.4		1658
Planning PS	8020.1		220
Planning CE	8020.4		380
Safety Inspections, PS	3620.1		672
Safety Inspections, CE	3620.4		684
Registrar of Vital Statistics	4020.4		808
Disability	9055.8		50
Fund Balance	B 522		44
		2258	2258
Highway - DA	Account	Increase	Decrease
Machinery, Equipt	5130.2		11,020
Machinery, CE	5130.4	10,950	
Snow Removal, CE	5143.4	70	
		11,020	11,020

Highway - DB	Account	Increase	Decrease
General Repairs CE	5110.4	178,455	
State Retirement	9010.8		9,609
General Repairs PS	5110.1		14,749
Fund Balance	DB 522		154,097
		178,455	178,455

RESOLUTION #41 2019 BUDGET AMENDMENTS

A motion was made by Councilman Armstrong, seconded by Govern to accept the 2019 budget amendments as submitted by the auditor. All in favor, motion carried.

Reported that we received the annual Intermunicipal Agreement with the Town of Colchester for shared plowing on Trout Brook Road and Wilson Hollow Road.

RESOLUTION #42 INTERMUNICIPAL AGREEMENT

A motion was made by Councilman Govern, seconded by Armstrong granting Supervisor Cetta permission to enter into an intermunicipal agreement with the Town of Colchester for shared plowing on Trout Brook Road and Wilson Hollow Road as spelled out in agreement. All in favor, motion carried.

RESOLUTION NO. 43

TITLE: RESOLUTION URGING NEW YORK STATE TO DELAY IMPLEMENTATION AND TO FULLY FUND ALL COSTS RELATED TO BAIL REFORM AND DISCOVERY REFORM

WHEREAS, County Sheriff’s Office’s, County District Attorney’s Offices, and County Probation Departments are an integral part of the Criminal Justice System and operate within the legal framework of the Criminal Procedure Law, the Penal Law and the Family Court Act; and

WHEREAS, protecting the people from harm by enforcing the rule of law is the foundational role of government; and

WHEREAS, County governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly, and children; and

WHEREAS, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

WHEREAS, under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

WHEREAS, these crimes include those that result in the deaths of innocent people, including several subcategories of homicide and manslaughter, resulting in those responsible for these deaths being released back into the community of grieving families; and

WHEREAS, these crimes include Making a Terroristic Threat and Money Laundering in Support of Terrorism in the Third and Fourth degree, resulting in those alleged to have supported terrorism in this manner, or who have threatened to commit acts of terrorism, being released immediately from police custody; and

WHEREAS, these crimes include Promoting an Obscene Sexual Performance by a Child; Possessing an Obscene Sexual Performance by a Child; Failure to Register as a Sex Offender; and Patronizing a Person for Prostitution in a School Zone, resulting in suspected child predators being released and returning into our community; and

WHEREAS, these crimes include Aggravated Assault Upon a Person Less than Eleven Years Old; Reckless Assault of a Child by a Daycare Provider; Criminal Sale of a Controlled Substance to a Child; Abandonment of a Child; and Criminal Possession of a Weapon on School Grounds, resulting in those suspected to have physically harmed or endangered children in this manner being free from custody; and

WHEREAS, these crimes include Female Genital Mutilation; Stalking in the Second Degree; and Aggravated Harassment, resulting in those suspected of violating victims in this manner being returned to the community of those victims; and

WHEREAS, these crimes include Endangering the Welfare of a Vulnerable Elderly Person or an Incompetent or Physically Disabled Person, resulting in the potential for further endangerment of seniors and these defenseless individuals; and

WHEREAS, these crimes include Aggravated Cruelty to Animals; Torturing Animals and Injuring Animals, resulting in the immediate release of those suspected of deliberately injuring, torturing and killing animals; and

WHEREAS, these crimes include Assault in the Third Degree, Aggravated Vehicular Assault, and other crimes of physical violence against people; and

WHEREAS, these crimes include Burglary of a Residence, resulting in the immediate release of these individuals back into the neighborhoods they are suspected of targeting; and

WHEREAS, these crimes include Bail Jumping and Unlawfully Fleeing a Police Officer in a Motor Vehicle, resulting in release on recognizance of the very individuals who have demonstrated a willingness to evade the law; and

WHEREAS, all of the offenders mentioned heretofore are at risk of not showing up for court, thereby placing a burden on public employees who, under this law, are required to send multiple court appearance reminders to these offenders, as well as police officers and District Attorneys who must commit resources to tracking and pursuing those who evade prosecution; and

WHEREAS, under bail reform the Delaware County Probation Department shall be required to develop and operate a Pretrial Services program with the entirety of the funding for that program being under the burden of the local taxpayers; and

WHEREAS, the discovery mandates imposed by the State of New York will require police and District Attorneys, beginning January 1, 2020, to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

WHEREAS, discovery reform will also result in an opportunity for defendants to gain access to crime scenes that may include a victim's residence, thereby giving defendants accused of burglaries, assaults, rapes and other crimes committed in victims' homes the right to return to those same homes; and

WHEREAS, the issues mentioned heretofore will undeniably impact past, present and future victims of crime in a negative manner, and in so doing, the bail and discovery reforms

adopted by the State of New York will themselves further victimize these innocent individuals;
and

WHEREAS, these bail and discovery laws, in their current form, represent a clear and present danger to society, will tilt the scales of justice in favor of suspected criminals and away from innocent crime victims, and risk reversing decades of bipartisan progress made by the State of New York in reducing crime; and

WHEREAS, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these laws be remedied prior to their effective date of January 1, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Walton Town Board hereby implores the State of New York to immediately amend these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and be it further

RESOLVED that the State of New York provide complete funding to the Town of Walton and Delaware County for all costs associated with bail reform and discovery reform.

RESOLUTION #43 APPROVAL OF OPPOSING BAIL REFORM

A motion was made by Councilman Govern, seconded by Wood approving and adopting a resolution to implore the State of New York to immediately amend the Bail Reform and Discovery Reform law. All in favor, motion carried.

COUNTY:

No report

COMMITTEE REPORT:

Councilwoman Wood informed that Board that she has received another quote for electrical services at Veteran Plaza. Supervisor Cetta stated he will need to speak with the electrician to discuss additional requests.

Councilwoman Wood reported that money is available through the Mattern grant.

Code Enforcement Dutcher informed the Board that he had attended a training on ADA Compliance. He asked for information on the requirements of an ADA compliant Riverwalk. It was suggested the Board establish a design prior so it is clear of the size and material needed. Supervisor Cetta will contact Shawn Leddy for assistance on this.

APPROVAL OF BILLS:

RESOLUTION #44

APPROVAL OF BILLS

A motion was made by Councilman Armstrong seconded by Govern approving the vouchers as presented for payment. All in favor, motion carried.

General Fund A	#20-39	\$39,990.12
General OV B	#2	\$ 3,500.00
General Hwy DA	#10-25	\$58,414.82
General Hwy DB	#1-2	\$24,782.51

EXECUTIVE SESSION:

RESOLUTION #45

EXECUTIVE SESSION

A motion was made by Councilman Armstrong, seconded by Govern to enter into executive session for the purpose of a negotiations and a matter pertaining to a particular employee. All in favor, motion carried.

Entered 7:55 p.m.

Motion by Councilman Govern, seconded by Armstrong to close executive session. All in favor, motion carried.

Out 8:10 p.m.

With no further business before the Board, the meeting was adjourned 8:10 p.m.

Respectfully submitted,

Ronda Williams
Town Clerk