

PUBLIC HEARING

May 10, 2021

6:00 P.M.

PRESENT: Councilpersons: Kevin Armstrong, Leonard Govern, Luis Rodriguez-Betancourt, Supervisor Joseph Cetta, Attorney Carly Walas and Town Clerk Ronda Williams

ABSENT: Patty Wood

OTHERS PRESENT: Walter Geidel, Jeff Offnick, Steve Dutcher, Barbara MacDonald – Reporter, Kathleen Hayek, Eric Ball, Lillian Browne

Supervisor Cetta opened the Public Hearing for persons withing to speak in favor or against proposed Local Law 1 of 2021, A Local Law Waiver of Residency Requirement for Town Attorney.

Supervisor stated he had not received any phone calls or emails concerning the proposed law.

Supervisor Cetta closed the Public Hearing at 6:04 p.m.

TOWN BOARD MEETING

May 10, 2021

6:00 P.M.

PRESENT: Councilpersons: Kevin Armstrong, Leonard Govern, Luis Rodriguez-Betancourt, Supervisor Joseph Cetta, Attorney Carly Walas and Town Clerk Ronda Williams

ABSENT: Patty Wood

OTHERS PRESENT: Walter Geidel, Jeff Offnick, Steve Dutcher, Barbara MacDonald – Reporter, Kathleen Hayek, Eric Ball, Lillian Browne

FLOOR TIME:

None Requested

**RESOLUTION #60**

**APPROVAL OF MINUTES**

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt approving the minutes of April 12, 2021 as presented. All in favor, motion carried.

CODE ENFORCEMENT:

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

Building Permit	5
Building Inspections Completed	13
Fire Inspections Completed	1
Notices of Violations Issued	0
Tickets Issued	0
Certificates Issued	1
Complaints Received	1
Floodplain Development	0
CO Searches	2

Code Enforcement Officer Dutcher provided an update on Tiny Homes and the current Town of Walton Zoning requirements. He stated that the Planning Board is looking to eliminate the 500 square foot requirements and add a definition of Tiny Homes in the code as well as exploring short term rental regulations.

Discussion took place on septic requirements and what role the DEP will play in approving a system. CEO Dutcher stated that 5 or more Tiny Homes would fall under a camp ground definition and would follow different regulations.

He informed the Board that the solar project will be back before the Planning Board tomorrow evening as their plans are more than a year old and need to be reviewed and reapproved.

DOG CONTROL REPORT:

Martin J. Way, Jr  
Town of Walton  
129 North Street  
Walton, New York 13856

April 2021

Dog Control Activity

Summary

Complaints	3
Dogs Seized	1
Returned to Owner	1
Humane Society	0
Dangerous Dog Cases	0
Assistance	2
Tickets Issued	59 to 45 Owners
Total Redemption Fees	\$ 10.00

Mileage 43 Miles

Councilman Govern commented that the Dog Control Officer has been busy with the number of tickets that have been issued.

Supervisor Cetta agreed, and stated he had developed a three-phase plan to get the past due licenses caught up.

ASSESSOR REPORT:

Assessor’s Report to Walton Town Board

May 2021

- The 2021 Tentative Assessment Roll has been completed and filed in the Town Hall, and a notice posted on the Town Clerk’s signboard. A link to the roll is online at:  
<https://townofwalton.org/offices/tax-information>  
and  
<http://www.co.delaware.ny.us/departments/tax/rolls.htm>

- A legal notice containing the following information will run May 5 in the Reporter:

The Board of Assessment Review will meet for Grievance day on Wednesday May 26, 2021 at 4 pm - 8 pm by appointment at the Walton Town Hall. The Assessor will be in attendance with the Tentative Assessment Roll by phone 607-865-5281 on:

Saturday, May 8	2 pm – 6 pm
Friday, May 14	9 am – 1 pm
Wednesday, May 19	9 am – 1 pm
Friday, May 21	4 pm – 8 pm

- The total number of parcels in the Town increased from 3,535 in 2020 to 3,540. 167 Change of Assessment notices were mailed May 5th. There were 68 assessment changes in the Village and 99 in the Town outside the Village. The total assessed value of the Town increased 6,400,945. The 2021 Tentative Town Taxable value is 375,989,867. That is an increase from 2020 of 9,305,268 or 2.537676 %. This value includes new construction and exemption changes. It is subject to change at assessment review hearings.
- I have completed the Valuation of Affordable Housing training and request reimbursement of the \$110.00 course fee.
- I have scheduled vacation time on Friday May 28<sup>th</sup>.

Respectfully Submitted for May 2021  
Penny Haddad, Assessor

SUPERINTENDENT OF HWY. REPORT:

**TOWN OF WALTON HIGHWAY DEPARTMENT**  
25091 STATE HIGHWAY 10  
WALTON, NY 13856  
607-865-5120

**TO:** WALTON TOWN BOARD  
**FROM:** JEFF OFFNICK, HIGHWAY SUPERINTENDENT  
**DATE:**  
**RE:** REPORT

- ✓ We have made 600 tons of grader patch and have started placing it.
- ✓ I hope to complete all of the road sealing by the end of May
- ✓ I have been looking into pricing to replace the Cat Loader
- ✓ Need to approve or deny the bids from the auction items

- ✓ Permission to hire two seasonal employees for the purpose of mowing. Each employee will be used approximately 24 hours per week for 13 weeks at \$13.00 per hour.
- ✓ Permission to hire a Summer Youth Employee at \$12.40 per hour for 13 weeks.

Councilman Armstrong read the list of bids received from Auctions International as received.

1960 Ford Fire Truck	\$930.00
1988 Chevy Flat Bed Truck	\$970.00
1966 International Fleetstar Fire Truck	\$680.00
9' Fisher Plow	\$200.00
1988 Eager Beaver Trailer	\$2,125.00

**RESOLUTION #61**

**APPROVAL OF AUCTION BIDS**

A motion was made by Councilman Armstrong, seconded by Govern to accept the bids received for the surplus equipment from Auctions International in a total amount of \$4,905.00. All in favor, motion carried.

**RESOLUTION #62**

**APPROVAL OF TWO SEASONAL EMPLOYEES**

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt to approve Richard Doig and Stephen Condon as seasonal employees for the purpose of mowing. Each employee will be used approximately 24 hours per week for 13 weeks at \$13.00/hours.

**RESOLUTION #63**

**HIRE SUMMER YOUTH EMPLOYEE**

A motion was made by Councilman Armstrong, seconded by Govern to approve Kylee Wiggans as a summer youth employee at the rate of \$12.40/hour for a 13-week period.

Superintendent Offnick informed the Board that some time ago he submitted a bid of \$12,500 for a 2007 International Bucket Truck that was listed on Auctions International. At the time he was not the successful bidder, but had received notification that the successful bidder had backed out and it has now defaulted to the Town of Walton as the next highest bidder. Discussion took place and the Highway Committee was still in agreement with the need.

**RESOLUTION #64**

**PURCHASE 2007 INTERNATIONAL BUCKET TRUCK**

A motion was made by Councilman Armstrong, seconded by Govern granting permission to Superintendent Offnick to purchase a 2007 International Bucket Truck from Auctions International for a purchase price of \$12,500.00. All in favor, motion carried.

**FEMA COORDINATOR:**

Walter Geidel reported that there was no new activity in the FEMA Portal.

TOWN CLERK'S REPORT:

Provided the financial reports

Reported that I am 92% collected with taxes and have turned the \$331,469.36 of uncollected taxes over to the Delaware County Treasurer. That amount represents 251 tax bills, and of that figure, 58 are from Sheffield Estates property.

**RESOLUTION #65**

**USE OF FACILITIES**

A motion was made by Councilman Govern, seconded by Armstrong granting permission for use of Veterans Plaza to Delaware Opportunities for a Recruitment Day on May 21, 2021 and waiving the \$50.00 deposit for the organization. All in favor, motion carried.

Discussion took place on the Historical Society's request to plant a tree on May 29, 2021 at Veterans Plaza. Supervisor Cetta suggested to hold off on a tree planting until the committee and Floodplain Manager Dutcher determine the location of the planting and the species of tree to be planted. Floodplain Manager Dutcher stated he would lean toward a red maple, as they are low maintenance and faster growing.

**RESOLUTION #66**

**USE OF FACILITIES**

A motion was made by Councilman Govern, seconded by Armstrong granting permission for use of Veterans Plaza to the Walton Historical Society for a Book Signing Ceremony on May 29, 2021 and waiving the \$50.00 deposit for the organization. All in favor, motion carried.

I reported that I agree with Councilman Govern that issuing past due dog tickets have been very successful in getting the dog licenses caught up. I reported we currently only have 30 dog licenses past due.

SUPERVISOR'S REPORT:

Reported that the CD rates have dropped and may be looking at negative rates in the future.

Reported that a letter was received from the Downsville Fire District requesting a letter of endorsement from the Town of Walton in order to obtain a permanent operation certificate. The Board was in agreement to send a letter of endorsement.

**RESOLUTION #67**

**LETTER OF ENDORSEMENT TO DOWNSVILLE FIRE DISTRICT**

A motion was made by Councilman Govern, seconded by Rodriguez-Betancourt granting Supervisor Cetta permission to send a letter of endorsement to the Downsville Fire District supporting their efforts to obtain a permanent operation certificate. All in favor, motion carried.

Reported that he spoke with the Mayor concerning the agreement for funding the recreation program and water at Veterans Plaza. He

stated there seemed to be some confusion over the amount, but has been clarified and the Mayor will bring it back to the Board at their next meeting.

Reported that the Cornell Cooperative Extension will hold their Farmers Market once again this year at Veterans Plaza. He is seeking permission to once again sign the Hold Harmless Agreement for the Certificate of Insurance.

**RESOLUTION #68**

**HOLD HARMLESS AGREEMENT WITH CCE**

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt granting Supervisor Cetta permission to sign the Hold Harmless Agreement with Cornell Cooperative Extension. All in favor, motion carried.

Supervisor Cetta presented proposed Local Law No. 1 of 2021 to the Board for consideration for the elimination of residency requirement for Town Attorney.

**Local Law No. 1 of the year 2021**

**A Local Law**

**Waiver of Residency Requirement for Town Attorney**

Be it enacted by the Town Board of the Town of Walton, in the County of Delaware, as follows:

Section 1 – Statutory Authority; Title

This Local Law is adopted pursuant to the authority of Article 2 of the Municipal Home Rule Law and shall be known as the “Waiver of Residency Requirement for Town Attorney.”

Section 2 – Statement of Purpose

This Local Law is intended to eliminate the requirement that the Town Attorney be a resident of the Town of Walton.

Section 3 – Waiver of Residency Requirement

Notwithstanding any law, statute, rule or regulation to the contrary and pursuant to the powers invested by Article 2 of the Municipal Home Rule Law, the Town Attorney of the Town of Walton need not be a resident of said town.

Section 4 - Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State.

**RESOLUTION #69**

**TO ADOPT LOCAL LAW 1 OF 2021 A LAW TO WAIVE RESIDENCY REQUIREMENT FOR TOWN ATTORNEY**

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt adopting Local Law 1 of 2021 a law to Waive Residency Requirement for Town Attorney. Vote: Yea – Armstrong, Govern, Rodriguez-Betancourt, Supervisor Cetta. Nay – 0, Absent – Councilwoman Wood. Carried.

COMMITTEE REPORT:

None

APPROVAL OF BILLS:

**RESOLUTION #70**

**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	#60-75	\$22,144.01
General OV B	#-	\$ 0
General Hwy DA	#44-49	\$ 2,176.16
General OV HWY DB	#6-12	\$36,089.04

EXECUTIVE SESSION:

**RESOLUTION #71**

**EXECUTIVE SESSION**

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt to enter into executive session for the purpose of potential litigation, a matter relating to a particular employee and negotiations. All in favor, motion carried.

Entered 6:50 p.m.

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

Out 7:45 p.m.

As a result of Executive Session, the following resolutions were offered.

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES**

THIS AGREEMENT made as of this \_\_\_\_ day of \_\_\_\_\_, 2021, between MOUNTAINVIEW ESTATES ASSOCIATES, L.P., a Limited Partnership created as a Redevelopment Company pursuant to Article V of the Private Finance Law, with offices at 214 West Court Street, Rome, New York (the "Redevelopment Company"), the VILLAGE OF WALTON, a Municipal Corporation with offices at 21 North Street, Walton, New York, and the TOWN OF WALTON, a Municipal Corporation with offices at 129 North Street, Walton, New York (the "Municipalities").

WHEREAS, the Village of Walton, by Resolution duly adopted by its Village Board on May \_\_\_\_\_, 2021, did approve tax exemption of the Project upon the terms and conditions hereinafter stated.

WHEREAS, the Town of Walton, by Resolution duly adopted by its Town Board on May \_\_\_\_\_, 2021, did approve tax exemption of the Project upon the terms and conditions hereinafter stated.

WHEREAS, the Redevelopment Company and the Municipalities entered into an Agreement for Payment in Lieu of Taxes (the "Agreement") dated March 11, 1982, and thereafter modified by letter dated August 12, 1997.

NOW, THEREFORE, the Redevelopment Company and Municipalities agree to modify the Agreement as follows:

The term of the Agreement is extended from December 31, 2021 to December 31, 2046, but may be renegotiated every five (5) years. Notwithstanding the foregoing, if the Redevelopment Company and the Municipalities do not enter into an agreement for payment in lieu of taxes for the year 2036 on or before December 31, 2035, the Redevelopment Company and the tax abatement provided under this Agreement shall terminate simultaneously on December 31, 2035.

The payment in lieu of taxes for the calendar year 2022 is the sum of \$50,000.00. Sums for the subsequent calendar years shall increase 3% per annum or the amount of the shelter rent subsidy increases granted to the project by HUD for payment in lieu of tax increases, whichever sum is greater. The Manager of the property shall provide a sworn statement to the Town of Walton Assessor on an annual (calendar year) basis, specifically detailing HUD subsidy increases within forty-five (45) days of the close of such year. Failure to do so within ten (10) days after the Walton Town Attorney sends a courtesy reminder letter by certified mail, return receipt requested, will subject the property to agreed liquidated damages of \$2,500.00, said sum being an estimate of costs of legal action to compel same. The Manager for the project shall diligently pursue shelter rent increases from HUD and shall make application for same as often as possible within good business practices to provide maximum shelter increases obtainable by HUD.

Should the HUD subsidy be eliminated at any time, the property manager shall so notify the Town of Walton Assessor’s Office within thirty (30) days after notice of such elimination (even if the same be tentative), and all parties agree that this agreement shall terminate effective on December 31<sup>st</sup> of such year (unless a tentative elimination was appealed and reversed). The property will then go on the tax rolls for the subsequent year at full assessment equal to the prevailing equalization rate multiplied by the prevailing fair market value.

The payment in lieu of taxes shall be made to the Village of Walton in the month of January of each year. Upon receipt of the annual payment, the Village of Walton shall divide the payment among the Village, the Town of Walton, and the Walton School District, in the following percentages: Village of Walton: 31%; Town of Walton: 27%; Walton School District: 42%

IN WITNESS WHEREOF, the Redevelopment Company and the Municipalities have caused this Agreement to be executed by their duly authorized officers the day and year first above written.

\_\_\_\_\_  
Joseph Cetta, Supervisor  
Town of Walton

\_\_\_\_\_  
Edward Snow, Mayor  
Village of Walton

\_\_\_\_\_  
, President Mountainview Estates Associates, L.P.

**RESOLUTION #72                      MOUNTAINVIEW ESTATES IN LIEU OF TAXES AGREEMENT**

A motion was made by Councilman Govern, seconded by Armstrong approving an In Lieu of Tax Agreement between MOUNTAINVIEW ESTATES ASSOCIATES, L.P., a Limited Partnership created as a Redevelopment Company pursuant to Article V of the Private Finance Law, with offices at 214 West Court Street, Rome, New York (the “Redevelopment Company”), the VILLAGE OF WALTON, a Municipal Corporation with offices at 21 North Street, Walton, New York,



and the TOWN OF WALTON, a Municipal Corporation with offices at 129 North Street, Walton, New York (the "Municipalities"). Vote: Yea Armstrong, Govern, Rodriguez-Betancourt and Supervisor Cetta. Nay: 0, Absent: Councilwoman Wood. Carried.

The Board was in agreement to hire outside council to assist with possible real property tax exemption status dispute.

**RESOLUTION #73**

**HIRE DANIEL A. SPITZER OF HODGSON RUSS**

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt approving the hire of Daniel A. Spitzer from Hodgson Russ for outside council at the rate of \$305.00 per hour. All in favor, motion carried.

With no further business before the Board, the meeting was adjourned 8:26 p.m.

Respectfully submitted,

Ronda Williams  
Town Clerk