

The regular meeting of the Groveland Town Board was held on Thursday December 09, 2021 at the Town Hall.

Present: Bill Devine, Acting Supervisor; Steve Atterbury, Councilmember; Ron Niedermaier, Councilmember; Amy Phelps, Councilmember

Other Town Officials: D. Mark Caldwell, Highway Superintendent

Others Present: John Macauley, H. Stewart, Members of Geneseo Central School P.I.G. class

Acting Supervisor Devine called the meeting to order @ 8:59 a.m. Councilmember Atterbury led the pledge to the flag.

A motion by Councilmember Phelps and seconded by Councilmember Niedermaier the audited bills be paid. General Fund vouchers numbered 288 – 313 for \$22,603.85; Highway Fund vouchers numbered 188-204 for \$17,270.09. Motion carried.

A motion by Councilmember Phelps and seconded by Atterbury to accept the regular meeting minutes of 11/10/2021 as presented. Motion carried.

Acting Supervisor Devine forwarded copies electronically of the Town Clerk & Supervisors monthly financial reports. The supervisor financial report with monthly statement of all money received and disbursed. Councilmember Niedermaier and seconded by Councilmember Atterbury to accept both financial reports. Motion carried.

Information handed out/or acknowledged:

1. Food Pantry Box- located in the town hall

Old/New Business:

VACANCY TOWN SUPERVISOR- RESOLUTION 57-2021- Following the passing of Supervisor Carman May 31, 2021; Deputy Supervisor, William Devine has been Acting Supervisor for the Town. Following the November 02, 2021 election, William Devine was voted to be the elected Supervisor to fill late Supervisor Carman's vacancy. William Devine has resigned his position as Town Councilmember effective 12/09/2021 at the board meeting after the opening of the meeting. The town board is to appoint William Devine as Interim appointed Town Supervisor for the remainder of the year allowing municipality the ability to appoint a town board member to ensure a full board for their board meetings.

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, Supervisor William Carman passed away on May 31, 2021, thereby creating a vacancy in the town office; and

WHEREAS, pursuant to Town Law §64 (5), authorizes town board to fill vacancies in town offices; and

WHEREAS, the Town Board of the Town of Groveland has determined that it is in the best interest of said Town to appoint William Devine as Interim Supervisor and have determined that he is qualified to exercise the powers and perform the duties of the Supervisor following the November 2021 election, of which voted upon majority vote, William Devine will be the elected Supervisor to fill the vacancy created beginning January 1, 2022

NOW ON MOTION OF Councilmember Niedermaier which has been duly seconded by Councilmember Atterbury, be it

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Groveland has determined that it is in the best interest of said Town to appoint William Devine as Interim Supervisor until December 31, 2021.

Ayes: 3

Nays: 0

Abstain: 1- William Devine

Quorum Present: Yes No

VACANCY COUNCILMEMBER- Following the resignation of Town Councilmember Devine's position effective 12/9/2021 the Town Board is in receipt of interest of the position of councilmember from Sandra Bean. Ms. Bean would be filling the term appointed from 12/9/2021-12/31/2022 and would have to run for the elected position in November 2022 for the final year remaining in that term. The letter of interest will be included in the minutes.

A motion by Councilmember Phelps and seconded by Councilmember Atterbury to fill the vacancy of councilmember created by the resignation of William Devine term 12/9/2021-12/31/2022 with the oath of office to be signed within 30 days of the appointment. Motion carried.

WCME- CRABAPPLE DRIVE DISCUSSION- Supervisor Devine stated Harold Stewart, WCME requested privilege of the floor to discuss Crabapple Drive as he has a purchase offer on the two parcels on the private road.

Mr. Stewart stated that the party that is interested in the two parcel requested he come to see if the board would take the road on so it would no longer be a private road.

Supervisor Devine stated the town is not interested in owning another dead end road like the two we currently have, named Hampton Circle. E911 has already addressed a concern regarding Hampton circle as it is not a circle and it is adding confusion for their system with the code office.

Mr. Stewart can understand that it would add confusion but does not understand how the circle became as his engineers and attorney advised against it becoming a circle.

Councilmember Phelps stated it Hamptons Circle was supposed to become a complete circle as to why the name was created, the two roads were always meant to be connected.

Mr. Stewart stated that Crab Apple has all the water, sewer and electric there and can provide the specs to the town on how it was built. He understands if the town does not wish to take on a private road, he will have to handle the road himself.

Supervisor Devine said if they wish to purchase the property knowing the property is on a private road then they can but the town will not be taking on another dead end road, he thanked Mr. Stewart for coming to the meeting.

HIGHWAY REPORT- Highway Superintendent Caldwell reported that the crew has been busy putting up snow fence in preparation for the winter months. The application closed on November 19th and Highway Superintendent has hired Robert McChesney to fill the fulltime position that was available at \$18.00/ hour following the union contract. The second applicant that the Highway Superintendent wishes to hire is taking his driving test at the end of the month. Once the test is complete and passed then he would like to hire the second applicant to fill the impending retirement that will be happening from the highway department.

A motion by Councilmember Phelps and seconded by Councilmember Niedermaier to approve Highway Superintendent Caldwell's hire of Robert McChesney to Fulltime laborer MEO position at \$18.00/ hour per the union contract. Motion carried.

Supervisor Devine updated the board the anticipated highway retiree has verbally postponed his retirement until February of 2022.

There is a question regarding the use of ARPA monies to purchase over the counter COVID rapid testing for employee use prior to entering the building if they had a cold and were unsure as symptoms are ever changing.

Board Discussion:

Councilmember Phelps recommended contacting the county to see if they can be assistance. Supervisor Devine stated that he would be contacting the county on town behalf to see if we could obtain COVID testing for town employees.

Councilmember Atterbury stated it was a great idea.

RESOLUTION 58-2021 TOWN HALL/OFFICE CLEANING SERVICES – This that and More continue to provide a nice service. Their rates were \$41.25/per week and proposed to \$43.56/ week.

WHEREAS, the Groveland Town board has opted to renew the existing cleaning contract with This That and More Co.; now therefore be it

RESOLVED, the Groveland Town Board authorize Town Clerk, Kimberly Burgess to renew a one year contract expiring December 31, 2022 for monthly cleaning of \$43.56/ week, to be an annual cost not to exceed \$2,265.12 that reflects in the adopted budget.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Niedermaier and seconded by Councilmember Atterbury and the results were carried with 0 nay, 4 ayes. Roll Call Votes: Supervisor Devine, aye; Councilmember Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

RESOLUTION 59-2021 TO NAME/LIST IT TECH – We have utilized OnSite Computers - Tony Testa for several years and continues to meet our cost and availability. No rate change as still \$50 per hour.

WHEREAS this town board does hereby recognize the need for ongoing Computer support for town offices in conjunction with the Town Information Technology Policy to provide updates, user training and troubleshooting such potential needs; and

RESOLVED the Town name OnSite Computer Repair for all towns IT services and accept the contract dated December 2, 2021 for a 1 year term with a billable rate of \$50 per hour.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Niedermaier and seconded by Councilmember Phelps and the results were carried with 0 nay, 4 ayes. Roll Call Votes: Supervisor Devine, aye; Councilmember Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

USE OF ARPA MONEY- RESOLUTION 60- 2021- At the end of the year the board will be doing the year end transfers this will be a minimal use of the funds that are allowed and available otherwise we will need to use fund balance to cover the cost that have been utilized towards the water district for the attorney fees and survey that was completed. This allows the board to utilize such funds necessary at the year end.

WHEREAS, the United States Government adopted the American Rescue Plan Act (ARPA) that provide funding to municipalities; and

WHEREAS, Municipalities are allowed to use this funding to make necessary improvements to water infrastructure; and

WHEREAS, the Town Board of the Town of Groveland on October 14, 2021 adopted a Resolution and Order for the Establishment of Water District No. 1 for a portion of the Town of Groveland; and

WHEREAS, the Town Board recognizes the ability to utilize a portion of ARPA funding to be dedicated in the amount of \$12,237 for the Establishment of Water District No. 1 for a portion of the Town of Groveland following the authorized use of said monies; and

THEREFORE BE RESOLVED; the town board authorizes the use of in the amount of \$12,237 for the Establishment of Water District No. 1 for a portion of the Town of Groveland.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Phelps and seconded by Councilmember Niedermaier and the results were carried with 0 nay 4 aye votes. Roll Call Votes: Supervisor Devine, aye; Councilmember Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

NYS DOT CONTRACT RESOLUTION 61-2021- Supervisor Devine stated a contract came from NYS DOT authorizing the placement of the new utility pole at the Interstate 390 on ramp and exit ramp and State Route 408, and this will allow the town to enter in the contract to move forward with the project. Supervisor Devine stated that he requested Highway Superintendent Caldwell be the contact person and authorized signature person for the project.

WHEREAS, the Town Board has met at the time and place to review the Agreement with NYSDOT for the purpose of installing a light at the interstate 390 entrance and exit which coincides with the NYS construction project, PIN 4408.10.321, NY-408 at I-390 Pavement Rehabilitation, Towns of Groveland and Mount Morris, Livingston County; and

WHEREAS, the Town Board agrees with such contract and authorizes D. Mark Caldwell to sign the contract to begin immediately; and

THEREFORE BE RESOLVED; that the Highway Superintendent, D. Mark Caldwell to execute any and all agreements with the New York State Department of Transportation regarding the State's construction project, PIN 4408.10.321, NY-408 at I-390 Pavement Rehabilitation, Towns of Groveland and Mount Morris, Livingston County.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Phelps and seconded by Councilmember Niedermaier and the results were carried with 0 nay 4 aye votes. Roll Call Votes: Supervisor Devine, aye; Councilmember Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

SOLAR MORATORIUM EXTENSION- LOCAL LAW # of 2022 RESOLUTION 62-2021- Supervisor Devine stated it is his understanding that the Planning Board has finished their review of the Solar Law and sent the law to the attorney for his review prior to their last meeting. As there was a miscommunication from the attorney to the Planning Board, the Planning Board moved forward with their review and wishes to present soon to the town board once the Secretary to the Planning Board has the Law in its final stage for the Town Board to review. Due to the importance of the time that the Planning Board members have put into ensuring this Law is the best fit for the town Supervisor Devine felt it in the Town's best interest to extend the moratorium to finish the law as the Planning Board has put a lot of time ensuring all parts of the law have been reviewed. Board agreed.

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town Board of the Town of Groveland has considered a proposed local law known as “Extending the Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations in the Town of Groveland for Six Months,” to temporarily halt development of large scale solar installations, for an additional period of up to six (6) months, while the Town considers comprehensive zoning changes and the enactment of zoning measures to specifically address the matters of community concern; and

WHEREAS, pursuant to section 239 l-m of the General Municipal Law, said local law with all supporting documents is to be submitted to the Livingston County Planning Board for its comments; and

WHEREAS, the Town Board of the Town of Groveland recognizes that this local law is a Type II Action under SEQR, and therefore SEQR review will not be required as there are no adverse environmental impacts; and

WHEREAS, the Town Board of the Town of Groveland finds it in the best interest of the Town of Groveland to hold a public hearing on the adoption of said local law.

NOW ON MOTION OF Councilmember Niedermaier which has been duly seconded by Councilmember Phelps, be it

RESOLVED, by the Town Board of the Town of Groveland will hold a public hearing on the proposed local law on the 13th day of January 2022, at 9:00 a.m., at which time and place all interested parties and citizens for or against the proposed law will be heard.

Ayes: 4

Nays: 0

Quorum Present: Yes No

Dated: December 9, 2021

Acting Supervisor Communication:

David Gray Hill update- Marc Warner spoke with Highway Superintendent Caldwell and is still waiting to close on the property he is purchasing adjacent to his prior to moving forward with the signature for the road closure. All still positive on Mr. Warner’s part on wanting to close the road.

Meeting times 2022- Supervisor Devine inquired if it is the board’s wish to continue the meeting start time at 9 a.m. with the signing of the vouchers prior to meeting next year?
Board discussion: All agreed that 9 am worked best for the board with the understanding that if necessary a special evening meeting may still be necessary on an as needed basis.

Ambuscade Park- It has been brought the town’s attention that the sign at the corner of Rosebrugh and Groveland Hill is getting pretty warn and we have a quote from Scott Gillette to do a picture of the monument or something similar with the Town of Groveland Ambuscade Park with on aluminum 2 sided uninstalled for approximately \$1,000-1,200 which we have in the budget this year. Our Highway crew would be responsible to install and replace from the old one. The town was approached by Phyllis Meyer in regards to planting

flowers and keeping up with it during the summer months but right now it is falling apart and wasted energy to do so.

Board discussion:

Board agreed the sign is falling apart and get some designs to move forward with the design prior to the end of the year.

Other Business/ Announcements:

Councilmember Phelps inquired if the accountant had any other ARPA ideas following the last discussion, and how long the town has before the money was available for use. Town Clerk stated answered that the town has until 2024 to utilize the ARPA monies and the accountant has not looked any further into uses of ARPA just assisted in preparing for yearend transfers.

The Town IT has stated that the supervisor laptop is ready to be upgrade and recommends something like the townclerk PC. Recommends utilizing the laptop for remote login for pandemic purposes like town clerk PC and purchasing an new PC for in the office for the supervisor secretary utilizing ARPA money. Board agreed and approved town clerk to ask town IT to begin the process.

Councilmember Phelps inquired if we had an updated large map like what is hanging on the wall of the farms in the conservancy in the town. Town Clerk stated she would research what maps are in conservancy file and see what was available to view. Councilmember felt it important if the town is going to be reviewing the zoning so the board members have the full picture.

Town Clerk has heard but yet to be notified there may be an opening on the town Planning Board and the alternate for that board does not wish a permanent position. We have a resident that does wish to participate and was interested. Once there is more details Town Clerk will notify the board for appointments.

A motion by Councilmember Atterbury and seconded by Councilmember Phelps to adjourn the meeting. Motion carried. Meeting adjourned 9:54 a.m. The next meeting will be the yearend meeting December 30, 2021 @ 9:00 a.m. at the town hall and is open to the public. Motion carried.

Kimberly D. Burgess, Town Clerk

Town of Groveland

Dated: December 09, 2021