

The regular meeting of the Groveland Town Board was held on Thursday February 10, 2022 at the Town Hall.

Present: Bill Devine, Supervisor; Sandra Bean, Deputy Supervisor and Councilmember; Amy Phelps, Councilmember and John Macauley, Councilmember

Other Town Officials: D. Mark Caldwell, Highway Superintendent

Others Present: M. Saviola, CLWA; J. Molino; Director of LCWSA, R. Niedermaier, T. Harvey

Absent: Steve Atterbury, Councilmember

Supervisor Devine called the meeting to order @ 8:55 a.m. Councilmember Macauley led the pledge to the flag.

A motion by Councilmember Bean and seconded by Councilmember Macauley the audited bills be paid. General Fund vouchers numbered 16- 37 for \$8,767.19; Highway Fund vouchers numbered 12-28 for \$7,158.41. Motion carried.

A motion by Councilmember Bean and seconded by Councilmember Macauley to accept the regular meeting minutes of 1/13/2022 as presented. Motion carried.

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 Macauley and seconded by Councilmember Phelps to accept both financial reports. Motion carried.

Information handed out/or acknowledged:

1. Food Pantry Box- located in the town hall

Old/New Business:

INTRODUCTION SEWER LOCAL LAW- Jason Molino, Director of Livingston County Water and Sewer Authority is here to update the board as to why the law is necessary. Supervisor Devine introduced the Sewer Law to the board.

Director Molino discussed with the board that when the County owned the water and sewer facility they had the regulations but when it became the Authority it was required and this is a necessary step. It is required by DEC to have “use regulations” in each municipality even though the LCWSA runs the sewers in each municipality home rule dictates the municipality has to have a local law. Should compliance ever need to be utilized in conjunction with the Town’s Code enforcement Officer any cost associated for court or any fees, LCWSA would be responsible for as dictated by the intermunicipal agreement that would be signed along with the regulations if approved by the board.

Board discussion: Board agreed to move forward with the Public hearing in March for the Sewer Use Law.

Supervisor Devine thanked Director Molino for coming.

SUPERVISOR AUDIT – RESOLUTION 29-2022- Due to COVID and lack of Councilmembers present the Supervisor’s audit was not able to be completed at the last meeting.

WHEREAS, the Town Board has met at the time and place at its regular meeting, to review the 2021 examination of the Supervisor’s policies and procedures of their account books.

RESOLVED: the town board performed the examination and verification of the 2021 Supervisor account books with and appeared to be in good order in Pursuant to Town Law, Section 27(1), Section 64(1), and Section 123.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Phelps and seconded by Councilmember Macauley and the results were carried with 0 nay, 3 ayes, 1 abstain. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, abstain; Councilmember Phelps, aye; Councilmember Macauley, aye. Councilmember Atterbury, absent.

WATERSHED EDUCATION CENTER AT VITALE PARK- Mr. Saviola representing Conesus Lake Association was present to request funding for the upgrade to equipment of the audiovisual for the educational building located at Vitale Park. The Educational Center is utilized by all the communities encompassed in the Conesus Lake Watershed. Many educational seminars have already happened but would like to upgrade equipment and The Conesus Lake Association have approached the surrounding municipalities for donations.

Councilmember Phelps inquired the amount the educational Center would need. Mr. Saviola stated between \$14,000- \$15,000.

Board Discussion: An idea would be have Councilmember Phelps write a small informational note for the supervisor’s newsletter to let the community know in case members of the community may wish to donate as well.

Supervisor Devine stated that in the past the board has made donations to fund such requests and thinks that \$1,500 is a reasonable amount.

A motion by Councilmember Phelps to donate \$1,500 to the Conesus Lake Watershed Educational Center for Audiovisual upgrades, seconded by Councilmember Macauley. Motion carried.

SOLAR LAW # OF 2017 MORATORIUM RESOLUTION 30-2022 - Supervisor Devine stated the public hearing comment period remained open while the board waited for the County Planning Board comments. Comments have been received and will be attached to the resolution.

A motion by Councilmember Bean and seconded by Councilmember Phelps to close the public hearing. Public hearing closed at 8:57 a.m.

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 held public hearing on the proposed adoption of said local law on the 10th day of February, 2022 at 9:00 a.m., at which time all interested parties and citizens for or against the proposed law were heard; and

WHEREAS, the Town Board of the Town of Groveland wishes to extend the temporary land use moratorium prohibiting large scale solar installations in the Town of Groveland for six months, as the COVID-19 pandemic had frustrated the adoption of a Solar Law, and the Town of Groveland recognizes and acknowledges that the Town needs to further analyze many considerations that affect the preparation of local legislation to regulate large solar installations; and

WHEREAS, pursuant to section 239 1-m of the General Municipal Law, said local law with all supporting documents was submitted to the Livingston County Planning Board on December 9, 2021 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

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

RESOLVED, by the Town Board of the Town of Groveland feels it is in the best interests of the Town to adopt proposed Local Law entitled, “Extending the Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations in the Town of Groveland for Six Months.”

Ayes: 4

Nays: 0

Absent: 1

Quorum Present: Yes

HIGHWAY REPORT- Highway Superintendent Caldwell reported the crew has been busy plowing with the two large snow storms. They have been pushing banks back to try and avoid runoff of water. Highway Superintendent has had a few complaints of mailboxes being hit but with the amount of snow recently it is hard to not have any issues as the snow has been over a foot each time. They are trying to mitigate issues as much as possible. The roller has been torn apart and is going to be an extensive repair bill but at least currently the repair can still be done in house. Highway Superintendent will be ordering the mower that was budgeted as cost keep increasing.

Highway Superintendent has hired Jordan Mitchell as the newest hire to replace the impending retiree at the end of this week. Mr. Mitchell would be at a pay rate of \$18.00 an hour until the new union contract is approved.

A motion by Councilmember Phelps to approve the Highway Superintendent recommendation for hire of Jordan Mitchell seconded by Councilmember Bean at a pay rate of \$18.00/ hour and his start date of 1/31/2022.

Councilmember Macauley inquired if Highway Superintendent Caldwell has had any communication regarding salt usage on the road and ground water concern. Highway Superintendent Caldwell stated that he has been watching and reading articles regarding it and watches State trucks put more salt down on dry days and he has actually been utilizing less and more sand as it is becoming a hot button topic. Highway Superintendent will continue to monitor the topic.

DAVID GRAY HILL ROAD- Supervisor Devine stated we now are prepared to move forward formally closing the road as we have all signatures necessary to close the road.

WHEREAS, the Town Board of the Town of Groveland met at a regular board meeting at the Town Offices located at 4955 Aten Road, Groveland, New York on the 10th day of February, 2022, commencing at 9:00 a.m. at which time and place the following members were:

Present: Supervisor William Devine
Councilmember Sandra Bean
Councilmember Amy Phelps
Councilmember John Macauley
Absent: Councilmember Steve Atterbury

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 is considering the partial abandonment of David Gray Hill Road in the Town of Groveland as depicted in the map attached hereto as **Exhibit A**; and

WHEREAS, D. Mark Caldwell, as Town Highway Superintendent for the Town of Groveland, has duly certified in writing that David Gray Hill Road is a Town highway beginning at the Conesus Townline, continuing west for approximately 7,697.2 feet, intersecting at Barber Hill Road, Morris Road, and Rosebrugh Road, and that it is not necessary for municipal purposes; and

WHEREAS, the Town Board of the Town of Groveland plans to continue to maintain a portion of David Gray Hill Road being 2,320 feet of roadway, with a width of 22-feet, and 4-feet of shoulders on each side of the roadway; and

WHEREAS, the Town Board of the Town of Groveland and the Town Highway Superintendent agree to continue to maintain an additional 150 feet of the east end of the road in order for property owner, Kirby Marc Warner to access his property; and

WHEREAS, the Town Board of the Town of Groveland wishes to abandon the portion of David Gray Hill Road as depicted on the CHIPS report as 5,227.2 feet in length (0.99 miles), with a width of 14 feet, and no shoulders; and

WHEREAS, said road has not been maintained for the last 6 years or longer and has not been usually travelled along the greater part thereof, by more than 1 vehicle daily, in addition to pedestrians and persons on horseback, and that an unqualified abandonment is proper and will not cause injustice or hardship to the owner or occupant of any lands adjoining such highway; and

WHEREAS, the Town Board of the Town of Groveland has sought and received written approval from the Town of Conesus Supervisor and the Town of Conesus Highway Superintendent; and

WHEREAS, the Town Board of the Town of Groveland has sought and received written approval from property owners on David Gray Hill: Theodore Miskell, Cathleen Thompson, Brian Taylor, and Kirby Marc Warner; and

WHEREAS, we as the Town Board Members of the Town of Groveland do hereby consent to the making and filing of a certificate and request the Superintendent of Highways, D. Mark Caldwell, hereby abandon David Gray Hill Road.

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

RESOLVED, that the above specified portion of David Gray Hill Road hereby be abandoned, in accordance with an unqualified abandonment; and be it further

RESOLVED, the Town Board of the Town of Groveland hereby authorizes the Town Highway Superintendent to complete an Affidavit suggesting his support and approval to abandon the specified portion of David Gray Hill Road; and be it further

RESOLVED, the Town Board of the Town of Groveland further authorizes the Town Highway Superintendent, Town Board members, and Town Clerk to execute the Certificate of Abandonment; and be it further

RESOLVED, the Town Clerk is hereby is directed to enter the Certificate of Abandonment in the minutes of this meeting and record the Certificate of Abandonment simultaneously with this Resolution in the Livingston County Clerk's Office.

Ayes: 4

Nays: 0

Absent/Abstain: 1

Quorum Present: Yes

AGREEMENT TO SPEND HIGHWAY FUNDS- RESOLUTION 32-2022- Highway Superintendent Caldwell filled out the form for the board to review. If approved each board member will sign.

WHEREAS, in the sum of \$126,250 may be expended for general repairs upon 4.74 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof, and

WHEREAS, Highway Superintendent has designated road improvements commencing on Wilson Road from Groveland Hill Road and leading to 2900' to the east, a distance of 2900' miles there shall be expended not over the sum of \$15,000 Type Oil and Stone 23ft width of traveled surface. thickness 2" subbase double surface treatment, stone and oil surface, and

WHEREAS, Highway Superintendent has designated road improvements commencing on Barber Hill Road from Wilson Road and leading to Maple Beach, a distance of 14100' miles there shall be expended not over the sum of \$54,000 Type Oil and Stone 22ft width of traveled surface. thickness 2" subbase double surface treatment, stone and oil surface, and

WHEREAS, Highway Superintendent has designated road improvements commencing on Bennett Hill Road from Groveland Hill Road and leading to Dantz Road, a distance of 2700' miles there shall be expended not over the sum of \$14,000 Type Oil and Stone 22ft width of traveled surface. thickness 1.5" subbase double surface treatment, stone and oil surface, and

WHEREAS, Highway Superintendent has designated road improvements commencing on Turner Road from Groveland Hill Road and leading to Dantz Road, a distance of 2450' miles there shall be expended not over the sum of \$11,500 Type Oil and Stone 22ft width of traveled surface. thickness 1.5" subbase double surface treatment, stone and oil surface, and

WHEREAS, Highway Superintendent has designated road improvements commencing on Hunt Hill Road from Maple Beach Road and leading to 1025' to the east, a distance of 1025' miles there shall be expended not over the sum of \$11,750 Type Oil and Stone 22ft width of traveled surface. thickness 10" subbase crushed gravel, and

WHEREAS, Highway Superintendent has designated road improvements commencing on lower Adamson Road from Logan Road and leading to 1900' to the west, a distance of 1900' miles there shall be expended not over the sum of \$20,000 Type Oil and Stone 22ft width of traveled surface. thickness 10" subbase crushed gravel, and

RESOLVED, that pursuant to provisions of Section 284 of the Highway Law, the town board agrees that monies levied and collected for the repair and improvement of highways, and received from the state for the year 20201 will be utilized as specified above.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Phelps and seconded by Councilmember Macauley and the results were carried with 0 nay, 4 ayes.

Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Phelps, aye Councilmember Macauley, aye. Councilmember Atterbury, absent.

CEMETERY SERVICE CONTRACT DUE FOR RENEWAL – RESOLUTION 33-2022- Town Clerk is in receipt of Snyder’s letter with the addition of overtime charge increase to \$150/ hour for funerals that arrive after 3:30pm. Their contract expires March 31, 2021 and renews annually. A minimal increase to service for burials along with cremations is in the contract renewal.

WHEREAS the Town Board has met at the time and place at its regular meeting the town board has reviewed the proposed 2022- 2023 Snyder Brothers Cemetery Service contract; and

WHEREAS, the Town Board is desirous of cemetery service for taking calls, selling plots, mapping plot owners, grave opening and closing and grading and seeding; and; now therefore be it

RESOLVED, this Town Board does hereby accept the Snyder Brothers Cemetery proposal to service Lake View Cemetery from April 1, 2022 and expires March 31, 2023 with Grave pricing to the town include open and closing: Adult \$400, Child \$400, Stillborn \$200, Cremated remains \$225, Welfare \$400, Holiday & Sunday burials an additional charge of \$150, Foundation Installation is \$28.00 per cubic foot with a minimum of \$250, Overtime charge for funerals arriving after 3:30 p.m.\$150 and now therefore further be it;

THEREFORE FURTHER BE IT RESOLVED, that either party may terminate this agreement within a written notice to the other party within 90 days said to prior end of said contract.

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

UPDATED FEE SCHEDULE- RESOLUTION 34- 2022- Supervisor Devine asked the board with the approved contract does the board wish to increase the rate charged for the cemetery service rate to increase by \$25.00?

Board discussion: All agreed

Due to the minimal increase in burials and cremations for cemetery service an update to the fee schedule needed to be done.

RESOLVED, the Groveland Town Board adopts the updated 2022 Fee Schedule as follows
*Fee scheduled attached to resolution

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Bean and seconded by Councilmember Phelps and the results were carried with 0 nay, 4 ayes. Roll

Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Phelps, aye Councilmember Macauley, aye. Councilmember Atterbury, absent.

EMPLOYEE HANDBOOK UPDATE DISCUSSION- Supervisor Devine researched the updated holiday schedules at the County and found the County has moved forward with adopting the Juneteenth holiday along with other municipalities will be in the future.

Board discussion: All agreed that it should be included in the update to our handbook. Board requested to have the updates ready for approval at the March meeting.

APPOINTMENT TO THE PLANNING BOARD RESOLUTION 35-2022- Supervisor Devine was notified that Mr. Keenan was interested in the vacant planning board member position following the meeting he attended.

WHEREAS, Section 27 of NYS Town Law provides that the town board shall hire employees and make such position appointments as needed to conduct the business of the town, now therefore be it

RESOLVED, by the Groveland Town Board to make the following position appointments with terms indicated per Public Officers Law Section 10 all will sign the oath of office within 30 days of appointment.

Appointments as follows:

Charles Keenan, Planning board member term effective – 2/1/2022 – 12/31/2023

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

EXECUTIVE SESSION- Councilmember Bean made a motion to go into executive session, seconded by Councilmember Phelps for matters relating to collective negotiations. Motion carried.

The board asked Town Clerk, Highway Superintendent and Tanner Harvey to attend.

Board entered executive session at 10:18 a.m.

A motion by Councilmember Bean seconded by Councilmember Phelps to close the executive session with no action taken. Motion carried.

Returned to regular session at 10:37 a.m.

A motion by Councilmember Bean and seconded by Councilmember Macauley to approve the Union Contract with minor changes agreed upon with Union Steward, Tanner Harvey present for discussion and approval of changes. Changes as follows: Page 5- Article 9 section 9.3 end of sentence needs to state Section 9.1 instead of 12.1 as circled and initialed by Tanner Harvey. Page 9- Article 16 section 16.1 nieces, or nephews should only have one day of bereavement time just like aunt or uncle as circle and initialed by Tanner Harvey. This contract to be effective immediately. Motion carried.

Highway Superintendent stated with the contract approved he would like to increase Mr. Mettler's pay by .50 cents as he is training the two new hires.

A motion by Councilmember Phelps and seconded by Councilmember Macauley to change Cody Mettler's pay rate to \$21.50 effective 2/21/2022. Motion carried.

Supervisor Communication:

Supervisor Devine had a request from Planning Board member to pay \$15/ hr. for training.

Board Discussion: The board agreed with paying \$15.00 for training with proof of training to be turned in for reimbursement through a voucher to the town clerk's office.

A motion by Councilmember Bean and seconded by Councilmember Macauley to reimburse Planning and Zoning Board member \$15.00/ hour for training credit with proof submitted. Motion Carried.

Supervisor Devine stated Internet Service discussion happening at the County with map provided for potential service in areas with very little service at the very beginning stages.

A motion by Councilmember Bean and seconded by Councilmember Macauley to adjourn the meeting. Motion carried. Meeting adjourned 10:47 a.m. The next meeting will be the regular meeting March 10, 2022 @ 9:00 a.m. at the town hall and is open to the public. Motion carried.

Kimberly Burgess, Town Clerk
Town of Groveland
Dated: February 10, 2022