

The regular meeting of the Groveland Town Board was held on Thursday January 9, 2020 at the Town Hall.

Present: Bill Carman, Supervisor; Bill Devine, Town Councilmember & Deputy Supervisor; Steve Atterbury, Councilmember; Ron Niedermaier, Councilmember; Amy Phelps, Councilmember

Excused:

Other Town Official's in Attendance: D. Mark Caldwell, Highway Superintendent; Justice Mark Bean and Justice Jenean Love; Ron Maxwell CEO/ZEO

Other Attendees: Matthew Partridge, Charles Comer and other attendees

Supervisor called the meeting to order @7:30 p.m. Supervisor Carman asked Matt Partridge to lead the pledge to the flag.

A motion by Councilmember Devine and seconded by Councilmember Niedermaier the audited bills be paid. General Fund vouchers numbered 1-17 for \$4,696.86; Highway Fund vouchers numbered 1- 6 for \$3,164.93. Motion carried.

A motion by Councilmember and seconded by Councilmember to accept the year end meeting 12/26/2019 organizational meeting minutes of 1/02/2020 approved as presented. Motion carried.

Copies 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 Phelps to accept both financial reports. Motion carried.

Information handed out/or acknowledged:

1. Food Pantry collection box is located at the town
2. Groveland Fire Dept. Pancake breakfasts- second Sunday of the month

Old/New Business

LAKEVIEW CEMETERY- Matthew Partridge requested privilege of the floor to thank the board and acknowledge how nice the cemetery always looks. He delivered a thank you note that was read at the meeting and wished to acknowledge Mark Moreland for the hard work and care that is done at the Lakeview Cemetery.

Supervisor Carman thanked Mr. Partridge for coming that it was a kind to hear. Supervisor Carman will let Mr. Moreland know that it has been received and acknowledged by the board, along with the note being attached to the minutes.

Councilmember Atterbury entered meeting at 7:40 p.m.

SPECIAL USE PERMIT CONCERN- Charlie Comer requested privilege of the floor to discuss the special use permit regulations. Mr. Comer presented a summary of his property including the date of purchase, what past uses for the property have been prior to his purchase along with maps of the property. He feels that a Conditional Use places an encumbrance on his property and if he ever wanted to sell feels it would cause a difficulty. He has discussed with the Town's Zoning Board as well previously and feels that the town board should make changes to the Zoning to allow for his property to not have to apply for a Conditional Use Permit.

Supervisor Carman asked Mr. Comer if he was just approved for another 5 years for his Conditional Use, to which Mr. Comer stated he was.

The Supervisor then asked the Code Officer to explain the reason why Mr. Comer needed to have a Conditional Use permit to the board.

Code Officer/ Zoning Officer Maxwell gave the explanation of what the property was when Mr. Comer purchased it as a Residential Agricultural district. Mr. Comer wanted to change what it had been used for a difference from what the use was when he purchased it and that was the reason for the Conditional Use permit. The original use of the property was prior to the town Zoning Law being in effect and that the town Zoning Law was in effect when Mr. Comer purchased the property.

Supervisor asked the Code Officer what the town's options are because if they did for one property it would have to be done for all properties.

Code Officer/ Zoning Officer Maxwell stated that the town cannot do spot zoning, the town would need to rezone all properties or that Mr. Comer can apply for a variance to do a change of use. These types of variances are extremely difficult to obtain and that Mr. Comer would have to prove to the ZBA there is no other option. Code Officer Maxwell also stated that it is his understanding that Mr. Comer may be looking to sell cars at the property as well, if this should happen there would need to be a modification to his approved Conditional Use permit that Mr. Comer would need to apply for as well.

Mr. Comer stated that that has not been decided upon yet.

Supervisor thanked Mr. Comer for coming and he will discuss the concern with the town's attorney and the Zoning Board. Once complete he will advise the town board and notify Mr. Comer.

JUSTICE CLERK POSITIONS- Justice Bean and Justice Love stated that Court Clerk Terri Rider submitted her resignation effective the end of January 2020. Justice Bean and Justice Love appreciated the dedication Ms. Rider had for the town court but felt it best to start the new terms in their offices without Ms. Rider and accepted her resignation effective immediately.

A motion by Councilmember Phelps and seconded by Councilmember Atterbury to accept the resignation of Terri Rider. Motion carried unanimously.

The justices would like to move forward for training purposes and assist on court nights temporarily with Kolleen Redman. Ms. Redman has assisted the court in the past and feel her experience would make transition for their department much smoother.

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier to accept the temporary appointment of Kolleen Redman as a Court Clerk for the term to expire May 30, 2020 with the rate of pay to be \$22.50/ hour. Motion carried unanimously.

The justices are looking towards the future of the court clerks and it is their understanding that within the next year to year and half that Deb Coburn will resign her position as she will be moving out of state. There is no date set yet but both justices want to be able to train another clerk with the impending resignation. The Justices would like to hire Sarah Driscoll for a part time court clerk position. Sarah has been a resident of the town and her work ethic would be a great asset to their office. They would like to raise Ms. Coburn's rate of pay to \$15.50/ hour and would like to have Ms. Driscoll's rate of pay be \$15.50/ hour.

Justice Bean stated that they are going to be changing their court days to the 1st and 3rd Wednesday of the month, and that court will begin at 3p.m instead of 6p.m. They justices have been getting pressure from the District Attorney's Office to have earlier times for court.

Supervisor Carman asked if with the changes they will stay within the approved budgeted amount. Justice Bean stated they would be.

A motion to by Councilmember Phelps and seconded by Councilmember Atterbury to amend Deb Coburn's rate of pay to \$15.50/ hour effective 1/13/2020 and to hire Sarah Driscoll as a part time court clerk effective 1/13/2020 with the rate of pay of \$15.50/ hour. Motion carried unanimously.

HIGHWAY REPORT- Highway Superintendent stated that we have received the CHIPS monies the end of December 2019. Highway Superintendent will be Albany again for Advocacies Day fighting to keep CHIPS monies March 3-4, 2020. Items that have been approved for surplus are currently on an online auction, any monies received will be turned over to the supervisor with a detail of the items that were sold.

The highway crew has been busy obtaining and will be installing master switches on all the trucks and doing Sign inventory following NYMIR's recommendations. They are new updates to signage with addresses on the signs. When replacing a sign Highway Superintendent will update with addresses as the cost to do all at once would be expensive. They also have been keeping up with plowing when needed.

Highway Superintendent Caldwell received a call from the E911 center to see what the update of closure is with David Gray Hill Road. Highway Superintendent discussed with the board about the condition of the road and that he would assess it and look at the cost of repairs to have further discussion at the February meeting.

Councilmember Niedermaier inquired with the Highway Superintendent if the Highway still had a five year road plan. Highway Superintendent Caldwell responded that he is going to get a count of roads and start working from there for future roadwork to create a plan.

AGREEMENT TO SPEND HIGHWAY FUNDS- RESOLUTION 29-2020- Highway Superintendent Caldwell filled out the form for the board to review. If approved each board member will sign

WHEREAS, in the sum of \$98,845 may be expended for general repairs upon 2.26 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 Turner Road from Bennett Road and leading to Dantz Road, a distance of .61 miles there shall be expended not over the sum of \$43065.00 with using full depth Relamation a 22ft. width of stone and oil surface, and

WHEREAS, on the road commencing at Swan Hill Road starting at Groveland Station Road (Rte 63) and leading to County Road 44 a distance of .94 miles shall be expended not over the sum of \$40,000.00 width of traveled surface of 22ft. width of stone and oil surface, and

WHEREAS, on the road commencing at Adamson Road beginning at the 4545 Adamson Road, and leading to Logan Road a distance of .71 miles shall be expended not over the sum of \$15,780.00 width of traveled surface of 22ft. width of stone and oil surface, 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 2020 will be utilized as specified above.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Atterbury and seconded by Councilmember Niedermaier and the results were carried with 0 nay, 5 ayes. Roll Call Votes: Supervisor Carman, aye; Councilmember Devine, aye; Councilmember Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

DEPARTMENT ANNUAL REPORTS – The AUD report is not available until March from our Accountant. The board discussed that all department annual reports be turned in February 28th to allow for a month for review and approval in March. All agreed. Town Clerk will send an email to request annual reports from each department.

APPROVAL OF PROCEDURE AUDITS – RESOLUTION 28-2020 - Copies of completed audits were passed around. Audits will be part of the official minute book. Letter acknowledged from the court requiring such audits to be performed.

WHEREAS, the Town Board has met at the time and place at its regular meeting, to review the 2019 examination of the Justice Court, Tax Collection, Town Clerk & Supervisor policies and procedures of their account books.

WHEREAS, two councilmen did meet with each department as indicated on audit sheets at the Town Hall to provide a process to monitor and review the work performed by those who handle money as part of their town duties; and

RESOLVED: the town board performed the examination and verification of the 2019 account books with court, town clerk & supervisor 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 Niedermaier and seconded by Councilmember Atterbury and the results were carried with 0 nay, 5 ayes. Roll Call Votes: Supervisor Carman, aye; Councilmember Devine, aye; Councilmember Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

PAYROLL ANALYSIS- Supervisor Carman was notified by the town accountant that there had been an error in payroll for the outgoing Highway Superintendent James Love. Accountant provided a payroll analysis for Mr. Love which showed a shortfall between wages due and what he was paid in 2016.

A motion by Councilmember and seconded by Councilmember to authorize a final check to Mr. Love for \$2,652.05, and to place the explanation with the 2020 budget for auditing purposes. Motion carried unanimously.

Supervisor Carman was also notified that there was an issue for salaried employee's upcoming paychecks. The accountant stated her system did not account for leap year as her system accounts for 26 pay periods for the calendar year. This year there are 27 pay periods with the last pay period dated 12/31/2020. The board has two options that are:

1. Continue with current rate using 26 pay periods; salaried employees would not receive the 27th check dated 12/31/2020
2. Adjust bi-weekly gross pay to rate for 27 pay dates; also reduce gross pay for 1/16/2020 pay date for excess received 1/2/2020

A motion by Councilmember Phelps and seconded by Councilmember Atterbury to authorize an adjustment to bi-weekly gross pay to rate for 27 pay dates; also reduce gross pay for 1/16/2020 pay date for excess received 1/2/2020 with notifications being sent to the effected salaried employees with the explanation and board's decision. Motion carried unanimously.

AMBUSCADE PARK– Supervisor Carman would like to look to set up a date for the picnic for the GV BOCES building trade students looking at a date in May possibly. There will need to be a septic along with the parking lot area to still address. The Supervisor will work with the Department of Health to obtain the septic permit as the original permit has expired.

Supervisor Carman inquired about ADA accessibility requirements for the pavilion to Code Officer Maxwell.

Code Officer Maxwell gave the specifications to the board.

Councilmember Devine suggested staking out the parking areas so every party involved has a visual of what the board is trying to accomplish. All agreed

Supervisor Carman stated the board will continue moving forward and discuss at future meetings.

Supervisor Communication: Supervisor Carman was approached by Livingston County Planning Board with the recommendation the town reviews their Solar Law as important updates are recommended. Supervisor will contact the town's Planning Board Chairman with the information that was provided to him so they may begin the review process. Code Officer Maxwell was present for the meeting and notified of the concern. It was stated by the Supervisor that York and Leicester's Solar Laws are good examples of recommendations. Supervisor will also discuss with town attorney to see what is in the best interest for the town moving forward to amend the law would be.

Other Communication:

Councilmember Niedermaier received confirmation that Alberta Berger 100th birthday party is scheduled for 5 p.m. March 21st at the Groveland Federated Parish for all who wish to join.

Town Clerk reminded all board members that the Town Zoning that has been provided to the board will be on next month's agenda.

A motion by Councilmember Atterbury and seconded by Councilmember Devine to adjourn the meeting. Motion carried. Meeting adjourned at 9:16 p.m. The next meeting will be the regular meeting February 13, 2020 @ 7:30 p.m. at the town hall.

Kimberly D. Burgess, Town Clerk
Town of Groveland
Dated: January 9, 2020