

**The regular meeting of the Groveland Town Board was held on Thursday March 12, 2020 at the Town Hall.**

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

**Absent: None**

**Other Town Official's in Attendance:** Donald "Mark" Caldwell, Highway Superintendent

**Other Attendees:** None

**Supervisor called the meeting to order @ 7:34p.m.** Supervisor Carman asked Councilmember Atterbury to lead the pledge to the flag.

A motion by Councilmember Niedermaier and seconded by Councilmember Atterbury the audited bills be paid. General Fund vouchers numbered 45- 74 for \$10,036.70; Highway Fund vouchers numbered 28- 48 for \$20,650.68; Water District Fund Voucher numbered 1 for \$37,451.25. Motion carried unanimously

A motion by Councilmember Niedermaier and seconded by Councilmember Atterbury to accept the regular meeting minutes of 02/13/2020 approved as presented. Motion carried unanimously.

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

**Information handed out/or acknowledged:**

1. Food Pantry collection box is located at the town hall – open during office hours
2. Work Place Violence and Sexual Harassment Prevention Training scheduled for 4/16/2020@ 4p.m.
3. 3<sup>rd</sup> Annual Earth Day in Groveland April 25, 2020 12pm- 2pm
4. Supervisor's newsletter mailed out 3/2/2020 and is available on website

**Old/New Business:**

HIGHWAY REPORT- Highway Superintendent Caldwell reported he attended the Highway Superintendent's rally against the defunding of CHIPS monies in Albany March 3-4, 2020 also known as CHIPS Advocacy Day. Currently there is no update to the status of the Extreme Winter Recovery money or Pave NY money as it is based in the Governor's budget. We do not know how much if any changes to CHIPS monies either, a lot of money and focus is being spent on the coronavirus.

The crew has been busy putting a new steel roof on the vault in Lakeview Cemetery. They have also trimmed trees in all of the cemeteries that needed to be done along with servicing equipment in preparation for spring.

Winter has been harsh on our dirt roads, Dennison Road has been temporarily closed due to the condition of the road and trying to prevent further damage. The dirt roads that have the worst pot holes the crew is trying to fill the pot holes to get the roads by until the normal after winter maintenance can be accomplished.

Highway Superintendent Caldwell finished up the application for Federal Surplus Property that had expired along with the application for the brine permit. The next task is to work on the permits for overload trucks which is now done electronically and has not been updated.

UPDATE TO TOWN ZONING LAW- Supervisor Carman passed out the updated Town Zoning Law at the February board meeting. Board members requested more time to review. Supervisor Carman inquired if anyone had changes that need to be done prior to the public hearing.

Board discussion: Supervisor Carman was confused at the wording on page 5 section F. The board agreed with the Supervisor.

Councilmember Phelps stated the sign regulation seem strict, concerned that signs seem to go up now that are in violation of the current Zoning Law; however understands the need for regulation. All board members felt overall the proposed Zoning Law only needed further clarification of the section above.

A motion by Councilmember Atterbury and seconded by Councilmember Devine to send back to the Planning Board for better clarification of page 5 section F. Motion carried unanimously.

DEPARTMENT ANNUAL REPORTS – RESOLUTION 34-2020– Town Clerk previously emailed AUD reports previously.

WHEREAS, per General Municipal Law Section 35 the Town Board has met at the time and place at its regular meeting, to review the 2019 annual reports submitted by the Justice Court office, Town Clerk, Code Enforcement and Supervisor’s; and

WHEREAS, the Town Clerk stated the Town Annual report was advertised in the official publication;

RESOLVED this Town Board does hereby accept such Annual Reports that reflects with the Town Annual Report of the Town Accounts office from LaDelfa & Associates; fiscal year ending December 31, 2019 and that such 2019 annual reports be adopted, by this Board, be entered in the minutes of the proceedings of this Town Board, except for the AUD will be filed separately in the Town Clerk’s office due to its size.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Atterbury and seconded by Councilmember Phelps 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.

ASSET LISTS – REVIEW FOR APPROVAL - Town Clerk presented updated lists for each department. This are helpful for tracking purchases or if ever an insurance claim needed to be filed. Each department has reviewed and signed them. Board reviewed and made no changes.

HONOR MILESTONE BIRTHDAY – ALBERTA BURGER – Supervisor stated that Ms. Burger will be turning 100 on March 24<sup>th</sup> and would like to recognize her mile stone birthday with a certificate. A party to honor Ms. Burger is to be scheduled for March 21, 2020 from 2-4 p.m.

WHEREAS, Alberta Burger was born on March 24, 1920; and

WHEREAS, as a citizen of Livingston County with ties living in the Town of Groveland, and

WHEREAS, she worked with her husband farming locally with 60 years of marriage raising 2 children, volunteering for numerous community events and loved the music in her life celebrating at the Grange; and

WHEREAS, birthdays mark a special occasion for each of us and as we go through life, some birthdays become milestones. Certainly the celebration of your 100<sup>th</sup> birthday is indeed a wonderful milestone to reach and truly a testament of time, having experienced some of the most memorable periods of American history; and

WHEREAS, the changes in the world during the past one hundred years are astounding and the memories that you possess are without a doubt one of the greatest treasures; and

WHEREAS, the Town of Groveland recognizes whom we are today is vastly due to its heritage of our citizens from yesterday, today and tomorrow; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF GROVELAND that the members of this body honor and commend Alberta Burger, please allow us to share in your birthday celebration by again extending our very best wishes and a joyous “Happy Birthday”!

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier to recognize Alberta Berger milestone birthday with certificate. Motion carried unanimously. The official Certificate filed in minute book.

AMBUSCADE PARK– Supervisor received an email from Kathleen McIsaac, NYS Parks Regional Grants Administrator regarding the Ambuscade Park grant closure. She forwarded our letter to close the grant to Albany and then lost track of it. Ms. McIsaac wanted to follow up to see what if anything the town was able to accomplish. Supervisor gave the brief synopsis of the current pavilion and what is still necessary to complete. The State is willing to allow the town to close the grant administratively and not have to return the \$13,578.31 the town has already received from the grant with the understanding that the town would have to follow the term of the alienation agreement in the grant.

A motion by Councilmember Phelps and seconded by Councilmember Atterbury to close the grant administratively. Motion carried unanimously.

Supervisor Carman inquired with Councilmember Niedermaier regarding the potential donated property by Thompson’s.

Councilmember Niedermaier stated that he is in constant communication with the Thompson family and waiting for their review prior to moving forward.

Councilmember Niedermaier also stated that we are in receipt of one quote for gutters for the pavilion from Callan Construction for \$785.00. This is all that is required following the town’s procurement policy and will have them move forward when time allows for it. Board agreed.

EMPLOYEE HANDBOOK UPDATE- Supervisor Carman notified the board that there has been question raised regarding holiday and vacation pay that needed better clarification. An updated policy with the changes have been provided to the board.

Board discussion: All reviewed and were in agreement with the changes.

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier to update employee handbook as provided. Motion carried unanimously.

REAPPOINTMENT ZBA MEMBER- RESOLUTION 35-2020- ZBA member, William Magee was reappointed at the organizational meeting in January but was unable to sign the oath of office within 30 days of the appointment.

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:**

William Magee, Zoning board member term effective – 1/1/2020 – 12/31/2025

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.

WORKPLACE VIOLENCE PREVENTION POLICY AND SEXUAL HARASSMENT PREVENTION POLICY UPDATE-

Town Clerk received notification from Association of Towns attorney regarding the mandatory training for Work Place Violence Prevention and Sexual Harassment Prevention. The yearly training is mandatory for every employee however if the town policies have language that allows for the training not to be site specific and what the town would accept as proof then the employees do not have to repeat in multiple times. Currently the town policies do not have this. An updated policy has been provided to each board member for their review as this has been added if the board chooses to move forward. Our yearly training is scheduled for April 16, 2020 at 3p.m.

Board discussion: All agreed with the updates.

A motion by Councilmember Devine and seconded by Councilmember Phelps to accept the changes made to the Work Place Violence Prevention Policy and the Sexual Harassment Prevention Policy update. Motion carried unanimously.

LOCAL LAW # 2020- ESTABLISHING A TEMPORARY LAND USE MORATORIUM

PROHIBITTING BATTERY ENERGY STORAGE- The Planning Board made the recommendation to the Supervisor to enact a moratorium prohibiting battery energy storage systems as the current solar law does not regulate them. The Planning Board is working on the solar law to update to include language regarding battery storage. A draft Local Law was provided to the board for their review.

Board discussion: All agreed with the draft Local Law.

RESOLUTION 36-2020- PUBLIC HEARING FOR LOCAL LAW# 2020-

**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 “A Local Law Establishing a Temporary Land Use Moratorium Prohibiting Battery Energy Storage Systems within the Town Of Groveland,” to temporarily halt the development of battery energy storage systems, for a 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**, the Town Board has reviewed the criteria set forth in 6 NYCRR Part 617.5, specifically section (c) (36) which states, “adoption of a moratorium on land development or construction” is a Type II Action and therefore requires no further action under SEQRA; 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 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 Phelps which has been duly seconded by Councilmember Atterbury, be it

**RESOLVED**, the Town of Groveland has hereby determined the local law entitled, “A Local Law Establishing a Temporary Land Use Moratorium Prohibiting Battery Energy Storage Systems within the Town Of Groveland” as a Type II Action requiring no further action under SEQRA; and be it further

**RESOLVED**, by the Town Board of the Town of Groveland will hold a public hearing on the proposed local law on the 9th day of April 2020, at 7:00 p.m., at which time and place all interested parties and citizens for or against the proposed law will be heard.

Ayes: 5

Nays: 0

Quorum Present: x  Yes  No

**Supervisor Communication:**

- Sons of the American Legion would like to do the dedication of the Pomeroy Roadside Marker at the same time as the dedication for the pavilion. They have provided a nice draft agenda for review.
- A timeline was given to the Supervisor regarding the potential water district and what our residents can expect that has been included this in the newsletter.
- 2020 Census will begin an article in the newsletter to inform the residents of what to expect with the Census.
- Water fill station update- Supervisor Carman asked Jason Foote from CPL to assist us in creating a RFP for the water fill station.
- National Grid LED savings update- Supervisor spoke with Paul Gister and the town is receiving a saving of approximately \$500 a year. The original program was for 25 watt LED lighting and the Supervisor did not realize that when the lights were switched to the 48 watt LED it was not in the same program. Therefore the cost savings is less than what we anticipated from the original program.
- 3<sup>rd</sup> Annual Earth Day is scheduled for April 25<sup>th</sup> from 12pm- 2pm, Pete Dolan has agreed to chair this event for the town.
- Resignation of Eileen Blake as Court Clerk

A motion by Councilmember Phelps and seconded by Councilmember Niedermaier to accept the resignation of Eileen Blake. Motion carried unanimously.

- LCWSA Steering Committee for LCWSA Waste treatment Inflow and Infiltration- Supervisor stated we need to have the town represented. Supervisor Carman asked Councilmember Niedermaier if he could be the representative. Councilmember Niedermaier stated he would. Supervisor stated he will have the town clerk respond to let them know who from our town will be on the committee.
- Supervisor stated there was discussion previously to changing the town board meeting times to earlier, would the board be ok with meeting at 6 to review the vouchers and sign and have the meeting start at 6:30p.m. All agreed. A motion by Councilmember Atterbury and seconded by Councilmember Devine to start the meetings at 6:30 p.m. Motion carried unanimously.

**Other Communications:**

Town Clerk- Konica Minolta copier lease is due the 15<sup>th</sup> of every month. I have tried to do a prepayment with a credit card to avoid the late fees however the company does not allow for this. Town Law Section 118 (2) authorizes the payment in advance of audit of claims for public utility services, which includes fuel oil by specific definition, postage, freight and express charges. All such claims shall be presented at the next regular meeting for audit. The current late charge we are paying for such fees are \$10.68/ month over the term of the lease it will cost approximately \$640. How does the board wish me to handle moving forward. Board discussion: Town board stated to process as a prepaid and prepare the prepaid resolution for the April meeting to reflect the changes.

A motion by Councilmember Atterbury and seconded by Supervisor Carman to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:53 p.m. The next meeting will be the regular meeting April 09, 2020 @ 6:30 p.m. at the town hall.

Kimberly D. Burgess, Town Clerk  
Town of Groveland  
Dated: March 12, 2020