

The regular meeting of the Groveland Town Board was held on Thursday October 10, 2019 at the Town Hall.

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

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

Other Attendees: Geneseo Central School student and resident

Supervisor called the meeting to order @ 7:31 p.m. Supervisor Carman led the pledge to the flag.

A motion by Councilmember Atterbury and seconded by Councilmember Devine the audited bills be paid. General Fund vouchers numbered 224 - 253 for \$54,073.06; Highway Fund vouchers numbered 180 – 196 for \$31,620.36. Motion carried unanimously.

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier to accept the regular meeting minutes of 09/12/2019 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 Niedermaier and seconded by Councilmember Atterbury 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. Morris Ridge Proposed stipulation notice
3. Rte. 408& 1390 southbound crash study

Old/New Business:

CHANGE OF DATE FOR GRIEVANCE- LOCAL LAW Of 2019 RESOLUTION 50-2019.

Town Clerk stated she has advertised and posted the notices as required to the newspaper.

Supervisor read the public hearing and opened the meeting @ 7:33 p.m.

County Referral was not necessary as this Local Law does not pertain to Zoning regulations.

Public Comments: None

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier to close the public hearing. Motion carried. Hearing closed at 8:09 p.m.

WHEREAS notice of public hearing was duly given and said hearing duly held on the 10th day of October, 2019 to consider the enactment of Local Law of 2019 ““A Local Law changing the established assessment grievance day from the fourth Tuesday in May, to the Wednesday after the fourth Tuesday in May, pursuant to NYS Real Property Tax Law § 512 (1a), to replace previous Local Law #2 1992”;

NOW, THEREFORE, PLEASE TAKE NOTICE that, after due consideration and deliberation, the Town Board of the Town of Groveland duly enacted said local law on the 10th day of October 2019, and said local law and adopted thereby shall be in full force and effect as provided by law upon the filing of a copy of this local law with the Secretary of State. The local law enacted is entitled and described as follows: attached Local Law on back

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Devine and seconded by Councilmember Phelps and the results were carried with 0 nay 5 aye votes. Roll

Call Votes: Supervisor Carman, aye; Councilmember Devine, aye; Councilmember Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

LOCAL LAW NO. OF THE YEAR 2019
OF THE TOWN OF GROVELAND
TO REPLACE PREVIOUS LAW #2 of 1992

Be it enacted by the Town Board of the Town of Groveland as follows:

SECTION 1. TITLE AND SCOPE

A. This local law shall be known as “A LOCAL LAW CHANGING THE ESTABLISHED ASSESSMENT GRIEVANCE DAY FROM THE FOURTH TUESDAY IN MAY, TO THE WEDNESDAY AFTER THE FOURTH TUESDAY IN MAY, PURSUANT TO NYS REAL PROPERTY TAX LAW § 512 (1a).”

SECTION 2. REPEAL

Local Law No. 2 of the year 1992 of the Town of Groveland, known as the changing the date for hearing complaints in relation to assessments Law of the Town of Groveland, is hereby repealed in its entirety and replaced by this Local Law.

SECTION 3. PURPOSE.

A. Section 512 (1a) of the Real Property Tax Law authorizes a municipality to change its Assessment Grievance Day to a date other than the statutorily provided date if said municipality has an Assessor that also acts as the Assessor for a different municipality; and

B. The Town of Groveland has an Assessor that also works as the Assessor in a different community, causing conflict over the date of Assessment Grievance Day in the Town of Groveland; and

C. The Town of Groveland hereby determines that it is in the best interest of the Town and its residents for the Town Board to have change the date of Assessment Grievance Day to the Wednesday after the fourth Tuesday in May.

SECTION 4. AUTHORIZATION

A. Pursuant to the authority granted by §512 (1a) of the Real Property Tax Law, on and after the effective date hereof, the Town of Groveland Assessment Grievance Day will be held on the Wednesday after the fourth Tuesday in May of each year.

B. The above Assessment Grievance Day will remain in effect until this change has been rescinded or superseded by subsequent local law

SECTION 5. SEVERABILITY

If any clause sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy to which such order or judgment shall be rendered.

SECTION 6. EFFECTIVE DATE.

This local law shall be effective immediately upon its filing with the Office of the Secretary of State and the Commissioner of the Office of Real Property Tax Service.

2020 PRELIMINARY BUDGET RESOLUTION 51-2019- Town Clerk presents the Preliminary 2020 Budget with no changes from the Tentative. Town Clerk reported the notice for hearing was published in the Livingston County News.

Supervisor read the hearing notice read and opened the hearing @ 7:45 p.m. and stated that we are not exceeding the tax cap.

Public Comments: None

Councilmember Phelps inquired if the youth program and water district should be increased due to the bill we received this year and the potential water districts that may happen.

Supervisor Carman stated that no for both questions due to we currently do not have a contract for the youth program and he is working on the contract with the Village of Geneseo's Mayor on this. We are billed after the budget preparations begin and the amount changes yearly as it depends on the amount of Groveland children that attend. The grants that will be applied for will cover the cost of the potential water districts and anything the grants do not cover the home owner would incur the cost in their tax bill annually.

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier to close the public hearing. Motion carried. Hearing closed at 8:11 p.m.

WHEREAS, the Town Board has met at the time and place specified in the Notice of the Public Hearing on the Preliminary Budget held October 10, 2019 and heard all persons desiring to be heard thereon, now therefore be it

RESOLVED that this Town Board does hereby adopt the Preliminary Budget as the Annual Budget of this Town for the fiscal year beginning on the first day of January 2020 and that such Budget as so adopted with no amendments, And by this Board, be entered in detail in the minutes of the proceedings of this Town Board and be it

FURTHER RESOLVED that the Town Clerk of this Town shall prepare and certify, in duplicate, copies of said Annual Budget as adopted by this Town Board, together with the Estimates, if any, adopted pursuant to Section 202-A Sub. 2 of the Town Law and deliver one copy thereof to the Supervisor of this Town to be presented by him to the Board of Supervisors of this County.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Atterbury and seconded by Councilmember Niedermaier and the results were carried with 0 nay 5 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilmember Devine, aye; Councilmember Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

HIGHWAY REPORT- Deputy Highway Superintendent stated they have been working on ditching, grading for fall and hauling in salt to prepare for winter. He stated plow equipment has started to be placed on trucks along with going through the sanders. The salt shed roof has been finalized and it looks good.

Deputy Highway Superintendent has approximately 90% of the CHIPS paperwork completed. He met with the CHIPS representative to review and has only 2 more bills to finalize the paperwork, should be able to have completed by the end of October.

Joe Jerome the newest hire for the part-time highway MEO position started on September 30, 2019.

RESOLUTION 52-2019 TOWN SUPERINTENDENT OF HIGHWAY MEDICAL INSURANCE-

Supervisor Carman stated that the current Highway Superintendent did not need to have health insurance provided through the town and in the interest of future Highway Superintendents it was in the towns best interest to establish guidelines for health insurance for the Highway Superintendent position.

WHEREAS, under the general supervision of the Town Board, the Town Superintendent of Highways is responsible for the maintenance and repair of town streets and roads, including snow removal, drainage, traffic signing and other services for the town. The incumbent is responsible for the administrative activities of the Highway Department and overseeing all department operations, including preparing the department budget; approving bills for payment; planning, prioritizing, and organizing the various activities of the department; and supervising the work of subordinate personnel by performing field inspections and reviewing reports. This is an important administrative position where the incumbent assumes final responsibility for the work of the Highway Department. Does related work as required and

WHEREAS, the (Elected/ Appointed) Town Superintendent of Highways is considered a fulltime position following the Town of Groveland Employee Handbook based upon hours and job description and

WHEREAS, the town board designates the position to be eligible for health insurance and

WHEREAS, the health care insurance terms will be set following the same used by the Collective Bargaining Unit, Article 9 sections 9.1- 9.7(attached to resolution)

RESOLVED, by the Groveland Town Board to approve the health care plan for (Elected/ Appointed) Town Superintendent of Highways.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Atterbury and seconded by Councilmember Niedermaier and the results were carried with 0 nay 5 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilmember Devine, aye; Councilmember Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

AMBUSCADE PARK– Supervisor Carman stated he has been working with the Deputy Highway Superintendent for the concrete pouring in the pavilion which is now complete. BOCES will begin the bathroom build and finalizing the pavilion next week on Tuesday 10/15/ 2019.

Supervisor Carman stated that he showed Jon Werner the sign that was made in recognition of the work the BOCES building trade has done for the town. There will be a picnic for the students in the spring to thank them for their hard work and we will place the sign under the pavilion then.

Supervisor Carman stated that he has left another message with Brian Taylor regarding the deeding of the area the town currently mows.

The plan for next year will be to finalize the project with the septic system, electric and other miscellaneous items.

Councilmember Phelps hoped that we can potentially begin our “purchase a brick in memory or for someone” project would be ideal for a Christmas gift.

Supervisor Carman stated that would be great weather permitting what work can be finished. The town will also need to really look into the stairs and the pathway discussed previously.

Councilmember Devine stated they need to be removed.

Deputy Highway Superintendent stated we may need to discuss ADA compliance regarding the removal of the steps with the code officer because once something is changed you need to begin with ADA compliance for the new path or new steps.

Board agreed to have the code officer give information and guidance regarding compliance prior to doing anything. Deputy Highway Superintendent will discuss with code officer.

SURPLUS ITEMS- RESOLUTION 53-2019- Town Clerk notified the board that the desks are longer of use and all other offices have upgrades to their office space.

WHEREAS the Town Board has met at the time and place at its regular meeting the town board has reviewed the proposed surplus list, now therefore be it;

Surplus:

- 1- Wood shelving unit
- 1- Wood and metal corner desk
- 1- Wood Desk
- 1-Black metal shelving unit

RESOLVED the items to be declared surplus as the items are no longer of use to the town, and authorize the sale or disposition if no monetary value. Any sold items must turn an itemized slip in with payment to the town.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Niedermaier and seconded by Councilmember Atterbury and the results were carried with 0 nay 5 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilmember Devine, aye; Councilmember Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

MARRIAGE LICENSE FEE FOR ACTIVE DUTY MEMBERS OF THE ARMED FORCES RESOLUTION 54 - 2019- Town Clerk notified the board that on August 20, 2019, New York Governor Andrew Cuomo signed legislation waiving the State Fee on Marriage Licenses for active duty members of the Armed Forces. It also allowed the ability for local governments to waive the local fee charged for marriage licenses.

Board discussion: All agree with not charging the local fee.

WHEREAS, on August 20, 2019, New York Governor Andrew Cuomo signed legislation waiving the State Fee on Marriage Licenses for active duty members of the Armed Forces (S.3756/A.55) (“legislation”); and

WHEREAS, the legislation also gives local governments the freedom to waive the fees that they charge for marriage licenses; and

WHEREAS, the Town of Groveland wishes to waive the fees charged for marriage licenses to active duty members of the Armed Forces;

NOW, THEREFORE BE IT RESOLVED, that the Town of Groveland hereby formally waives the fees to be charged for Marriage Licenses for active duty members of the Armed Forces who present proof of current service in accordance with New York State Law.

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, 5 ayes. Roll Call Votes: Supervisor Carman aye; Councilmember Devine, aye; Councilmember Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

JCAP GRANT APPLICATION RESOLUTION 55-2019- The state has secured more funding in the JCAP area and should be awarding more grants this round. Our court is looking to upgrade the front doors to allow for push button entry for ADA accessibility.

WHEREAS, the State of New York has enacted a law establishing the Justice Court Assistance Program that will enable communities to apply to the chief administrative judge for a grant of state funds to assist in the operation of justice courts; and

WHEREAS, the availability of grant funding would enhance the ability of the town justice court to provide suitable, safe and sufficient services to the community.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Groveland hereby authorize the Town of Groveland Justice Court to file an application for a 2019-2020 Justice Court Assistance Program grant not to exceed more than \$30,000.

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

COPIER REPLACEMENT- Town Clerk has been notified that the main copier for all town offices except court has reached its “end of life”, which means that Konica Minolta will no longer service or provide toners required for use. Doug Bass a representative from Konica Minolta met with the town clerk to discuss the current printer along with the cost to lease a new printer that is all inclusive for maintenance, supplies and the printing cost. The price that was quoted was from Sourcewell formerly NJPA, which is recognized by the State OGS for purchasing.

A motion by Councilmember Niedermaier and seconded by Councilmember Atterbury to engage in a new 5 year lease with Konica Minolta and to sell the old copier at municipal auction. Motion carried unanimously.

AED MACHINE- Town Clerk has been notified that the current AED machine was put into service in 2008. The town inspects the AED machine monthly and all replacement products are still prior to their expiration however they no longer produce the Phillips FRx and it was recommended to replace the unit.

Board discussion: All feel that replacement is necessary.

Councilmember Phelps inquired if the County gets a better rate for purchase as they have more in site than our one.

Supervisor Carman stated he will research cost with the County but feels we should purchase a new one either from the County or through Cardiac Life.

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier to replace the AED machine through the most cost effective option. Motion carried unanimously.

Supervisor Communication:

- Income study/ potential water project- Supervisor contacted G& G Municipal consulting to see how they are progressing along with the income study they are waiting for CPL to get an updated mailing list. The Supervisor also has been in contact with Eric Weis from CPL and there may be a potential for 3 districts total which would combine the 5 initial districts this is due to grant funding options.
Councilmember Devine inquired if CPL representative could give an approximate increase house value when a property has town water associated with it. Supervisor Carman stated that he would ask and another option may be asking our assessor too.
- Culvert concern Sutton Point South- Has been in contact with the resident with the area of concern on Sutton Point South. It was stated to Supervisor Carman that NYS DOT has bid out for contract to have the culverts cleaned out and they are waiting for the bids to come back. The representative the Supervisor spoke with stated that there is a 1 year, 3 year and a 5 year plan of inspection of these culvert pipes and that the one by Sutton Point that is nearest to your home and had issues is on a 5 year rotation for inspections as this was sort of an anomaly for this culvert. The State DOT is expecting the culverts to be cleaned this fall. Councilmember Niedermaier stated that he went to the site and can see why there has been trouble, and sandbags have been placed. As the rest of the board has already stated it is on private property and they will need to decide how they will be handling as the town cannot work on private property.
- Semiannual meeting at the Groveland Correctional facility- Supervisor has received a letter for a meeting scheduled on November 21, 2019 at 11:30 am, this was normally done through Livingston Correctional but since their closure Groveland Correctional is the lead for the meeting. Councilmember Niedermaier was the liaison for the town for Livingston Correctional, and asked if Councilmember Niedermaier can attend this meeting. Councilmember Niedermaier stated he can, Town Clerk will email the RSVP for Councilmember Niedermaier.
- Supervisor will not be here for November meeting and Councilmember Devine will chair the meeting.

Other Communication:

Town Clerk notified the board that the updated proposed Town Zoning regulations are ready for their review, she will distribute after the meeting to each member so they may have the time to review for future meeting discussion.

Board discussion: All agreed that they will take home and will discuss when they wish to proceed at the November meeting.

Town Clerk stated there is training in Henrietta January 8-10, 2020 that she would like to attend. Town Clerk would commute for the training and have her Deputy in the office for coverage.

Board all agreed that if the classes has valuable training then they encouraged Town Clerk to attend the training.

Councilmember Phelps stated that she attended the Lake Association dinner and our residents Burt and Judy Lyons were recognized for their participation in the Association at the dinner.

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:30 p.m. The next meeting will be the regular meeting November 14, 2019 @ 7:30 p.m. at the town hall.

Kimberly D. Burgess, Town Clerk
Town of Groveland
Dated: October 10, 2019