

**The regular meeting of the Groveland Town Board was held on Thursday September 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

**Acting Supervisor Devine called the meeting to order @ 09:00 a.m.** Councilmember Atterbury led the pledge to the flag.

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier the audited bills be paid. General Fund vouchers numbered 204 –226 for \$20,428.68; Highway Fund vouchers numbered 135-151 for \$137,675.62. Motion carried.

A motion by Councilmember Niedermaier and seconded by Councilmember Atterbury to accept the regular meeting minutes of 8/12/2021 approved. 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:**

HIGHWAY REPORT- Highway Superintendent Caldwell reported that the crew has been busy finalizing the oiling and stoning of roads. Road side mowing and ditching has continued for the season.

Once the checks have been processed from this meeting by the vendors used Highway Superintendent Caldwell will submit for CHIPS funding.

The town highway newest hire Charles Bonner began this week and Cody Mettler will be getting a pay raise to \$19.00/ hour to keep in line with pay rate with new hire pay.

Councilmember Niedermaier brought up a concern that a 35mph speed limit sign was placed on Caldwell Road in the Town of Sparta without going through Livingston County Traffic Safety. Livingston County Highway is denying placing the signage. Highway Superintendent Caldwell stated that he did notice the new signs, the stickers on the back appears to be those owned by County Highway.

Councilmember Niedermaier inquired as to why the Highway Truck #1 the Superintendent drives does not have Town of Groveland on it, he has had a few complaints that it appears like the Superintendent is trying to hide something. Highway Superintendent Caldwell stated that the

truck does have it on there in two places, the license plates. Highway Superintendent purposefully did not place any more than that on it for resale value as currently the 1 ton does not have any logo on it either, he will do what the board wishes.

Board discussion:

Councilmember Phelps stated past administration took the vehicles to other places and it seemed to only be the board that noticed the town vehicle outside of Groveland in use, she has had no complaints regarding a the vehicle being marked.

Acting Supervisor Devine stated the school has backed away from marking vehicles as well for resale and agrees with the Highway Superintendent Caldwell it is not necessary if the plates state Town of Groveland.

Councilmember Atterbury has not received a complaint regarding the vehicle being lettered.

Town Clerk Burgess has not received a compliant at this time regarding Highway Superintendent's vehicle to have Town of Groveland on it.

At this time Councilmember Phelps, Councilmember Atterbury and Acting Supervisor Devine did not feel it warranted to have the Town owned vehicles to be lettered with the Town of Groveland if the license plates state Town of Groveland.

The second area of concern Councilmember Niedermaier had was the other half of Wilson Road, is there a plan to oil and stone as it is a commercial business in town and that area of the road is in pretty rough shape.

Highway Superintendent Caldwell stated he is happy to update any roads the board wishes but keep in mind that it is hard to maintain a road with heavy farm traffic. Highway Superintendent has a request for oil and stone for Davis Road as well. Highway Superintendent Caldwell recommends doing a road count for the two roads following the complaints received.

EXECUTIVE SESSION- Councilmember Phelps made a motion to go into executive session, seconded by Councilmember Atterbury for matters relating to medical, financial, credit or employment history of a particular person or corporation, or relating to appointment, promotion, demotion, discipline or removal;. Motion carried.

The board asked Town Clerk to attend.

Board entered executive session at 9:20 a.m.

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

Returned to regular session at 9:46 a.m.

Acting Supervisor Devine is in receipt of an email of a resignation of the Assessor, Dan Stanford effective January 1, 2022. The town Board discussed for fiscal reason to accept his resignation effective 12/31/2021. A motion by Councilmember Phelps and seconded by Councilmember Atterbury to accept the resignation of Dan Stanford effective 12/31/2021. Motion carried.

TENTATIVE BUDGET 2022 WORKSHOP- Acting Supervisor Devine met with the accountant to begin the preparations for the tentative budget. Attached are Acting Supervisor Devine's comments for the board as they begin the workshop with the special meeting scheduled for September 16, 2021 to formally present the 2022 Tentative Budget.

Acting Supervisor Devine's comments: I have met with the accountant and reviewed all the department estimates which are included in the tentative budget presented. We are under the tax cap and our tax levy has increase minimally which is due to the contracted extension amount for the Groveland Fire Department.

When reviewing the General Fund you will notice a total of \$10,000 in the equipment line, this is to be allocated for 1 overhead highway door replacement and ADA push button for the main door to the town hall.

In the General Fund budget the use of fund balance is half of the year prior. The Town is in receipt of half of the allocated ARPA money, again these monies are very specific on what these can be allocated for and we are still researching and reviewing possibilities. I wanted to ensure the town employees were recognized for their dedication as no raises were given in last year's budget to non-union employees due to COVID this budget does reflect raises in some areas.

The highway equipment projected amount for machinery equipment replacement this year is of \$146,000. This would be to replace the roadside mower tractor and lawn mower at the town hall. The town would pay off the \$128,000 BAN acquired in 2021 and would apply for a new BAN for the new tractor and lawn mower. It would be my recommendation to set up an equipment reserve fund in the future.

Overall the combined levy between General and Highway is the same dollar amounts distributed in 2021 of \$584,000. The total levy for 2021 is \$1,498 greater than last year due to a contracted increase in the fire district and a decrease in the water district.

Board discussion: All agreed with tentative workshop as presented move to the September 16, 2021 meeting for approval.

ORDER FOR PUBLIC HEARING RESOLUTION #46-2021- Acting Supervisor Devine was notified that the town received approval for grant funding for the water district. Moving forward the town needs to hold a public hearing to formally create the district following the petitions received in April 2021.

**WHEREAS**, the Town Board of the Town of Groveland, New York, has duly adopted a resolution directing the Supervisor of the Town of Groveland to file a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Groveland, where a Water District is

proposed to be established; and said map, plan and report dated November, 2020; has been filed in the office of the Town Clerk of the Town of Groveland on December 11, 2020, and

**WHEREAS**, a “Petition to Request Water District” was filed in the Groveland Town Clerk’s Office on April 28, 2021, signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Groveland, the owners of taxable real property located in the proposed Town of Groveland Water District No. 1 (also referred to herein as “Water District”) owning in the aggregate at least one-half (½) of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half (½) of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents, and

**WHEREAS**, the boundary of the proposed Town of Groveland Water District No. 1 shall have an exterior boundary described in **Appendix A**, attached hereto and incorporated herein by reference; and

**WHEREAS**, it has been determined by the Project Engineer that the proposed Water District is interconnected, interrelated and interdependent as described in **Appendix B**, attached hereto and incorporated herein by reference; and

**WHEREAS**, the proposed Town of Groveland Water District No. 1 is interconnected, as each proposed main in the District will connect to the transmission mains with the same source of water; and

**WHEREAS**, the proposed District is interrelated, as each proposed main in the District will connect to the transmission mains with the same source of water. If the properties along the transmission mains would have been included within the proposed District, this would have established a contiguous Water District, however, we are permitted to connect through the rules and regulations of the LCWSA; and

**WHEREAS**, the proposed Water District is interdependent considering that each property in the proposed District will be charged according to the same equivalent dwelling unit schedule. Water will be provided from the same source of supply, and the operation and maintenance will be completed by the same entity, the LCWSA; and

**WHEREAS**, the establishment of several contiguous district would result in many annual expenses for each separate district; and

**WHEREAS**, the project area has been identified through public interest and the proposed Water District will obtain its water supply from the Livingston County Water & Sewer Authority; and

**WHEREAS**, the project will generally consist of installing approximately 80,000 linear feet of 4" and 6" and 12" PVC water main along various roads in the Town including, but not limited to, Barber Hill Road, Hunt Hill Road, Lee Road, Geneseo Road, Morris Road, Gamble Road, Adamson Road, Logan Road, Turner Road, Dantz Road, Baily Road, NYS Route 36, and Groveland State Road. The water main will serve approximately 161.2 units; and

**WHEREAS**, the project will utilize the existing Booster Pump Station (BPS) on Maple Beach Road, which is owned and operated by the Livingston County Water & Sewer Authority, this Booster Pump Station shall provide the main water supply to the Town of Groveland. This project will also require the installation of one (1) new pump station to serve a portion of the proposed District; and

**WHEREAS**, the project will require the use of the existing 500,000 gallon water storage tank located in the Town of Groveland, owned and operated by the Livingston County Water & Sewer Authority, which will provide the primary storage for the supply for the proposed District; and

**WHEREAS**, the water system will be designed to provide 165 gallons of water per household per day for domestic and commercial use and to provide fire protection meeting Insurance Services Office (ISO) Standards and will serve approximately 161.2 units, which may include single family houses, mobile homes, vacant land, manufactured homes, or non-residential properties; and

**WHEREAS**, the debt service for the initial project costs are based on equivalent dwelling units and the Town of Groveland anticipates securing grants from the USDA Rural Development to partially fund the project through grant, while the remaining share will be paid for by a USDA Rural Development Loan in addition to all other local, state or federal funding; and

**WHEREAS**, a typical average household uses 60,000 gallons of water per year and water rates for that usage shall be as follows:

1. Livingston County Water & Sewer Authority bills their customer quarterly. Retail Rates include an effective rate of \$3.50 per 1,000 gallons ( $\$3.50/1000 \times 60,000 = \underline{210}$ ); and the total cost to homeowners for water would be \$385 per year; and

**WHEREAS**, the total capital cost (estimated maximum amount) for the Town of Groveland Water District No. 1 is \$6,405,000 which amount is to be financed by the issuance of serial bonds in an aggregate amount not to exceed \$6,405,000, such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, a USDA Rural Development grant in the approximate amount of \$2,882,250; and

**WHEREAS**, Net local project costs are anticipated to be approximately \$3,522,750 with an annual debt service including (38 years at 2.00% interest) of \$133,233 and the estimated Debt Service per Unit of \$826.51; and

**WHEREAS**, the payment of debt service will be made by levy and collection of special assessments from the several lots and proceeds of lands within the District which for the Town Board shall determine and specify to be specifically benefitted thereby, so much upon and from each as such shall be in just proportion of the amounts of benefit conferred upon the same, to pay the principal of and interest on said bonds, as same shall become due and payable; and

**WHEREAS**, the total annual cost for an average homeowner including debt service and water bill would be estimated to be \$1,190.00 per year, per household; and

**WHEREAS**, in addition each unit shall be responsible for several one-time costs, including cost to hookup and connect to the right-of-way to interior plumbing, (approximately \$10.00 per linear foot), well separation costs (approximately \$500.00 per unit) and a Residential Account Fee of \$560; and

**WHEREAS**, the map, plan and report describing such improvements is on file in the office of the Town Clerk of the Town of Groveland and available for public inspection.

**NOW ON MOTION OF** the Councilmember Phelps which has been duly seconded by Councilmember Atterbury, therefore, it is

**ORDERED**, that the Town Board of the Town of Groveland, New York, shall meet at the Groveland Town Office, located at 4955 Aten Road, Groveland, New York on the 23<sup>rd</sup> day of September 2021, at 7:00p.m. for the purpose of conducting a public hearing on the proposal to establish said Water District with the improvements specified herein, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

**ORDERED**, that the Town Clerk of the Town of Groveland is hereby authorized and directed to publish a copy of this Order in The Livingston County News, to post a copy of the same on the signboard of the Town of Groveland, with the first publication of and the posting of such notice to take place not less than ten nor more than 20 days before the date of such public hearing, and it is further

**ORDERED**, that the Town Clerk shall file a certified copy of this Order with the Office of the State Comptroller, on or about the date of publication of this Order.

DATED: September 9, 2021

Kimberly Burgess, Clerk

Town of Groveland

Approved on Roll Call as follows:

- Acting Supervisor Devine       Yes
- Councilmember Atterbury       Yes
- Councilmember Niedermaier       Yes
- Councilmember Phelps       Yes

NYS STANDARD WORK DAY RESOLUTION 47-2021- Resolution needed to be redone due to an error in date for the Historian, the remaining officers had no changes. Social security and membership numbers not listed for security reasons.

**Standard Work Day and Reporting Resolution # 47 -2021**

BE IT RESOLVED, that the Town of Groveland location code 30533 hereby establishes the following as standard work days for elected and appointed officials and will report following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

TITLE	Standard Work Day Hrs/day	Name	register #	SS#	Term Begin/Ends	Record of Activities Result	Tier 1 (check for Tier 1 only)	Check if not * completed time keeping system
<b>Elected Officials</b>								
<b>Appointed Officials</b>								
Historian	6	David Carman			1/1/2021-12/31/2021	0.64		
Planning Board Chairman	6	Seth Burnette			1/1/2021-12/31/2021	0.225		
Code Enforcement Officer	6	Ronald Maxwell			1/1/2021-12/31/2021	19.5		
Supervisor Secretary	6	Sandra Bean			1/1/2021-12/31/2021	3.41		

On this 9th day of September 2021 \_\_\_\_\_, Town Clerk Date enacted: Septemebr 9, 2021

I, Kimberly Burgess, clerk of the governing board of the Town of Groveland, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 9th of September, 2021 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of five members, and that four of such members were present at such meeting and that 4 of such members voted in favor of the above resolution.

\* Those that did not do record keeping we asked but chose not to participate

IN WITNESS WHEREOF, I have hereto Set my hand and the seal of the Town of Groveland.

Affidavit of Posting: I \_\_\_\_\_, being duly sworn, deposes and says that posting of the Resolution began on 9/09/2021 and continued for at least 30 days. That the Resolution was available to the public on the:

- Employer's Website @ [www.grovelandny.org](http://www.grovelandny.org) - under Public Notices
- Official sign board at the main front entrance

Town Clerk Seal

**AMBUSCADE PARK-**Councilmember Niedermaier stated that he will be meeting with BOCES today to discuss the finalization of the pavilion. Councilmember Niedermaier inquired as to when the bathrooms are finalized what time frames to put on opening and closing the bathrooms for the seasons.

A tree dedication for late Supervisor Carman will be held Saturday September 11, 2021 at the park and Councilmember Niedermaier asked the board to allow the park pavilion area to be sprayed for mosquitos prior to the event for approximately \$300. Councilmember Phelps abstained from the vote as she does not agree with spraying pesticides.

Councilmember Atterbury, Niedermaier and Acting Supervisor Devine all agreed to allow for Magnum Pest control to spray the pavilion area prior to the tree dedication Saturday September 11, 2021.

Acting Supervisor Devine stated that Chris Partridge's machine has been broken and it was agreed that if the septic could not be installed to make it look nice prior to the event on September 11, 2021 it would be postponed. The town may have to rent a mini-excavator and have Chris Partridge expertise in using to continue to push the septic project forward.

**Acting Supervisor Communication:**

- **David Gray Hill-** The town has been unable to contact the one property owner to sign off their portion of closing the road. Acting Supervisor Devine will follow up with the attorney to see if we can still move forward.
- **County Youth Board-** Ted Saunders has submitted his resignation as the Town representative for Livingston County's Youth Board. Does the Board have anyone in mind we could ask if they are interested in the position that lives in Groveland?

Board recommended Mike Szczesniak and Rob Linsner- Councilmember Niedermaier will follow up to see if they would be interested.

- **Cannabis Opt Out Local Law-** Attorney DiMatteo provided a letter stating that if the town wished to opt out of retail sales and onsite consumption establishments a local law must be created by 12/31/2021 subject to a permissive referendum. His office can assist the town should they wish to do so as his office is working with another municipality currently to opt out. The local law to opt out can be repealed at any time. Should the town does opt out any tax revenue that may arise from this industry in the town would not receive any if they did opt out.
- **Mosquito Follow Up-**Town Board would like to put into the newsletter to remind residents on how to help keep mosquitos at bay along with the town cannot spray private property. It requires the property owner to spray their own property individually.

Other Business/ Announcements:

Councilmember Niedermaier wanted to credit the Planning Board members for their hard work on the review of the Solar Law, they had the attorney here for their discussion and are working through updating to make sure they are doing what is best for Groveland.

Councilmember Niedermaier also wanted to recognize Matt Burgess, a resident of the Town of Groveland for his 25 years of service to Livingston County. Livingston County just had their recognition ceremony for their staff and Councilmember Niedermaier was in attendance to witness the ceremony.

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier to adjourn the meeting. Motion carried. Meeting adjourned 11:19 a.m. The next meeting will be the special meeting September 16, 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: September 9, 2021