

**The regular meeting of the Groveland Town Board was held on Thursday May 14, 2015 at the Town Hall.**

**Present:** Bill Carman, Supervisor; Craig Phelps, Ron Niedermaier, Councilman

**Absent:** Bill Devine, Councilman; John Driscoll, Town Councilman & Deputy Supervisor; Greg Adamson, Highway Superintendent

**Other Attendees:** None

**Supervisor called the meeting to order 8:16 p.m.**

A motion by Councilman Phelps and seconded by Councilman Niedermaier the audited bills be paid. General Fund vouchers numbered 109-141 for \$25,756.79; Highway Fund vouchers numbered 81-105 for \$14811.01; Motion carried.

A motion by Councilman Niedermaier and seconded by Councilman Phelps to accept the regular meeting minutes of 4/9/15 as written. Motion carried.

Supervisor handed out copies of the Town Clerk & Supervisors monthly financial reports. The Supervisor reports were previously emailed out to give additional time to review. A motion by Councilman Phelps and seconded by Councilman Niedermaier to accept the financial reports. Motion carried.

**Information handed out/or acknowledged:**

- 1) Payroll available for review
- 2) Seasonal portion of David Gray Hill Road remains closed
- 3) Cathy VanHorne from LCWSA has supplied us with a blank petition for residents to utilize with the proposed new water line to the Correctional Facility to expand
- 4) Councilman Driscoll to attend Planning Board/ZBA meeting to discuss Junk Law corrections
- 5) Updated Employee Handbook provided to each department
- 6) Pete Dolan/Phyllis Applin still compiling in info for need of a street light @ 390/408
- 7) BOA - Grievance Day is set for Thursday 5/28/15 4-8 p.m.
- 8) Geneseo School Budget vote is Tuesday May 19<sup>th</sup> from 6:00 a.m. – 9:00 p.m.
- 9) Livingston County Health is not utilizing the Town Barns for a Rabies Clinic location this year.
- 10) Geneseo Memorial Day Parade is set for Monday May 25<sup>th</sup> with Veterans memorials – Town Hall set at noon to remember/honor J. Neil Thompson

**Old/New Business:**

HIGHWAY REPORT – No report given:

SURPLUS – OFFICE ITEMS/HIGHWAY – RESOLUTION 43-2015 – A list was provided. It was stated if any items were received from surplus the items were either past their time limit or not purchased on surplus. With the recent court renovation and the ability to reuse their old furniture in the other offices it was difficult to plan ahead for declaring surplus items advance and once all moved the auction was being held. A receipt of what the items brought was passed around. The excavator brought \$30,000 minus commission; we were hopeful for at least \$12,000-\$15,000.

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. 1984 Chevy Pickup – VIN# 1GCHD34J1FF337486 – to be sold @ Teitsworth auction
2. 1985 John Deere 595 Excavator – to go to Municipal auction in Palmyra (brought \$30,000)

3. 2 Metal Desks
4. 4 Drawer Large Metal File Cabinets
5. 2 Metal tables
6. Fax machine –Ikon
7. Wood/metal printer table – 2
8. black metal 2 drawer file cabinet
9. Miscellaneous shop items such as welders, diesel water pumps, cabinets

RESOLVED the items to be declared surplus as the items are no longer of use to the town, and authorize the Highway Superintendent the authority to sell the items he feels can be sold and or dispose items of no value. Any sold items an itemized slip will be turned in with payment to the town.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilman Niedermaier and seconded by Councilman Phelps and the results were carried with 0 nays 3 aye votes.

UNION HRA – Supervisor Carman reported the updated information given to him from Bill Carson of Bond Financial who is our health broker representative that stated he could come out but there is little room for discontinuing the HRA without violating the contract. He stated we have 3 choices:

1. Do a buyout of their contract
2. To get into full compliance we hire a 3<sup>rd</sup> party administrator he recommends Benefit Resource Incorporated (BRI) they are a local company and lowest priced of \$975; everything then goes through BRI with the help of Bond facilitation for the transition
3. We can handle it in house but would still need to pay for all the compliance regulations which run about \$500 and someone in house would have to agree to handle the reimbursements.

The penalty for a non-compliant HRA is \$100 per day, per affected employee. I highly doubt you'll be found subject to this. Whoever helped the Town set up this original contract in 2009 was either misguided on HRAs or your old accountant did not fully understand the ramifications of improper administration. From a reality standpoint, having an HRA properly administered for only 5 people is going to cost the Town a very high dollar amount when compared to the total funded (\$975 administration costs to oversee \$6000), and present new headaches for the employees. From our previous discussions I recall that the employees essentially have access to their HRA money with minimal claims adjudication. Just as a warning, Benefit Resource will require more than they are accustomed to providing before approving their reimbursements.

LaDelfa Accountants Response: HRAs are created under Section 105 of the tax code. By definition, the amounts paid to the employee for medical reimbursements thru the plan are not considered to be income to the employee (the amounts are not included on their W-2's). The employee does not recognize income, but the employer is able to deduct the payment as an expense...this can be considered to be a tax break. Being a municipality, the town is not subject to income tax so the employer deduction is irrelevant. The point is that the employees are not taxed on the reimbursements that they receive. This is no different than how your plan has been handled in the past.

Board Discussion:

Supervisor Carman says we are stuck with little choices but concerned of being out of compliance. The union contract is effective through 12/31/17; the monies in it currently plus the next 2 years puts at an estimated \$21,500 the town has to pay out plus an estimated \$3000 to have a 3<sup>rd</sup> party compliance administrator. If the employees would consider a buyout half this year and half next year it would save the tax payers \$3000. Councilman Phelps will address with Caldwell who is the employee union representative and ask for a decision by next meeting.

COUNTY PLANNING BOARD CHANGES TO REFERRAL NOTICES PER GML SECTION 239 –  
Supervisor Carman discussed the handouts and asked Town Clerk Sandy to obtain further information.

Packet & Email information from County Planning Director Angela Ellis: copied email:

Signing the agreement was completely voluntary and at the discretion of the municipality. The original intent of the agreement was to help streamline the referral process for zoning and planning actions that don't typically have significant inter-municipal or county wide impact (i.e. area variances for single family homes for porches, garages and the like as an example). Towns/villages without signed agreements are required to submit referrals as required per Section 239 l, m, and n of the NYS General Municipal Law (affectionately known as the county planning board referral process or 239 review) -- which is what you do now. The County has never actively "enforced" the agreement because there is nothing in the current agreement that prevents the referring body from submitting to the County for review. I believe that many (probably most) municipalities don't even realize the agreement exists.

What prompted us to do this?.....We've noticed that we've been receiving several referrals in the past couple of years from multiple communities that are returned as a matter of local option (meaning they are referable per State law, but we haven't identified any major county wide or inter-municipal impacts or concerns). We asked ourselves as the Planning Department and in consultation with the County Planning Board Executive Committee -- Is there anything that we could be doing to improve the process and provide a more streamlined review of these types of actions for the municipalities? Our major concern is really tied to 1) us wanting to be more efficient and 2) eliminating unnecessary delay to the local approval process. Hence.....we decided to bring awareness to the agreement and revisit the language to see if there are any obvious opportunities for process improvement. This revisit resulted in the draft agreement that you currently have which is being provided to all of the towns and villages for input.

Regarding pros/cons --

Pro: I would think the major pro is a shorter approval period for the town and the property owner.

Con: Sometimes actions that seem simple aren't so simple and it helps to have an extra set of eyes to review a proposal for possible impacts and completeness and to provide awareness of compliance with various requirements (i.e. SEQR, Ag Data Statements). For Groveland, this may be particularly true for properties in the Conesus Lake Watershed. Our office wouldn't necessarily review an area variance for a SF home on the lake shoreline area in the same fashion that we do for one located on a rural road in the middle of town with no neighboring houses.

**Board Discussion:** There are many towns that never engaged in the contract to exempt the reviews and it seems that an extra set of eyes is always better especially if there is no cost. The board says leave it alone and appreciate the extra professional review.

COORDINATED ASSESSMENT PROCESS (CAP) – AMENDED INTERMUNICIPAL AGREEMENT – RESOLUTION 44-2015- Assessor, Tammy Baker indicated the Town of Geneseo applied for a CAP that included Groveland (compensation may not come to Groveland from the state as we had previously done a CAP) the options were to do local laws or an agreement of which Geneseo chose to utilize our agreement. The CAP it is for a minimum of 10 years and thus where the modification needs to come; our Intermunicipal Agreement for Assessor is an annual contract. We can modify it to reflect the 10 year cap; without this there stands to be a potential loss of \$5.00 for cap & \$7.00 for consolidation per parcel = \$12.00 per parcel. This may be an incentive we can utilize towards the Efficiency Tax Cap Plan. Draft of revised agreement passed around.

WHEREAS the Town Board has met at the time and place at its regular meeting the town board has reviewed the amended 2015 Town of Geneseo Assessor contract now therefore be it;

RESOLVED this Town Board does hereby accept the amended Intermunicipal Agreement in reference to previous Resolution 31-2015 and replace it to meet the Real Property Law 579 Coordinated Assessment Program utilizing shared services that commenced July 2014 and with run for a duration of ten years with no changes to the 2015 compensation for Assessor contract of 25% of the \$42,436 salary plus health care that reflects with the approved 2015 Budget and authorizes all board members to sign the agreement.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilman Phelps and seconded by Councilman Niedermaier and the results were carried with 0 nay 3 aye votes.

FIRE DEPARTMENT ANNUAL FINANCIAL REPORT – RESOLUTION 45-2015 – Town Clerk emailed the report a few weeks ago for review. The board has reviewed and compared it to the 2014 report. Report will be filed in the minute book.

WHEREAS, the Town Board has met at the time and place at its regular meeting to review the annual financial report dated April 1, 2014 thru March 31, 2015, submitted by the Groveland Volunteer Fire Department. At which the report was previously submitted to the Town Clerk and was emailed to the town board members on April 23, 2014 to take home for review, now therefore be it;

RESOLVED this Town Board does hereby accept such Annual Report fiscal year ending March 31, 2015 and that such annual report be adopted, by this Board, be entered in the minutes of the proceedings of this Town Board.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilman Niedermaier and seconded by Councilman Phelps and the results were carried with 0 nay 3 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilman Phelps, aye; Councilman Niedermaier, aye.

HONOR MILESTONE BIRTHDAY – MARY SPENCER & LOUISE HAINSWORTH – certificates  
Supervisor stated after starting the milestone birthdays he is proud to have sat with Mary last year and has a plan to do so Tuesday and is planning a visit to Morgan Estate to see Louise closer to her birthday.

A motion by Councilman Phelps and seconded by Councilman Niedermaier to recognize Mary Spencer & Louise Hainsworth milestone birthdays with certificates. Motion carried. The official Certificate filed in minute book.

To Honor Mary Spencer

WHEREAS, Mary Spencer was born on May 19, 1914; and  
WHEREAS, as a citizen of Livingston County with ties starting in the Town of Groveland, and being the last living “Adamson” of her generation;  
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 101<sup>st</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 and one 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 Mary Spencer, please allow us to share in your birthday celebration by again extending our very best wishes and a joyous “Happy Birthday”!

To Honor Louise Hainsworth

WHEREAS, Louise Hainsworth was born on June 10, 1915; and  
WHEREAS, as a citizen of Livingston County with 100 years living in the Town of Groveland, and her newest quote “Always wants to get outside – so much to do even at 100”;  
WHEREAS, she worked with her husband on a local dairy farm with 63 years of marriage raising 3 children and loved being in beaver aircrafts to land on lakes for fishing; 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 Louise Hainsworth, please allow us to share in your birthday celebration by again extending our very best wishes and a joyous “Happy Birthday”!

HONOR CENTENNIAL CELEBRATION – FIRST SPARTA PRESBYTERIAN CHURCH - Supervisor Carman has not heard of any set date for their celebration but thinks it would be a nice event to attend.

A motion by Councilman Niedermaier and seconded by Councilman Phelps to Honor First Sparta Presbyterian Church with a certificate and to be signed by our Board. Motion carried. The official Certificate filed in minute book.

WHEREAS, a Town is only as great as those persons who demonstrate exemplary service to their community, whether through participation in voluntary programs, through unique personal achievement in their professional or other endeavors or simply through a lifetime of good citizenry; and  
WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this government is justly proud to commemorate the 100<sup>th</sup> Anniversary of the Sparta First Presbyterian Church of the Town of Groveland, in Livingston County, New York; and  
WHEREAS, the Sparta First Presbyterian Church is on the NYS and National Historic Register since 2006 with its significance as one of the few remaining intact buildings that reflect Groveland Station’s importance as a transportation center in the first half of the twentieth century; and  
WHEREAS, the cornerstone was laid on November 11, 1915 and later the building was completed; therefore now be it,  
RESOLVED, That the Groveland Town Board pause in its deliberations to commemorate the 100<sup>th</sup> Anniversary of the Sparta First Presbyterian Church, recognizing the significance of the role it continues to play in the life and history of the community of the Town of Groveland; and be it  
FURTHER RESOLVED, that a copy of this Honor Certificate, suitably held, be transmitted to the Sparta First Presbyterian Church.

TOWN CLERK CONFERENCE SUMMARY – copies were handed out.

Summary Town Clerk & Deputy Town Clerk Training: April 26-April 29, 2015 in Rochester, NY

- New Class offered this year - 3 classes that provided hands on use of Word & Excel; learned many shortcuts and the process of mail merge with the 2013 version of excel. Manuals given to each participant.
- OSC (Office of State Comptroller) went through the required board policies & Code of Ethics; Groveland is in compliance with all they listed. We tweaked our Disclosure form to conform to the states. The only policy that we may want to work on is a fraud policy to be listed in our procurement policy. They also provided a great deal of information for the types of audits and why; much of our county did not participate in this class as we have had recent audits.
- AOT (Association of Towns) discussed in length on adopting local laws-(they want it to be a tally system for votes) Also discussed the differences of Mandatory & Permissive Referenda’s. AOT also discussed Ethics within elected officials General Municipal Law Article 18. A Tax Cap Property Freeze Credit frequently asked questions and answer handed out. In review of it the town is required to have a Government Efficiency Plan in effect by end of 2015 to provide possible credits to the tax payers.
- AED Regulations – all public business must comply with NYS Public Health Law Article 30 section 3000-b if you choose to have an AED in the towns facilities. Handouts were given for AED review.

- NYS Liquor Authority class discussed the differences of on premises and off premises liquor licenses. On premises is generally for hotel/banquet, restaurant and bars. Off premises are grocery stores and convenient stores. It was a great class to learn the myths that most businesses think are in place as the regulations changed about 10 years ago. Municipal notification is only required for on premises using the standard for with 30 day notice. This form is not needed for renewals only new licenses. All licenses are paper applications with the exception of special event licenses. Discussed if towns with Town Parks – an event cannot supply alcohol on Public Property. BYOB is illegal!
- NYS Vital Records – reviewed laws and practices of death, birth and marriages; birth and death records will go electronic sometime in June – but still having issues how to identify towns with many hamlets by zip code. Marriage licenses will have no changes.
- NYS Department of State – Bob Freeman on FOIL (Freedom of Information Law) – mostly a question and answer session. As always most discussion on allowable fees for Foil. Can we charge for scanning – we can only charge if we have to make a photocopy for scanning (for redacting purposes). Learned that draft minutes are required to be kept for up to 4 months and should appear on the disposal list. Was given a form that has a list of sample laws and regulations on the state website.
- NYS DEC – decals update, Accela after a hard year of the new system the company will have a simpler system that is expected to streamline the process. Many changes have been sent out on software needs at the local levels but changes are expected to be live in June/July.
- BAR, SCAR, STAR class was a refresher of regulations. BAR – Board of Assessment Review also referred to as grievance board indicated that if the board fails to have a quorum on grievance day only a County Clerk, County Treasurer or Chairman of the Board of Supervisors can fill in to make a quorum.

WORKPLACE VIOLENCE TRAINING – Town of York was cited last week for violation of such policy; despite we have the policy posted we do not do the required annual training. The person certified to do the training is scheduled next week to do York’s. A copy of the York’s policy is lengthy but after reading the section of the law it meets all the requirements per NYS Labor Law Article 2.

Discussion: Board agreed to utilize the copy Town of York provided as a model with our existing policy and schedule the mandatory training as soon as an instructor is available and want to be in compliance as soon as possible.

AED DISCUSSION – per NYS Public Health Law Article 30 section 3000-b since we are a public place the board would have to decide if the estimated annual cost of \$1000 is affordable and if so then we would have to maintain all the compliances. We can do the monitoring in house of which Darin Everdyke has agreed along with the Town Clerk’s office to do monthly checks of the system. It does require signage on the outside of the building and registering with Department of Health, local Medical EMS of Livingston & Monroe, and E-911 that we have an AED.

Board agreed the expense is reasonable for the life saving equipment to be assessable to staff and the people who enter the building. An expense we will have to cover this year but look at getting sponsor each year to offset the budget.

HANDICAP/ASSESSIBLE SIGNAGE REGULATIONS – Town Clerk reported the state has changed the logo for signs and changed the wording of handicap to assessible. The parking permits have been updated in our office. The parking signs are acceptable as they are unless we have to replace them then we are obligated to have the new logo placed on the signs. Code Enforcement Officer has been notified of the regulations. Board inquired what we were doing with the entrance if we decided on what type of railing was being considered. Town Clerk stated it seems best to purchase a round metal one to blend in best while little work on staff. Board agreed.

LIVONIA SUNDAY NIGHT CONCERT SERIES – donation request with a list of the concert schedule was passed around. All agreed a nice program and feel our residents do attend.

A motion by Councilman Niedermaier and Councilman Phelps seconded the motion to be a gold sponsor with a \$100 donation. Motion carried. Town Clerk will prepare a voucher for the next meeting.

PLANNING BOARD CERTIFICATE – planning board member Roxanne Adamson has prepared her certificate based on the training she viewed online for a 1 hour training credit. Board reviewed the self certificate.

A motion by Councilman Niedermaier and Councilman Phelps seconded the motion to accept her certificate. Motion carried.

AMBUSCADE PARK – Supervisor Carman reported after raising the pump slightly and putting a sprinkler head to pump the water all day; we had it retested and finally got passing results. Time is getting really tight so we are going to have to push forward fast to meet the grant deadlines. We will need the state to approve a final design plan and would like to get bids out for construction possible by next meeting if design is approved.

### **Communications:**

Supervisor Carman reported:

- Time Warner \* Comcast merger cancelled. This will make our existing franchise agreement stay as is unless Time Warner makes a move for change.
- Mileage review – court office & town clerk office – numbers show a surplus vehicle would justify a savings in reimbursement expenses. Greg indicated a while ago there are usually decent options for around \$500. Motion by Councilman Niedermaier and seconded by Councilman Phelps to have Greg start to look for a vehicle for Town Hall office use.
- Teen Youth Recognition went well and nice to learn more of Mike Macauley & Emily Watkins.
- Neil Thompson is being remembered for his service Monday 5/25/15 here at the Town Hall; the service starts around noon.
- Tax Cap Efficiency Plan is due by June of this year – working on whether the Geneseo CAP will qualify for us. The county is working on a plan for all the towns as it will require me to do certifications on behalf of the town.
- Woodworth ZBA Article 78 decision filed against the town – but judge decision was unclear as it was vacated – the attorneys are waiting to see if a new hearing is required and if it is we will provide in house training and require our attorney to be present.
- What are the board's thoughts on Assessable/handicap ramps for waiving the variances and fees association with the permits? Code Enforcement says that is how he handles them but thinking if board agrees than it should be stated on our Fee Schedule. Yes board agrees with Maxwell's decision but require a permit to be obtained so it can be built to specs while waiving potential fees and variances. Town Clerk will update the Fee Schedule.
- County highway starting next will have detours while installing cross pipes; which will start at Rosebrugh Road and work their way to Scottsburg Road over the course of several weeks.
- County Water & Sewer to the Correctional Facility update really no new updates as it is going forward but LCWSA would like to consider changing the pipe size from 12 to 16; he recommended at the county that this would really only be necessary on Groveland Hill Road to help offset the extra cost.

A motion by Councilman Niedermaier and seconded by Councilman Phelps to adjourn the meeting. Motion carried. Meeting adjourned at 9:35 p.m. The next meeting will be the regular meeting, June 11, 2015 @ 7:30 p.m. at the town hall.

Dated: May 14, 2015  
Town of Groveland

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Sandra L. Bean, Town Clerk