

**The regular meeting of the Groveland Town Board was held on Thursday September 10, 2015 at the Town Hall.**

**Present:** Bill Carman, Supervisor; John Driscoll, Town Councilman & Deputy Supervisor; Craig Phelps, Bill Devine (@ 7:50 p.m.), Ron Niedermaier, Councilman

**Absent:** None

**Other Attendees:** Insurance Agent, Jan Rogers; Charles Comer

**Supervisor called the meeting to order 8:09 p.m.**

A motion by Councilman Phelps and seconded by Councilman Driscoll the audited bills be paid. General Fund vouchers numbered 234-258 for \$15,624.75; Highway Fund vouchers numbered 162-179 for \$22,653.96. Motion carried unanimously.

A motion by Councilman Phelps and seconded by Councilman Niedermaier to accept the regular meeting minutes of 8/13/15 with changes to a motion for the audited bills that states seconded by Councilman Phelps as he was absent; Town Clerk looked at the draft and will change it to Councilman Driscoll. (Clerk indicated an error she made with copy and paste features); also corrected the use of the word rap/wrap under the Ambuscade Park section. There was discussion on whether members should be listed as absent or excused. Motion carried unanimously.

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

**Information handed out/or acknowledged:**

- 1) Payroll available for review
- 2) Seasonal portion of David Gray Hill Road remains closed
- 3) 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) Hazardous Material Plan Draft sent to FD for updates – Updates received
- 5) Hunting licenses on sale as of August 10<sup>th</sup> available through the Town Clerk's office
- 6) GVPI – did a ghost investigation of Ambuscade Park August 28-29<sup>th</sup>
- 7) Highway Seasonal Position advertised for winter work

**Old/New Business:**

LIVINGSTON INSURANCE AGENT, JAN ROGERS – INSURANCE RENEWAL UPDATES – RESOLUTION 50-2015 - Insurance Agent, Jan Rogers of Livingston Insurance Agency, Inc. provided updated renewal packets and went through them with the board with the upcoming policy expiring 9/20/15.

Board Discussion:

Councilman Phelps asked why the blanket building premium is up 4% increase when inflation is at 2%; Jan stated because of replacement cost.

It was asked what if we had a total loss on our Salt Shed and it cost us \$220,000 but coverage is listed at \$210,000 would we get the total cost covered. Jan stated we would get up to the limit listed on the Statement of Values which in this case would be \$210,000. Which is why I suggest an Industrial Appraisal to make sure you have adequate coverage. The board did look into it, but found it very pricy and had our Assessor do a review which is why we changed some of the coverage last year.

Supervisor Carman inquired in the Crime Section of the time frame of when coverage is valid for? Jan stated it is a good question and knows there are terms based on the discovery time period but will get back to us with full details.

Jan stated Selective came out with a new program which is included in the renewal coverage:

- Pooling Arrangement Program; it is a true pool not reciprocal. It offers dividends based on performance of the pool. Policy gives many other highlights.
- Data Compromise – we are covered as long as we utilize encrypted software for sensitive data.

Audience attendee Charles Comer asked if omission liability is required; Jan stated not required but recommended.

Comer asked if a roof collapses like for a farmer I hear it requires a separate policy and under their regular coverage this would not be covered; Jan stated that is correct for farmers but the town coverage provides the protection.

Jan stated the coverage total annual renewal premium is \$19,915.30, a 2.8% increase from the current coverage which includes waiving Terrorism coverage. Some of which has to do with the changes in equipment.

Supervisor Carman thanked Jan for his attendance and providing time to go through the policy for us. Jan thanked the board for their continued service.

*Further Board discussion:*

Councilman Phelps shows the 1982 Dozer coverage listed for \$50,000 and seems high for the age. Our premium works out to be \$2.67/\$1,000; maybe we should reduce to \$25,000; to be an estimated \$66 premium savings. Supervisor Carman stated I would rather discuss with Greg before making that decision; if he agrees than yes I will make the change with Jan.

WHEREAS the Town Board has met at the time and place at its regular meeting the town board has reviewed the policy coverage effective 9/21/2015 through 9/20/2016, and now therefore be it;

RESOLVED this Town Board does hereby accept the Selective proposal through Livingston Insurance for \$19,915.30 for the town insurance coverage which will be adjusted with the board changes to the current vehicle list coverage and authorize Supervisor Carman to cut a check to avoid a lapse of insurance coverage.

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

CHARLIE COMER – Mr. Comer wanted to address some of his concerns:

- Back in the 50's his taxes paid for the DTD spray for mosquitos, there were many stores to shop from and now owns 4 properties and had a 26% tax rate increase and seems to include less services.
- The sewer treatment plant & capital plant improvement fees are excess; water is \$75/month
- With no increased capital improvements in the station, the town should work on improving that.
- The light district seems high with many outages he does the reporting for.
- He gets a refund check in his other towns based on staying under the tax cap and thinks we should do our due diligence and be more mindful.
- He has a special use permit for the old dog pound feels it is inconvenient that he has to renew it every three years and thinks the zoning code needs to be changed since he leases the building and could be a concern every three years.

Supervisor Carman stated we are carefully looking at the budget for 2016 hoping to stay under the Tax Cap but a discussion later for the board. As for the special use permit, it is set up for exactly what it is meant to do; apply limitations and since you lease it out may be one of the reasons for limitations.

Councilman Phelps stated the tax rate increase this year was not our wish either. We used surplus for several years to help the tax payers including ourselves as taxpayers and that gamble with all the new Tax Cap

regulations caught up with our gamble. As for Water and Sewer that is out of our hands but would agree is not well run; but recommend you voicing your concerns to LCWSA.

Supervisor Carman thanked him for coming and appreciates listening to the taxpayers.

HIGHWAY REPORT – Supervisor Carman read a written report provided by Greg:

We are still waiting for the County Highway to start wedging County Road 2 (Groveland Hill Road). In the meantime our crew has completed Chips sealing on, Abele Road, our end of Warner & Crossett Road and 3 sections of Barber Hill Road. We will be starting to wedge many of the cross pipes we replaced in various locations.

He has placed the advertisement for the seasonal highway position; applications are due by September 18, 2015.

RESIGNATION LETTER – Town Clerk is in receipt of the resignation of Ronald Merrick effective January 1, 2016 as Chairman and regular member to the Zoning Board of Appeals. He wanted to make sure the board had time to plan for a replacement. Ron’s term was due to expire 12/31/15; he served 19 years in his position.

Supervisor indicated we have until January to see who might be interested. He will send a letter.

COUNTY SNOW & ICE CONTRACT – RESOLUTION 51-2015 - Town Clerk reported that last years rates were \$4,000 per mile and the current proposed contract is \$4,500 per mile. The contract effective dates are 10/15/15 – 10/14/2016 and serves 16.60 miles within our township. Supervisor Carman stated that this will be a financial burden at the county level which is why he voted against it; but there were enough votes to carry it through.

RESOLVED, that pursuant to Highway Law Section 135-a providing for snow and ice control on County Roads within the Town, the Supervisor and the Town Highways Superintendent be directed to execute a contract with the County Highway Superintendent of the County of Livingston for the Town to undertake and perform snow and ice control on County Roads located in the Town for the period beginning October 15, 2015 and ending October 14, 2016 at the rates provided.

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 5 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilman Driscoll, aye, Councilman Phelps, aye; Councilman Niedermaier, aye, Councilman Devine, aye.

TRAFFIC SAFETY BOARD – ROUTE 408/EXIT 7 LIGHTING complaint – The information was emailed a few weeks ago to give the opportunity to review all the material. Supervisor stated we have to decide if it is worth Groveland taxpayers to be burdened to pay for all the transient travelers to install lighting for a state highway.

The board reviewed the cost break down:

	<u>Niagara Mohawk</u>	<u>RG&amp;E</u>
Install fee:	\$4,212.00	\$ 0.00
Light Estimates per year:	\$ 250.00	\$98.00

Board members stated that there has been no evidence of accidents in that area especially related to lack of lighting, partly because there is a traffic light that allows travelers to slow down and look closer.

Councilman Niedermaier inquired if we should consider putting the RGE pole in as a study for the estimated \$98.00 a year? The board stated that is the pole that is farthest away and feel it is not our burden to study.

A motion by Councilman Devine and seconded by Councilman Driscoll to take no action. Motion carried unanimously.

TENTATIVE 2016 BUDGET PRESENTED – Town Clerk had previously emailed the Tentative Budget and provided copies of the budget that Supervisor Carman and Accountant, LaDelfa, Walker & Schoder, LLP prepared.

Supervisor Carman Stated:

Since the last month workshop we had a few other new figures and had them factored in. (Livingston County Sheriff's Department security coverage will be \$40/hr. rather \$25/hr.)

I am presenting the tentative budget with the Tax Levy at \$742,690 which puts us over the Tax Cap of \$5,769 this is without utilizing any fund balances. The Tax Cap is 2% or based on the inflation rate; whichever one is less. The inflation rate is 1.0073. The rates below are the estimated tax rates if all our figures are in line:

	<u>Assessment</u>	<u>Tax Levy</u>	<u>Rate per \$1,000</u>
TOWN	133,660,941	597,702	4.4718
LIGHTING DISTRICT #1	38,775,807	2,500	0.0645
LIGHTING DISTRICT #2	7,556,434	3,000	0.3970
FIRE/AMB DISTRICT	214,991,932	98,754	0.4593
WATER DISTRICT	331 units	49,440	\$149.37 per unit

The town tax rate shows us to be less than a 1% increase; it would be my recommendation to use fund balance out of the Highway Fund to offset the shortage of \$5,769 to avoid the Tax Cap override. It is nice to see the difference we made in the Conesus Lake Water District per unit from \$215.

What is the board's pleasure whether to override or utilize fund balance?

**Board Discussion:** All agree it would be best not to override the tax cap even if the tax rate stays the same, and if we can look to make some cuts rather than using fund balance would be preferred.

Councilman Phelps indicated since we were presented with the insurance premium for next year we could reduce the line item by \$1,000. All agreed.

The Assessor budget seems higher than 3% is there a reason; Supervisor Carman stated it was stated earlier this year that our contract with Geneseo did not include the retirements and would have to be included in the next contract. We have gotten a 2 year break.

What about the Code Enforcement department increase; Supervisor Carman stated it is for the purchase of the software company that has been researched and went with the lowest as the current program has not been supported for the last 4 years using Microsoft Access software and the company Butler no longer exists.

Councilman Phelps asked if all budget requests asked for 3%...answer yes except for Highway Superintendent. Councilman Phelps stated since inflation rate is at 2% we should only be giving that or since that we gave 3% last year maybe consider no raises this year. It was asked what the highway union contract is to pay in 2016 – it was stated either 1.75 or 2%. Town Clerk objected for her position and stated the position is already underpaid for the amount of work and responsibility and feels her request of 3% is warranted; especially after the enormous increase the board justified last year for court clerk position; \$30,000 (previously was \$18,000) without experience to my \$17,000 a year with 12+ years in the position; I am not saying the court clerk position does not warrant the \$30,000 salary, it just seemed like a slap in my face. Supervisor Carman stated he is in receipt of the all the countywide salaries and agreed our town clerk is under paid in comparison to the average countywide and supports her 3% request.

Councilman Driscoll stated he hears all around the county that our Town Clerk is one of the best in the field, but doesn't think we should compare the court to the other departments as the court earns it revenues where the clerk is serving at the tax payer's dollars. Town Clerk stated she understands that, and realize it is this board's responsibility to decide the budget as I am merely making my objection for the Town Clerk position.

Councilman Phelps reviewed the previous years and actually shows the court is not earning all their revenues and is being subsidies by tax dollars.

With the monthly payroll review their payroll doesn't even support all the budgeted hours they are allowed; plus the judges only sit once a month compared to the twice a month they use to do a few years ago that we never took in account for.

It was recommended no raises for the Judges and to give 1% to the full time court clerk and reduce the number of hours in the court of 55 hours a week to 50 hours a week come January 1<sup>st</sup>; the justices will decide how the hours get disbursed. All Agreed. The part time positions are determined in the January organizational meeting. Councilman Phelps also stated we should consider moving towards consolidation to 1 judge or sharing with other towns. Supervisor Carman stated he already discussed it with the District Attorney months ago as it was not his recommendation to eliminate or reduce to 1 justice; but will address again. Board all seemed supportive of consolidation. A reduction to one justice does require a referendum.

No Tax Cap override or Local Law needed with the changes.

### **RESOLUTION 52-2015**

WHEREAS, the Town Board has met at the time and place and the Town Clerk presented the Tentative Budget that was prepared by Supervisor Carman in conformance with NYS Town Law Section 106, and  
WHEREAS, that this Town Board reviewed the tentative budget and opted to make such changes, alterations and revisions as it shall consider which are consistent with law, now therefore be it  
RESOLVED, that upon the completion of such review, the tentative budget and any modifications thereof is approved by this town board and shall become the Preliminary Budget pursuant to NYS Town Law 106(4).

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

PLANNING BOARD/ZBA ON JUNK LAW AMENDMENTS – The draft changes were emailed last week. Board Discussion: Councilman Driscoll had provided recommendations to the Planning Board and doesn't see how they addressed them, he recommended we table for further review so he can compare. All agreed.

AMBUSCADE PARK – Town Clerk reported that the 1<sup>st</sup> payment was resubmitted last week for reimbursement and Tom Livak is reviewing it. At the last board meeting we were checking to see if Clark Patterson would be interested in assisting with the RFP & paperwork process. The Town Clerk and John Driscoll has met with them to give them the background. We were concerned with the contracted 3 categories if their services would be covered and was verified with Tom Livak of the NYS Parks Department, his comments were: “you have the pre-development category that can handle design costs. If you go over or under by 10% in any given category, you will need a contract modification for the budget change. Not necessarily a big deal, but it will take a little time to process. No need to do that at this point. It can always be done toward the end of the process.”

We are now waiting to see what fee schedule they can provide us and if we will need to bid it out. Driscoll indicated the verbal quote was \$5,000 - \$10,000.

### **Communications:**

Supervisor Carman reported:

- ✓ The small claims case has been rescheduled to 9/16/15

- ✓ I am in receipt of a letter from a company GVWM that does websites in the area; we already have one but checking to see if anyone thinks we should be changing it?
- ✓ Livingston Cty Planning board has provided an updated credit list for our PB/ZBA – we have several members who need credit for 2015; I will be notifying them in the coming weeks.
- ✓ Correctional Facility Water update on 9/9/15 the County received the approval from the State Comptroller’s Office to sign the contract amendment addressing all of their concerns. County will send five signed copies to DOCCS in the morning. The next step is for DOCCS to sign the Amendment which should go smoothly as they wrote it. Once the county have signatures it goes back to the State Comptroller’s office for final approval, which again should go fast since they approved the Draft. Once that take place we have a contract to move ahead on the project.  
Engineering selection should be on schedule for approval for the September meeting at the county level.
- ✓ Our Town Attorney is handling a Town Ordinance court case that Livingston County Dog Control issued.
- ✓ I had my secretary, Tammy Baker attend a NYS Retirement seminar today to make sure we are staying ahead of the requirements with reporting.
- ✓ Conesus Lake Water Quality meeting on 8/25/15 I was unable to attend he asked Councilman Niedermaier if he attended and had any updates, Councilman Niedermaier had not attended. Councilman Phelps stated he only heard that the phosphors levels are higher than allowed and he will attend the next Association meeting to get more information.

Councilman Niedermaier asked the Supervisor if he had heard anything more on the funds for the Excavator. Supervisor stated he had discussed it with Senator Gallivan last month and found out 2 or 3 other Supervisor’s in the area are all in the same boat. Gallivan stated he sees no reason for us not to receive the funds by the end of this year. In fact, after talking with Gallivan, paperwork was given to us the very next day to fill out which makes me more comfortable for tracking purposes. Even if the money comes in 2016 it will be a blessing.

Councilman Niedermaier asked if we knew of a better street light bulb we could recommend that would be cost effective; board stated the LED but it is cost prohibited to the utility company and would only switch them if we pay for swapping them. Councilman Driscoll verified as he just inquired at the county level and was told the same thing.

Town Clerk reported her new computer was installed Friday with no glitches; I just need to get the offsite backup installed and should be good to go.

A motion by Councilman Devine and seconded by Councilman Driscoll to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 11:02 p.m. The next meeting will be the regular meeting, October 8, 2015 @ 7:30 p.m. at the town hall.

Dated: September 10, 2015  
Town of Groveland

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Sandra L. Bean, Town Clerk