

The regular meeting of the Groveland Town Board was held on Thursday April 11, 2019 at the Town Hall.

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

Absent:

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

Other Attendees: Jenean Love, Town Justice; David Livingston, Town Justice

Supervisor called the meeting to order @ 7:37 p.m. Supervisor Carman asked Justice Jenean Love to lead the pledge to the flag.

A motion by Councilmember Phelps and seconded by Councilmember Niedermaier the audited bills be paid. General Fund vouchers numbered 77- 101 for \$ 8,161.27; Highway Fund vouchers numbered 63- 83 for \$ 13,785.29; Fire/ Ambulance Fund voucher numbered 1 for \$112,363.20. Motion carried unanimously.

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier to accept the regular meeting minutes of 03/14/2019 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 Devine 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. Earth Day April 28, 2019 12pm- 2pm
3. 7th Judicial District letter of support- JCAP office professionalism
4. Tax Collection closed out with 50 unpaid bills
5. Work Place Violence Training was held on 3/28/19 good attendance
6. Democrat Caucus scheduled for May 7, 2019 @ 6pm- Town Hall

Old/New Business:

JUSTICE SALARY FOR 2020 BUDGET- Supervisor Carman stated the Primary Election has been moved up to June 25, 2019 which caused the caucuses for the positions available for the 2019 General Election to be earlier than what we have been accustomed to. Prior to the caucuses he felt it important to discuss the 2020 budget year salary for the Town Justice positions. The Board had previously discussed eliminating one justice position but felt that the town needed to maintain 2 justice positions. The town used to have court night once a week and now they only hold court twice a month, one night a month per justice. Due to the decrease in court night the Supervisor felt an adjustment should have been made to lower their salaries when their court night were reduced but that had not happened when their court nights were reduced. Supervisor proposed for the 2020 budget season to lower the salary by approximately 25 % annually for each justice from the \$9000 current salary. Supervisor brought the salary discussion up now because the Justice's term ends this year, anyone that may be interested in the position of Justice should know what the salary will be ahead of the caucus and General Election. The town budget discussions happens much later than the new primary date and the Supervisor felt it only right to let information regarding the position be available to the public.

Town Justice Love stated it was her understanding the lack of revenue is what prompted the salary discussion. Justice Love that she is not seeking re- election however if she was interested in seeking the position she would not consider running for the position at the 25% reduction. She stated there is so much

research, training and paperwork that happens after court nights that there is much more to the position than sitting as a justice on court night.

Town Justice Livingston started by thanking his mentor Justice Jenean Love for her 12 years of service as a Town Justice and prior to that a Councilmember on the town board. She has served the town well and he thanked her for her service.

Town Justice Livingston stated that he appreciated the notification of tonight's salary discussion prior to the meeting and can appreciate the financial review by the board. He then asked Town Justice Love a series of questions pertain to the daily duties and responsibilities to the position as a justice.

Town Justice Love response to Justice Livingston was similar to her opening to the board that there is much more to the position than what anyone realizes. She stated that laws continue to change and that it is their responsibility to make sure they are prepared and trained. The court decided to go to one night per month per justice around 2009, this was due to the availability of the Assistant District Attorneys. At that time the ADAs were only available to be at court two times per month. Prior to the switch they needed to contact multiple different people to change a court night if there was a need for a person to meet with an ADA. This was time consuming and costly for postage and staffing. Justice Love stated that no matter how much work comes in they have to review it and prepare decisions regardless if a defendant ever comes to court, all work is their responsibility to complete.

Justice Livingston then reviewed a recent case he had, the defendant was arraigned at the CAP arraignments then processed through the Town of Groveland Court. He discussed the need for flexibility of a justice due to mandatory time frames in which certain portion of cases need to be processed. He stated that this case in particular caused him to reschedule multiple appointments within his full time position in order to fulfill his duties as a justice. Justice Livingston then passed out information pertaining to the cost of living increase, new law pertaining to the CAP arraignments, and his summary. Justice Livingston requested the summary be placed in the minutes.

Board discussion:

Councilman Atterbury stated that he can appreciate the flexibility that is necessary to be a town justice, but that is what the board would expect that anyone that would take on the responsibility of the justice position be able to be perform the duties required of a justice.

Supervisor Carman stated that the budget is his to present to the board and that he will decide what the salaries are when he presents it to the board. The board then will have the ability to discuss the budget and offer suggestions to the Supervisor regarding the budget. The Supervisor thanked both Justices for their time and he will let the Justices know his decision regarding the salary.

HIGHWAY REPORT- Deputy Highway Superintendent Caldwell reported the tree removal on Swan Hill Road is almost complete. The 1995 ford escort was in need of repair to pass inspection but has been fixed and has passed inspection. He also stated that he has reviewed the roadwork plan and would like the board to know that he would like to alter a few things. He would like to work on the Adamson road and try to finish the project that was started on Adamson Road.

Board discussion: It was stated by Supervisor Carman that you are the acting Highway Superintendent, this board cannot tell you what to do with the roads, if the Deputy Highway Superintendent felt that other roads are a priority then they support his decision.

Deputy Highway Superintendent also stated that he has met with Livingston County Engineering services to review the culvert pipe on Barber Hill Road that is currently weight restricted. Deputy Highway Superintendent showed pictures and charts to the board, one picture showed the area of the pipe that was

repaired last year is still doing well. Another picture was the full length inside the pipe which appears to not have any issues, the road does not have any issues near the pipe. Deputy Highway Superintendent would like the board to rescind the weight restriction on Barber Hill Road, he would like to repair other roads in the town and his professional opinion is that this is not necessary at this time.

Board discussion: After reviewing the information provided the board agreed with the Deputy Highway Superintendent to rescind resolution 31-2019.

RESCIND BARBER HILL ROAD WEIGHT RESTRICTION RESOLUTION 37-2019

WHEREAS, the Town Board has met at the time and place at its regular meeting on February 14, 2019 to review such a request to designate James Love, Highway Superintendent under Vehicle Traffic Law Section 1660 to establish a maximum weight limit sign at which vehicles may proceed on Barber Hill Road prior to the culvert pipe on Barber Hill Road a restricted twelve (12) ton weight limit, with sign placement prior to the northern and southern side of such culvert;

WHEREAS, additional sign placement of 1000' ahead sign at the corner of Rosebrugh Road and Barber Hill for southern travel traffic and sign placement for northern travel traffic a of an 1000' ahead sign at the corner of Gamble Road and Barber Hill Road, Barber Hill Road is a town Road;

WHEREAS, the Town Board has further reviewed the weight restriction limit and is rescinding the weight restriction limit;

RESOLVED, that with the passage of this resolution the Town Board of Groveland rescinds resolution 31-2019.

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 with 0 nay, 5 ayes. Roll Call Votes: Supervisor Carman, aye; Councilmember Devine, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye; Councilmember Atterbury; aye.

PROCUREMENT POLICY AMENDMENT RESOLUTION 36-2019- the Town Clerk has emailed procurement policies from surrounding towns and included potential amendments to ours. Supervisor wanted the Board to review to see if we should make adjustments as the cost of supplies and services continue to increase. Currently our policy is set for lower dollar amounts than what the law prescribes as a limit prior to competitive bidding.

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every Town to adopt and review internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML 103, or any other law; and

WHEREAS, comments have been solicited from those Officers of the Town involved with procurement; and

WHEREAS, resolution #3-2019 has been rescinded and replaced with resolution #36-2019; and

RESOLVED that the Town of Groveland has reviewed said adopted policy and made additional changes to the procurement policy that is intended to apply to all goods and services which are not required by law to be publicly bid.

*Complete policy will be attached to back of resolution.

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; Councilmember Devine, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye; Councilmember Atterbury; aye.

AMBUSCADE PARK– Councilmember Niedermaier stated that quotes were received from Smith Lumber and Roger's and Tenbrook came in for the material needed to build the pavilion at the park. We had a quote from Nunda Lumber that was submitted when the board originally discussed BOCES building the pavilion.

Council Member Niedermaier and Code Officer, Ron Maxwell met and reviewed the 3 quotes and it appears that overall Nunda Lumber is the most cost effective way to go for the pavilion. Ron Maxwell suggested that we contact Jon Werner from BOCES to review the materials list again to make sure everything that they may need is on the quotes and the plans.

Board discussion: Supervisor Carman stated that we have the list of materials that Nunda Lumber quoted. He asked the Town Clerk to email it to John Werner from BOCES for his review. He wants John to see if they are missing anything from the quote.

A motion by Councilmember Atterbury and seconded by Councilmember Devine to use Nunda Lumber for the materials to build the pavilion at Ambuscade Park. Motion carried unanimously.

Deputy Highway Superintendent Caldwell reported that the ash trees at Ambuscade Park have been removed but the ground was too wet to remove the stumps yet. He knows that it needs to be done.

Supervisor Carman stated that Cathleen Thompson would like to meet with him to go over the survey of the park and the right of way prior to new trees being planted.

Deputy Highway Superintendent stated that he tried to find the pins for the property and had no luck as the survey map we have is from the 1950's.

Supervisor Carman wondered if prior to meeting with Ms. Thompson if the town should survey the park to make sure all property boundaries are known including the easement to go to the monument.

A motion by Councilmember Phelps and seconded by Councilmember Atterbury to have Ambuscade Park surveyed to include the parking lot and driveways. Motion carried unanimously. Supervisor Carman will contact a surveyor for this service.

MORRIS RIDGE SOLAR PROJECT- Town Clerk has emailed a letter to the Board that all had been mailed, it was in solicitation of attorney services regarding the project, along with the visual study for public comment. We currently have our own attorney and can ask questions of him if we so desire. Supervisor Carman asked the Town Clerk to contact the County Planning Board as this is new for the town to see what comments or concerns they may have regarding this project. At the time the County Planning Board had not received their paperwork for the project and stated that due to the closeness to some of the town's historical sites we should review and state and concerns we may have. Unfortunately we have missed the deadline of April 8, 2019 for comment. Does this Board have any information they wish to add to public comment regardless of the deadline if so please let him know.

Board discussion: Councilmember Niedermaier wondered about the sun glare that may potentially come from the large scale solar projects to surrounding areas.

LIVONIA VITALE PARK SUNDAY NIGHT CONCERT – The yearly donation request was passed around for the annual concert series at Vitale Park all agreed a nice program and feel our residents do attend.

A motion by Councilmember Atterbury and Councilmember Phelps seconded the motion to be a gold sponsor with a \$100 donation. Motion carried unanimously. The voucher was prepared for tonight and will remain within the abstract.

AMERICAN LEGION HALLY ALLEN POST 1341 DONATION REQUEST- The annual request for a \$130 donation to purchase grave marker flags and flag holders for Veterans buried in cemeteries in the Town of Groveland. The markers are now made of plastic and yearly maintenance is required to replace the broken ones.

A motion by Councilmember Niedermaier and seconded by Councilmember Phelps to donate \$130 to replace grave marker flags. Motion carried unanimously. The voucher was prepared for tonight and will remain within the abstract.

LIVINGSTON COUNTY HISTORICAL SOCIETY GRANT- The town is in receipt of a donation request from LCHS for upgrades to their building to allow for better accessibility needs. They have been awarded a matching funds grant and are requesting support from the town to aid in their fundraising.

A motion by Councilmember Atterbury seconded by Councilmember Niedermaier to donate \$150.00 to the LCHS for the planned upgrades. Motion carried unanimously. A voucher will be prepared for the May meeting for the donation.

Supervisor Communication:

LIGHTING AT INTERSTATE 390 AND STATE ROUTE 408 INTERSECTIONS- Town Clerk was contacted by the Traffic Safety Board Secretary and it was stated the Traffic Safety Board has reopened the original case for lighting concern for 390 and State Route 408. Supervisor Carman has contacted Paul Gister the National Grid representative regarding the cost associated monthly for the lighting. Mr. Gister has provided the district number for the light that is currently at Route 408 and Route 63. These lights in this district have been converted to LED already, the approximate monthly cost will be about \$11-\$12 a month to provide lighting at the 390 north bound ramp entrance. Mr. Gister will be getting the Supervisor a figure to install the light so he may get that to American Rock Salt as they have verbally stated they will pay for the installation of the light should the board wish to move forward with the light at the 390 north bound ramp entrance.

Board discussion: Agreed with the Supervisor if the mine will pay for the install of the light the town would pay the monthly cost for the light.

A motion by Councilmember Phelps and seconded by Councilmember Atterbury to pay the monthly cost of a light at the 390 north bound entrance ramp with American Rock Salt paying for the installation of the light. Motion carried unanimously.

EXECUTIVE SESSION-Councilmember Atterbury made a motion to go into executive session, seconded by Councilmember Niedermaier 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 unanimously.

The board asked Town Clerk to attend.

Board entered executive session at 9:03 p.m.

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

Returned to regular session at 9:23 p.m.

Other Communications:

Town Clerk reminded everyone that her office will be closed April 19, 2019 for Good Friday and May 6-7, 2019 for training in Syracuse NY.

Town Clerk also stated that she has spoken with Pete Dolan the Chairman for our Earth Day celebration he has had an informal meeting with a small group of people that will be assisting him in the celebration. It has been decided that in case of rain there will not be a rain date, instead we will celebrate inside with the picnic portion of our celebration.

A motion by Councilmember Atterbury and seconded by Councilmember Phelps to adjourn the meeting. Motion carried. Meeting adjourned at 9:30 p.m. The next meeting will be the regular meeting May 9, 2019 @ 7:30 p.m. at the town hall.

Kimberly D. Burgess, Town Clerk
Town of Groveland
Dated: April 11, 2019