

The regular meeting of the Groveland Town Board was held on Thursday June 13, 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: Several Residents

Supervisor called the meeting to order @ 7:40 p.m. Supervisor Carman asked Councilmember Phelps to lead the pledge to the flag.

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier the audited bills be paid. General Fund vouchers numbered 121-149 for \$18,677.77; Highway Fund vouchers numbered 99 -120 for \$36,335.05. Motion carried unanimously.

A motion by Councilmember Atterbury and seconded by Councilmember Phelps to accept the regular meeting minutes of 05/09/2019 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 Atterbury and seconded by Councilmember Phelps 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

Old/New Business:

LOCAL LAW # ? OF 2019 CHANGE THE OFFICE OF HIGHWAY SUPERINTENDENT FROM AN ELECTED OFFICE TO AN APPOINTED OFFICE – Town Clerk stated she has advertised and posted the notices as required to the newspaper.

Supervisor read the public hearing and opened the meeting @ 7:59 p.m.

Comments from the public:

- A concern was brought to the board's attention regarding the ability to hire someone from outside the town jurisdiction along with the ability to hire a resident from an adjoining County to Livingston County. There was concern they would have no idea of the weather if they are not local, and would require more manpower and expense if there was an outside of the town hire.
- A question was asked as to the reason behind the law? Supervisor Carman responded that they had received request from a few in the community for the option to move to an appointed position as the town board has only budgetary control over an elected highway superintendent.
- A community member felt there was a need for accountability with either appointed or elected but understands that the elected position does not answer to the board.
- One resident referred to the Town of Ulyess that had discussed the appointed vs elected position. He then explained the difference and what he interpreted to be the pros and cons between an appointed and elected highway superintendent position. He also was in favor of having the ability to reach outside the town and county limits, this would allow for a larger pool of qualified applicants in his opinion and was a good idea.
- Another resident stated it should remain in the town and not outside the town jurisdiction. The question was raised about what happens if the town board approves tonight's local law? Supervisor Carman answered that it will be placed on the ballot at the General Election in November. The

resident was ok allowing the electorate to decide if the position would remain an elected one or an appointed position.

- Another question was asked in regards to if the electorate vote to have the position become an appointed position, what then happens to the person if they have been elected into that position? Supervisor Carman stated that in his opinion it would be smart to appoint the person that the people voted for, however that was only his opinion and not a board decision.
- Residency in the town was important stated by multiple residents, one resident felt that if the person lived within the community they serve they would have more of a vested interest in the job.

Public hearing closed @ 8:27 p.m.

**TOWN OF GROVELAND
LOCAL LAW #__ of 2019**

“A LOCAL LAW TO CHANGE THE OFFICE OF HIGHWAY SUPERINTENDENT FROM AN ELECTED OFFICE TO AN APPOINTED OFFICE”

BE IT ENACTED by the Town Board of the Town of Groveland as follows:

SECTION I. TITLE

This local law shall be “A Local Law to Change the Office of Highway Superintendent from an Elected Office to an Appointed Office”.

SECTION II. AUTHORITY

This local law is enacted under the authority of Municipal Home Rule Law §§ 10, 22 and 23. The Town hereby expressly states its intention that this local law shall supersede any provision of the Town Law of the State of New York to the contrary, including but not limited to Town Law § 20.

SECTION III. PURPOSE

The purpose of this local law is to abolish the elected position of Superintendent of Highways and replace it with an appointed position of Superintendent of Highways in the Town of Groveland.

SECTION IV. ABOLITION OF ELECTED POSITION; CREATION OF APPOINTED POSITION

The elected position of the Superintendent of Highways in the Town of Groveland is hereby abolished, effective January 1, 2020. The appointed position of the Superintendent of Highways in the Town of Groveland is hereby created, effective January 1, 2020.

SECTION V. TRANSFER OF DUTIES

Except as set forth in Section VII, all duties, authority and power previously vested in the elected Superintendent of Highways shall be vested in the appointed Superintendent of Highways.

SECTION VI. RESIDENCY REQUIREMENTS

The person holding the office of Superintendent of Highways in the Town of Groveland, need not be a resident nor an elector of the Town of Groveland, provided, however, that such person shall reside in Livingston County or in an adjoining county within the State of New York.

SECTION VII. AUTHORITY OF SUPERINTENDENT; APPOINTING AUTHORITY

(a) The appointed Superintendent of Highways shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as the Town Board may determine not inconsistent with law. Any references contained in the Code of the Town of Groveland to the Superintendent of Highways shall be construed as applying to the duly appointed Superintendent of Highways.

(b) The Town Board shall be the appointing authority for all employees of the Town of Groveland Highway Department.

SECTION VIII. TERM OF OFFICE AND FILLING VACANCY

The appointed Superintendent of Highways of the Town of Groveland shall serve for a term of two (2) years, upon the terms and conditions determined by the Town Board, unless sooner removed by the Town Board in the manner provided for in this local law. A vacancy in the Office of Superintendent of Highways shall be filled by the Town Board for the unexpired term in the manner provided by law.

SECTION IX. SALARY AND REMOVAL OF HIGHWAY SUPERINTENDENT

(a) The salary of the Highway Superintendent shall be fixed by the Town Board and shall be payable in such installments and at such intervals as the Town Board shall determine, which may be modified by resolution of the Town Board from time to time.

(b) The Town Board may remove the Highway Superintendent for malfeasance or misfeasance in office upon written charges presented to the Town Board in the form of one or more affidavits. The Highway Superintendent shall have an opportunity to appear before the Town Board and be heard. Copies of any such charges shall be served upon the Highway Superintendent accused thereby at least ten (10) days before his/her appearance before the Town Board.

SECTION X. MANDATORY REFERENDUM

This local law shall be subject to a mandatory referendum to be held at the next regularly scheduled General Election on November 5, 2019.

SECTION XI. SEPARABILITY

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provision hereof shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION XII. EFFECTIVE DATE

This local law shall take effect upon the affirmative vote of a majority of the qualified electors voting therein at such General Election on November 5, 2019, and the filing with the Office of the Secretary of State in accordance with the applicable provisions of law, on January 1, 2020.

RESOLUTION 40-2019 MANDATORY REFERENDUM-

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town Board is considering adopting a proposed local law, entitled “A Local law to Change the Office of Highway Superintendent from an Elected Position to an Appointed Office,” which would abolish the elected position of Superintendent of Highways and replace it with an appointed position of Superintendent of Highways in the Town of Groveland; and

WHEREAS, the Town Board of the Town of Groveland held a public hearing on the proposed adoption of said local law on the 13th day of June 2019 at 8:00 p.m., at which time all interested parties and citizens for or against the proposed law were heard; and

WHEREAS, the Town Board of the Town of Groveland

RESOLVED, that the Town Board of the Town of Groveland feels it is in the best interests of the Town of Groveland to adopt Local Law No. __ of 2019 entitled, “A Local law to Change the Office of Highway Superintendent from an Elected Position to an Appointed Office”; and be it further

RESOLVED, that said local law is subject to mandatory referendum and shall become effective upon filing in the office of the New York Secretary of State after approval by a majority of the electors voting in the General Election thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law; and be it further

RESOLVED, that the Proposition to be voted on shall be in the General Election shall be:

Proposition No. 1

Shall there be approved and adopted a Local Law in the Town of Groveland, entitled “A Local Law to Change the Office of Highway Superintendent from an Elected Office to an Appointed Office”, as approved by the Town Board of the Town of Groveland, to change the elected position of Highway Superintendent to position appointed by the Town, effective January 1, 2020?

Please choose one of the following options:

Yes

No

; and be it further

RESOLVED, that the Town Clerk be and she hereby is authorized and directed, at least ninety (90) days prior to the election, to transmit to each Board of Elections a certified copy of the text of this referendum and a statement of the form in which it is to be submitted with the date of such election.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Atterbury 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 Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

HIGHWAY REPORT- Deputy Highway Superintendent Caldwell reported that he attended Highway Superintendent’s conference at Ithaca College. The classes he attended are Pavement Preservation, How to work with your Town Supervisor, Common Road Drainage Issues, How to Work with the Town Board, The Next Generations of Highway Workers, Signs for Curves, Utilities in the Highway Right of Way, and What’s New in Asphalt and Paving. The classes were very informative and he appreciated the board allowing him the time to attend the class.

The highway crew has been busy ditching on Adamson Road, placing driveway pipes and lining ditches. They have surface treaded Adamson Road twice and surface treated Logan Road from Adamson Road south to State Route 63. They have also surface treated the lower portion of Davis Road. Grading of the roads have been finished along with placing salt on the unpaved roads to reduce the dust. Roadside mowing began 2 weeks ago, and they have approximately one to two weeks left of ditching on Swan Hill Road. Once the ditching is complete on Swan Hill Road it will give them the ability to start graveling Swan Hill Road, weather permitting.

Deputy Highway Superintendent Caldwell has requested quotes for the Highway Barn doors that are in need of repair. These repairs were allocated for in this years budget; however not all quotes are in yet. He is also planning on requesting quotes or the salt shed roof soon after the door quotes come.

INSURANCE COMPETIVIE BID- Town Clerk emailed the board regarding the timeframe that was passed for competitive bidding of the town’s insurance policies following the inquiry at the May 9, 2019 town board meeting. Resolution 28-2017 stated:

WHEREAS, the Groveland Town Board acknowledges the value in competitive bidding for insurance coverage to foster honest competition enabling the Town to acquire quality coverages and service at the lowest possible cost, and

WHEREAS, the town realizes such coverage is difficult and time consuming to compare as competing policies are seldom, if ever, exactly the same, and we must determine which policy will deliver the best value, and this may or may not be the lowest bidder, now therefore be it

RESOLVED, The Town of Groveland will actively seek competitive bids for insurance coverage when competitive bids have not been received in the prior two calendar years. As our policy renewal date is in September, we will solicit bids during July to be presented to the Board at our regular August meeting. Any party interested in submitting a bid during the years in which we will not be actively seeking bids shall submit a bid with coverages as close as possible to the policies in force at that time. Such bids must be submitted at least two weeks prior to our August meeting.

Board Discussion:

Supervisor Carman feels it prudent to move forward with the competitive bidding following the approved resolution. He will let our agent know to have his bid ready for the August meeting and that they are doing the competitive bidding. He has contacted one agent for Tompkins and asked him to prepare for the August meeting.

Councilmember Phelps stated she would like to see a letter go out to the agent she sent the town clerk information on. Agrees that the bidding process is a wise choice.

Town Clerk will send the letter to the agent Councilmember Phelps has requested.

Remaining board members were in agreement with getting bids this year.

AMBUSCADE PARK—Supervisor Carman discussed the survey recently done by Barry Carestio. The building trade students from BOCES is done working on the pavilion for the school year, they will resume in September. The pavilion is lacking the sides and the ceiling of which we have not yet been billed for by Nunda Lumber.

Councilmember Niedermaier stated that the John Werner did not have time to look at the stairs prior to the end of this school year. He will try again in September. He also discussed the need for eve troughs on the pavilion and wasn't sure if that was something BOCES could install. He will do research to see if there is the ability to have eaves made that are a single piece and in case BOCES can install them he would have the information.

Supervisor Carman stated that he knows we have discussed the future needs at the pavilion, one item he had thought of was the flooring of the pavilion. He has discussed the pouring of the floor after the rough plumbing for the bathrooms and kitchen prep sink area have been installed. His hope was to have continue to have BOCES frame in a build the bathroom and kitchen prep area. There was discussion for the best way to have plumbing installed prior to the actual bathrooms and small kitchen area are completed so the pavilion may be somewhat useable to our residents along with the ability to winterize the plumbing. He stated that he has spoken with the Deputy Highway Superintendent and the highway crew can pour the floor.

Deputy Highway Superintendent stated the crew can do it and have it look nice but it is not their area of expertise.

Councilmember Phelps offered to research the cost of composite picnic tables.

Councilmember Niedermaier had heard composite picnic tables do not hold up well and wood is better.

Councilmember Phelps stated she will get information on both and come back to the board with the information.

NYS RETIREMENT STANDARD WORKDAY REPORTING RESOLUTION 41-2019 - Board reviewed the list with additional employee calendars passed around for board signatures. Social security and membership numbers not listed for security reasons.

A motion by Councilman Niedermaier and seconded by Councilman Phelps to accept the resolution as presented. Motion carried unanimously.

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
Elected Officials								
Town Clerk	6.5	Kimberly Burgess			1/1/2019-12/31/2019	19.02		
Appointed Officials								
Historian	6	David Carman			1/1/2019-12/31/2019	0.64		
Planning Board Chairman	6	Seth Burnette			1/1/2019-12/31/2019	0.32		
Code Enforcement Officer	6	Ronald Maxwell			1/1/2019-12/31/2019	19.5		
Assessor	6	Daniel Stanford			1/1/2019-12/31/2019	6.39		
Supervisor Secretary	6	Sandra Bean			1/1/2019-12/31/2019	3.52		

On this 13th day of June 2019 _____, Town Clerk Date enacted: June 13, 2019

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 13th of June, 2019 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 five of such members were present at such meeting and that 5 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.

SURPLUS- 42-2019- Town Clerk notified the board that the desk stand riser was no longer of use and all other offices already have desk stands or did not want the riser.

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- desk stand riser

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 adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Atterbury 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 Atterbury, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye.

RECLASSIFICATION OF BUDGET LINE ITEM- RESLOUTION 43-2019- Town Clerk Burgess upon review of the 2019 Ambuscade Park vouchers noticed that a correction to a voucher was necessary for an incorrect code.

Whereas; the Groveland Town Board members recognizes the need for proper line item classification as follows:

Reclassification of 2019 GF Budget as follows:

2019 General Fund Voucher #51- \$35.00 A7110.41 (Parks Contractual Grant) to A7110.2 (Parks Equipment)

RESOLVED: That the Groveland Town Board members do hereby authorize LaDelfa Schoder & Walker PC to make amendment line items mentioned.

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

EXECUTIVE SESSION- Supervisor Carman made a motion to go into execute session, seconded by Councilmember Atterbury for matters Medical, financial, credit or employment history of a particular person or corporation, or relating to appointment, promotion, demotion, discipline or removal;

The board asked Town Clerk to attend.

Board entered executive session at 8:30 p.m.

A motion by Supervisor Carman, seconded by Councilmember Phelps to close the executive session with no action taken. Motion carried.

Returned to regular session at 8:37 p.m.

Supervisor Communication:

- Paul Gister, National Grid representative has sent a quote to give to the mine with a couple of different options for street lighting at the 390 north bound ramp and Route 408. Supervisor will see that the mine receives the quote. In 2015 the quoted cost was \$4,200 now the quotes are for option 1 placement \$16,508 or option 2 placement of \$23,971. The Supervisor asked Town Clerk to email the 2015 quote to Mr. Gister and ask why the significant cost increase.
- Grever and Ward has finalized the road mapping for the new section in Lakeview Cemetery. They estimate approximately 1,510 grave sites will be available. When the board decides they wish to move forward with the new section of the cemetery, Grever and Ward does have the ability to do a detailed design of grave spaces.
- Supervisor Carman is in receipt of a letter from Bill Fuller, Livingston County Real Property Director advising the town of a new law that allows for the town to enter into an a shared services agreement with the County for a County Board of Assessment Review. This is in the beginning stages and has yet to be approved by the Board of Supervisors but wanted to make the towns aware of the new legislation. Basically this would allow the town to use the County's board for their grievance night instead of a local board. Director Fuller stated that this would help the municipalities that have trouble fielding a board, and would require a permissive referendum.

Other Communications:

Councilmember Niedermaier asked about the water meeting that he could not attend with the Supervisor. Supervisor Carman stated that now they are looking into adding districts and want more users on the line. They are looking into grants for this option and that the Supervisor would be back in touch with them soon to follow up from their original meeting in May.

A motion by Councilmember Atterbury and seconded by Councilmember Phelps to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:01 p.m. The next meeting will be the regular meeting July 11, 2019 @ 7:30 p.m. at the town hall.

Kimberly D. Burgess, Town Clerk
Town of Groveland
Dated: June 13, 2019

EXECUTIVE SESSION- made a motion to go into execute session, seconded by Councilmember for matters

- (1) A matter which will imperil the public Safety if it is disclosed;
- (2) A matter which may disclose the identity of a law enforcement agent or informer;
- (3) Information with respect to investigation or prosecution of a criminal offense which would jeopardize effective law enforcement if disclosed;
- (4) Discussions relating to proposed, pending or current litigation;
- (5) Matters relating to collective negotiations under the Taylor Law;
- (6) Medical, financial, credit or employment history of a particular person or corporation, or relating to appointment, promotion, demotion, discipline or removal;
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- (7) Preparation, grading or administration of examinations;
- (8) Acquisition, lease or sale of real property or securities when publicity would substantially affect the value.. Motion carried unanimously.

The board asked Town Clerk and Deputy Highway Superintendent to attend.

Board entered executive session at p.m.

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

Returned to regular session at p.m.