

**The regular meeting of the Groveland Town Board was held on Thursday June 9, 2022 at the Town Hall.**

**Present:** Bill Devine, Supervisor; Sandra Bean, Deputy Supervisor and Councilmember; Steve Atterbury, Councilmember; Amy Hunter, Councilmember and John Macauley, Councilmember

**Other Town Officials:** D. Mark Caldwell, Highway Superintendent; T. Tozier, PB & ZBA Secretary

Others Present: D. Tozier, L. Wacholder, N. Koschara, J. Macauley, R. Niedermaier, K. Niedermaier- President of Groveland Fire Department

**Supervisor Devine called the meeting to order @ 7:31 p.m.** Councilmember Atterbury led the pledge to the flag.

A motion by Councilmember Atterbury and seconded by Councilmember Macauley the audited bills be paid. General Fund vouchers numbered 123- 157 for \$13,138.22; Highway Fund vouchers numbered 84-98 for \$12,763.67. Motion carried unanimously.

A motion by Councilmember Bean and seconded by Councilmember Atterbury to accept the regular meeting minutes of 5/12/2022 as presented. Motion carried unanimously.

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 Macauley and seconded by Councilmember Atterbury to accept both financial reports. Motion carried unanimously.

**Information handed out/or acknowledged:**

1. Food Pantry Box- located in the town hall

**Old/New Business:**

SOLAR ENERGY SYSTEMS LOCAL LAW # OF 2022 TO REPLACE #2-2017 PUBLIC HEARING- Supervisor Devine requested Town Clerk to read aloud the public hearing notice for the local law.

Supervisor opened the Public hearing at 7:32 p.m.

Comments:

Supervisor Devine stated that he has been concerned with the soil surrounding the panels and feels it should be tested due to run off from the panels effecting the soils as this is ever changing environment and maybe should state continued soil testing throughout. Supervisor also stated that wording to clarify needs to be added regarding sale of property/ lease to new owner that

decommissioning rules apply should during the time of lease ownership change hands it needs to be a bit more specific in law.

N. Koshara inquired as to the fence height of 8 foot being the normal height. Supervisor stated he believed that he has seen 6 foot in Batavia. He also inquired about Tier 1 projects and the distance on his property being 500 feet. A member from the audience responded with a variance may be required. Supervisor would like to get better description in law of the two tiers for clarification in there.

J. Macauley asked if the Town's law was similar to other surrounding municipalities. Supervisor responded yes similar.

K. Niedermaier looked at the emergency response plan portion and stated all the plans he reviewed in the past as Director of Emergency Management Service have failed to provide the necessary training he would recommend to first responders in an emergency situation at the site. It would be his recommendation to add this, most solar companies are willing to train for safety purposes.

N. Koshara looked at the decommissioning portion on page 6 and asked who the owner as stated. Board stated that would need to be clarified better in law but feel that it should be current owner at the time of decommissioning.

L. Wacholder appreciated the town trying to put in protection for the community and believes that host benefits can apply in the future.

Supervisor Devine stated that SEQR is required and the board needs to answer question pertaining to SEQR. Board reviewed SEQR Impact Assessment questions and answered either No, or small impact may occur on all but one question.

A motion by Councilmember Bean and seconded by Councilmember Hunter to declare a Negative Declaration and have Supervisor Devine sign part 3 of Determination of Significance of the SEQR. Motion carried unanimously.

Supervisor Devine stated that the public hearing will remain open for written comment until next meeting as they will wait for comment from Livingston County Planning Board prior to moving forward with the Local Law as the board may need to adopt advisory comments.

GROVELAND FIRE DEPARTMENT ANNUAL FINACIAL UPDATE- K. Niedermaier was present to update the board with the Fire Department annual financials along with discussing the impending contract.

Councilmember Bean stated in reviewing the financials provided there is “building on the hill” expense, is the new structure. K. Niedermaier responded no only partial of the building.

Councilmember Hunter asked how much has the building cost? K. Niedermaier stated \$110,000 and that includes everything from the building to concrete and other supplies, heaters, however they still need to bore under the road for gas and water yet.

Councilmember Bean asked what you are looking for in the contract. K. Niedermaier stated he has had past discussion with Supervisor Devine the department’s request of 2.5% increase for a 5 year contract term as they did a year extension following the passing of Supervisor Carman.

Councilmember Bean asked what properties are exempt from the Fire Department tax placed on the tax bill. K. Niedermaier stated cemeteries and churches are exempt Agriculture is not exempt from paying this tax. Currently the tax rate is at .48 cents per thousand.

Councilmember Bean asked the community members present regarding the tax rate and agriculture as it does effect as most present were local farmers.

L. Wacholder stated he would like to see the Fire Department become Fire District which is different than a fire protection district. This would allow for the taxes to be paid by PILOTS as well or Solar that would be coming, currently it cannot be. Ag exemptions do not work for the fire protection districts.

Councilmember Hunter asked how the long term service to the community with members enrollment. K. Niedermaier stated the active roster is at 24 members. Regulations are all encompassing and in the past was difficult for smaller communities to try and stay up to date with the required time frames on equipment and turn out gear. They have allowed for concessions as to how many calls to the gear that has been utilized however the struggles they still find in outfitting the members is the continuing climb in pricing of the gear.

Councilmember Hunter asked if a trend will come similar to Livingston County EMS being a paid county wide firefighting system. K. Niedermaier stated the EMS calls were 4 to 1 call days to night and availability. With fires it is significantly less.

Councilmember Bean stated that it can’t become a paid firefighting district without petitioning the town. K. Niedermaier stated yes.

Supervisor Devine asked about the truck fund stated \$40,000 was set aside but does not show where and how much currently is in the fund. K. Niedermaier stated at the department’s last meeting there is currently \$69,000 in the truck fund and that he agreed that there needs to be better disclosure of fund amounts as questioned. They did purchase a few trucks utilizing their savings funds and cash on hand.

Supervisor appreciated having the financials and wanted to ensure that the board continued to receive them in more depth showing savings and truck fund in the contract that it was stated they would receive the financials. K. Niedermaier stated that the board should have past ones as well. Town Clerk confirmed that the board does.

Councilmember Hunter asked what the \$49,000 truck expense amount included. K. Niedermaier stated tires, transmission repair and other maintenance.

Councilmember Bean asked also fuel. K. Niedermaier stated yes, he believed so.

Councilmember Macauley stated he did not see where the donations that are taken in, do we not see the savings portion of the account. The answer was no.

R. Niedermaier stated that pancake breakfasts that the fire department does not make much money for the department it is more of a community service than a fund raiser.

K. Niedermaier stated the mail drive the department made approximately \$6,000.

J. Macauley asked if the donation amount are similar to what other departments receive.

K. Niedermaier stated moving forward he would have the financials showing all monies the department receives with full details for the town board review. He will provide the town clerk the contract with a 5 year term at the 2.5% rate for the board review at the July regular board meeting.

Supervisor Devine thanked K. Niedermaier for his time.

HIGHWAY REPORT UPDATE- Highway Superintendent Caldwell stated the highway crew has been busy ditching on Davis Road to prepare for the 2023 season of oiling and stoning that road, if it is fiscally responsible to do next year with the continuing rising cost of material.

Lower Adamson and the lower portion of Hunt Hill Road closest to Barber Hill Road has been graded in preparation for oiling and stoning, with the hope to begin the project next week weather permitting.

Road side mowing utilizing the crew has begun for the season, the part time help has not been used as he was unsure if he was going to continue this season.

Highway Superintendent Caldwell stated that he has spoken with the board regarding a smaller deck over trailer utilizing the surplused equipment that was sold at auction as this was not an item that was budgeted. He has obtained the quotes necessary and would like the final board approval to purchase the trailer. As the total amount from the surplused equipment was \$31,100 and the trailer is a cost of \$ \$8,820.

A motion by Councilmember Atterbury and seconded by Councilmember Hunter to approve the Highway Superintendent to purchase the deck over trailer for highway equipment following the sale of surplused equipment to offset the cost. Motion carried unanimously.

SWAN HILL ROAD WEIGHT RESTRICTION RESOLUTION 46-2022- Highway

Superintendent Caldwell is concerned with the new detour and the amount of increased traffic the road will have significant truck traffic and potential damage if a weight restriction is not implemented. The town has just improved the road significantly and a large investment in the road and feels the weight restriction may help deter some of the issue.

WHEREAS, the Town Board has met at the time and place at its regular meeting to review such a request to designate D. Mark Caldwell, Highway Superintendent under Vehicle Traffic Law Section 1660 to establish a maximum weight limit sign at which vehicles may proceed on Swan Hill Road at a restricted ten (10) ton weight limit which is a Town Road;

RESOLVED, that with the passage of this resolution the Town Board of Groveland and the Town Highway Superintendent are in support of such request for providing a safe environment for its residents and that this resolution allows the local law enforcement the authority to enforce such a sign.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Hunter and seconded by Councilmember Macauley and the results were carried with 0 nay, 5 ayes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Atterbury, aye; Councilmember Hunter, aye; Councilmember Macauley, aye.

ARPA MONEY USE FOLLOW UP DISCUSSION- Town Clerk forwarded the board the email from the consultant regarding the items discussed at the May meeting for potential use. Consultant felt all was acceptable, board wished to wait until year end to see where the budget was to move forward.

Highway Superintendent informed the board the exact truck the town has on order increased by \$40,000 from the time the town has placed our order.

NYS STANDARD WORK DAY RESOLUTION 47-2022 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 Councilmember Bean and seconded by Councilmember Atterbury to accept the resolution as presented. Motion carried unanimously.

Standard Work Day and Reporting Resolution # 47 -2022								
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 the 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>								
Town Councilmember	6	Amy Hunter (Phelps)			01/01/2022-12/31/2025	1.01		
Town Councilmember	6	John Macauley			01/01/2022-12/31/2025	0.82		
<b>Appointed Officials</b>								
Planning Board Chairman	6	Seth Burnette			01/01/2022-12/31/2022	0.225		
Town Councilmember	6	Sandra Bean			12/09/2021-12/31/2022	1.45		
Code Enforcement/ Zoning Assessor	6	Ronald Maxwell			01/01/2022-12/31/2022	19.5		
Historian	6	Carlton Maxwell			01/01/2022-12/31/2022	18.42		
Supervisor Secretary	6	Chelsey Aten			10/14/2021-12/31/2022	2.56		
Planning/Zoning Board Sec	6	Trista Tozier			01/01/2022-12/31/2022	3.17		
					05/13/2022-12/31/2022	1.38		
On this 9th day of June 2022 _____, Town Clerk Date enacted: June 9, 2022								
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 day of June, 2022 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.								
Affidavit of Posting: I _____, being duly sworn, deposes and says that posting of the Resolution began on 06/10/2022 and continued for at least 30 days. That the Resolution was available to the public on the:								
<input type="checkbox"/> Employer's Website @ www.grovelandny.org - under Public Notices <input type="checkbox"/> Official sign board at the main front entrance								
							Town Clerk Seal	

### Supervisor Communication:

Ambuscade Park- Supervisor Devine received a complaint about the steps and felt they should be removed as it is a danger.

Highway Superintendent stated he did place caution tape but it has been removed.

Board all agreed that they are not safe any longer and until they can be removed have asked highway Superintendent to place boards across so no one can use step and have town clerk make laminated sign to be placed at base that states stairs closed.

A motion by Councilmember Atterbury and seconded by Councilmember Hunter to remove the steps for safety reason as the highway department soonest opportunity. Motion carried unanimously.

Town Clerk Burgess provided the board with a pavilion reservation and rules sheet for board approval. Board reviewed and liked the form for use to be placed on the town's website.

A motion by Councilmember Bean and seconded by Councilmember Atterbury to utilize the Ambuscade Park reservation and rules form for use immediately. Motion carried unanimously.

Town Clerk also stated the cleaning company is willing to clean the bathroom following an event for \$15.00 per time, the town would just need to request them to clean when needed. Board felt this was acceptable to move forward.

Supervisor Devine also informed the board he has been notified by the County that they are potentially getting monies for parks in the amount of \$20,000 to towns if the town was interested. Supervisor stated he did accept that the town would like the money for Groveland and thought it could benefit the new park if we acquired it.

Supervisor also stated that phase two of the broadband initiative has started for the County following receiving the grant.

Supervisor has also been notified by the County that a “Closed Prison Committee” has been formed by the State to see what they will now do with the multiple closed prison buildings. Senator Gallivan’s office along with a team from Livingston County will be having a Zoom meeting regarding this issue. Supervisor will keep the board updated as he hears more.

A motion by Councilmember Atterbury and seconded by Councilmember Hunter to adjourn the meeting. Motion carried. Meeting adjourned 9:11 p.m. The next meeting will be the regular meeting July 14, 2022 @ 9:00 a.m. at the town hall and is open to the public. Motion carried unanimously.

Kimberly Burgess, Town Clerk  
Town of Groveland  
Dated: June 9, 2022