

The regular meeting of the Groveland Town Board was held on Thursday December 10, 2020 at the Town Hall and via teleconference allowable per executive order 202.1 from Governor Cuomo, meeting is to be recorded and transcribed.

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

Other Town Officials: D. Mark Caldwell, Highway Superintendent

Other Attendees: C. Lawrence and R. Boughton

Supervisor called the meeting to order @ 6:29 p.m. Supervisor asked Highway Superintendent Caldwell 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 288-312 for \$16,596.44; Highway Fund vouchers numbered 211- 233 for \$20,775.50. Motion carried unanimously.

A motion by Councilmember Niedermaier and seconded by Councilmember Phelps to accept the regular meeting minutes of 11/12/2020 approved as presented. Motion carried unanimously.

Supervisor 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 Niedermaier and seconded by Councilmember Phelps to accept both financial reports. Motion carried unanimously.

Information handed out/or acknowledged:

1. Food Pantry Box- located in the town hall
2. Pancake Breakfast for Fire Department canceled for October - December

Old/New Business:

PUBLIC HEARING- LOCAL LAW # 2020- REGULATING SOLAR BATTERY STORAGE –

Public hearing notice was read aloud and Supervisor Carman opened the hearing for comment at 6:37 p.m.

Public Comment: None

Board discussion: Supervisor Carman stated that Livingston County Planning Board meets the same day as the town board and any comments to be considered will not be received in time for the board to make a decision on adoption of Local Law until all comments are received.

A motion to close the public hearing made by Councilmember Niedermaier and seconded by Councilmember Phelps. Motion carried unanimously.

Public Hearing Closed at 7:25 p.m.

EAGLE SCOUT PROJECT PRESENTATION- Supervisor Carman introduced Rowan Boughton who is presenting an Eagle Scout project to the board. Mr. Boughton would like to build and install a Kiosk at Ambuscade Park as his project. Mr. Boughton provided an outline to the board of how he intends to build it along with potential cost. Mr. Boughton inquired who he should contact regarding the build and specs that he should follow with his plans to ensure the project follows code

Board discussion: Supervisor Carman recommended that Mr. Boughton contact Code Officer Maxwell regarding code for the project, and he provided Mr. Boughton with Code Officer Maxwell's business card.

Councilmember Phelps stated that there is a kiosk on Route 63 near Jones Bridge Road that would be a great example of a kiosk.

Councilmember Niedermaier stated that the last kiosk rotted off and wondered if there is a better way to prevent.

Councilmember Atterbury thinks the kiosk is a great idea and would like to assist if necessary with his time or make a donation to the project.

A motion by Councilmember Atterbury and seconded by Councilmember Phelps to approve Rowan Boughton to build a kiosk to be installed at Ambuscade Park in 2021 with the final financial cost to be presentation to the board prior to build. Motion carried unanimously.

RESOLUTION 62-2020 TO NAME/LIST IT TECH – We have utilized OnSite Computers - Tony Testa for several years and continues to meet our cost and availability. No rate change as still \$50 per hour.

WHEREAS this town board does hereby recognize the need for ongoing Computer support for town offices in conjunction with the Town Information Technology Policy to provide updates, user training and troubleshooting such potential needs; and

RESOLVED the Town name OnSite Computer Repair for all towns IT services and accept the contract dated November 14, 2020 for a 1 year term with a billable rate of \$50 per hour.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Niedermaier and seconded by Councilmember Phelps 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.

RESOLUTION 63-2020 TOWN HALL/OFFICE CLEANING SERVICES – This that and More continue to provide a nice service. Their rates were \$38.94/per week and proposed to \$41.25/ week.

WHEREAS, the Groveland Town board has opted to renew the existing cleaning contract with This That and More Co.; now therefore be it

RESOLVED, the Groveland Town Board authorize Town Clerk, Kimberly Burgess to renew a one year contract expiring December 31, 2021 for monthly cleaning of \$41.25/ week, to be an annual cost not to exceed \$2,145.00 that reflects in the adopted budget.

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

UPPER BEAN HILL ROAD COMPLAINT CONTINUATION- Councilmember Devine stated that he has spoken with Code Officer Maxwell and that it was DEC who approved the driveway. Currently the site is dormant and the Town's engineer has everything necessary from Barber's to process the Soil Erosion Application.

Town Clerk Burgess stated Code Officer could not make the meeting but asked the town clerk to pass information on to the board for him. Code Officer Maxwell expressed to Town Clerk: once Barber's have paid the outstanding bill for the town engineer he will issue the permit. Mr. and Mrs. Barber have requested the bill, town clerk will invoice the Barber's next week once voucher are returned from accountant so all paperwork can be supplied to Mr. and Mrs. Barber.

HIGHWAY REPORT- Highway Superintendent Caldwell reported the loader that he intends to purchase in 2021 was available without having to order along with it being on NYS OGS for procurement purposes. The Highway Superintendent has signed a purchase order for a new 2021 John Deere Loader 644L Wheel Loader. The loader that was available on site has more options than the loader that the Highway Superintendent intending on ordering for the same price. Payment will not be due until 2021 and the BAN complete to utilize for the purchase.

Supervisor Carman stated it was the Board's intention to place \$100,000 into a Highway Truck Reserve Fund for 2020, however when the Highway Superintendent brought up the purchase of the new loader and new pickup truck in 2021 budget discussion it seemed appropriate to use the funds as requested. Therefore no reserve fund will be created, instead the \$100,000 that was budgeted for the reserve fund will be placed back into the highway fund balance with the intention of using the \$100,000 in 2021 for Highway Equipment purchases along with the intended BAN of \$128,000 that has been budgeted for 2021. A public hearing should be done to show our intent to use the money intended to go into a reserve fund for the loader and truck purchase.

A motion by Councilmember Atterbury and seconded by Councilmember Devine acknowledging the purchase agreement for the 2021 loader, to be invoiced in 2020 with payment due in 2021, with a public hearing to use funds that have been allocated for 2020 reserve fund account.

Public Hearing scheduled for January 14, 2021 at 6:45 p.m.

Highway Superintendent Caldwell stated the crew has been busy to prepare for winter. Snow fence is in the process of being put up and equipment is being serviced. The highway employee that transitions to nights in the winter started November 30th and will work nights until approximately March 28, 2021.

Highway Superintendent had to register all highway employees with CDL licenses for Clearing House which is a Federal mandate that all drivers had to registered by January 6, 2021.

RESOLUTION 64-2020 APPROVAL OF BOND ANTICIPATION NOTE- The town board requested the town attorney to begin preparation of Bond Anticipation Note for purchase of a new loader in 2021. The note will mature January of 2022 for payment and a public hearing is not required for the BAN.

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

WHEREAS, pursuant to Governor Andrew Cuomo's Executive Orders and the guidelines put into place in consideration of the COVID-19 pandemic, said meeting was held in accordance with social distancing protocol and face coverings were worn by all Board Members and public attendees; and

WHEREAS, the Town Board of the Town of Groveland seeks authorization to finance the purchase of the 2021 Deere 644L Wheel Loader (serial number: 1DW644LZKML709359) through a Bond Anticipation Note (BAN No. 1 of 2021) of \$128,000.00; and

WHEREAS, the Town Board of the Town of Groveland seeks to retain the services of Town Attorney David DiMatteo to request bid proposals for BAN No. 1 of 2021 from Five Star Bank, the Bank of Castile, Community Bank N.A., M & T Bank, and Greene County Commercial Bank; and

WHEREAS, the note date of the \$128,000.00 BAN No. 1 of 2021 shall be the 18th day of January, 2021.

NOW ON MOTION OF Councilmember Phelps which has been duly seconded by Councilmember Niedermaier, now therefore be it

RESOLVED, that the Town Board of the Town of Groveland hereby authorizes the financing of a Bond Anticipation Note for the purchase of the 2021 Deere 644L Wheel Loader; and be it further

RESOLVED, that the above-mentioned note is being financed by the issuance of a Bond Anticipation Note, known as Bond Anticipation Note No. 1 of 2021 for \$128,000.00; and be it further

RESOLVED, that the Town Board of the town of Groveland herby retains the services of Town Attorney David DiMatteo to request bid proposals for BAN No. 1 of 2021 from Five Star Bank, the Bank of Castile, Community Bank N.A., M & T Bank, and Greene County Commercial Bank.

Ayes 5

Nays 0

Quorum Present: Yes

Dated: December 10, 2020

LIVINGSTON COUNTY TRAFFIC SAFETY BOARD – Supervisor Carman was notified by Livingston County Traffic Safety Board positions are up to expire; 1 regular member 1 alternate to serve at the county position. Terms are for 3 years effective 1/1/2021 through 12/31/2023. Supervisor has asked both D. Mark Caldwell and Phyllis Applin in regards to the continuation of their positions, they have agreed to continue serving:

A motion by Councilman Phelps and seconded by Councilman Niedermaier to reappoint **Regular member:** D. Mark Caldwell **Alternate member:** Phyllis Applin to serve in the traffic safety 3 year term positions. Motion carried unanimously.

SOLAR LAW #2 OF 2017 REVIEW- RESOLUTION 65 of 2020- Supervisor Carman was contacted by the Town of Groveland Planning Board that they wish to enact a moratorium on Solar. Their wish is to review the town’s current law to see if it still meets the needs of the town as Solar Energy and its technology has updated so much that our current law may or may not meet the needs of Groveland. There are laws in surrounding municipalities that they would like time to review.

Supervisor Carman asked Attorney DiMatteo to prepare the moratorium for the board to review.

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, pursuant to Governor Andrew Cuomo’s Executive Orders put into place in consideration of the COVID-19 pandemic and the guidelines put into place during Phase IV of New York Forward, said meeting was held in accordance with social distancing protocol and face coverings were worn by all Board Members and public attendees; and

WHEREAS, the Town Board of the Town of Groveland has considered a proposed local law known as “A Local Law Establishing a Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations within the Town Of Groveland,” to temporarily halt development of large scale solar installations, for a period of up to six (6) months, while the Town considers comprehensive zoning changes and the enactment of zoning measures to specifically address the matters of community concern; and

WHEREAS, pursuant to section 239 l-m of the General Municipal Law, said local law with all supporting documents is to be submitted to the Livingston County Planning Board for its comments; and

WHEREAS, the Town Board of the Town of Groveland finds it in the best interest of the Town of Groveland to hold a public hearing on the adoption of said local law.

NOW ON MOTION OF Councilmember Atterbury which has been duly seconded by Councilmember Devine, be it

RESOLVED, by the Town Board of the Town of Groveland will hold a public hearing on the proposed local law on the 14th day of January 2021, at 07:00 p.m., at which time and place all interested parties and citizens for or against the proposed law will be heard

Ayes: 5

Nays: 0

Quorum Present: Yes

Public Hearing scheduled for January 14, 2021 at 7:00 p.m.

CYBER INSURANCE- The town board had requested our agent look into the cost of CYBER Insurance for the town. Town Clerk Burgess forwarded the two policies to the town board.

Board Discussion:

Councilmember Phelps inquired about what First party and Third party retention as it relates to the quote comparison received from the town agent.

Supervisor Carman stated that we discussed this but feel would should approve sooner rather than later as a neighboring town was just hacked and did get money from the town. There will be a yearend meeting and we can ask the town agent to give an explanation to board.

All agreed to wait until that can be researched and place on the yearend meeting agenda.

CORONAVIRUS UPDATE- Supervisor Carman was notified that the Town Court will not be holding court as everything has been suspended other than arraignments due to the rise in Coronavirus cases per Office of Court Administration. In order for arraignments to happen the District Attorney's Office or defense counsel would need to request an arraignment.

Councilmember Phelps stated that there has been an increase in COVID, as of today there is 187 active cases. Over 64,000 have tested negative and there have been 18 deaths since the start of the pandemic.

AMBUSCADE PARK- Councilmember Niedermaier stated the inside bathroom wall is complete and lights are installed. BOCES is done for the year and will return in the spring. He is concerned with the placement of the pressure tank and space. Supervisor Carman stated if we need to we can utilize a smaller pressure tank.

Highway Superintendent Caldwell stated that the dirt for the septic has been leveled and looks great.

AMMENDMENT OF JANUARY 2020 MINUTES- Town Clerk has requested on the minutes due to an oversight had the Planning and Zoning Secretary sign the oath of office that expires 12/31/2020, similar to the annual appointment of the chair persons of Planning and Zoning Board. The minutes should reflect that appointment, as the Planning and Zoning Boards are who can make the appointment to the secretary position. Town Clerk has spoken with the Planning and Zoning Chairman and they request that the position is appointed annually similar to their positions as Chairman of the Planning and Zoning Board.

A motion by Councilmember Phelps and seconded by Councilmember Niedermaier to amend the minutes of 1/2/2020 to reflect the appointment. Motion carried unanimously.

Town Clerk Burgess stated the Planning Board and Zoning Board may be getting assistance from K. Sleggs , Deputy Town Clerk and herself as an interim secretary. Current secretary has taken a leave of absence.

Supervisor communication:

- **Potential Water District update-** Supervisor Carman stated application has been filed and we wait to hear from USDA Rural Development on funding.
- **Transfer Station Residency Sticker Cost-** Supervisor Carman was notified that the Town of Geneseo's Town Board would be making a decision tonight if they will be raising the cost of the residency sticker from \$25.00 to \$45.00. Once we are notified of cost the Town can resume sales of stickers as the town clerk has held off sales until after the Town of Geneseo notifies our office.

Other Communications:

Town Clerk Burgess inquires with the Board regarding the following:

- 11/11/2021 holiday do you still want to have meeting or switch to different day?

Board discussion: Wednesday November 10, 2021 at 6:30 pm

- Bicentennial flyer for the county, does town want to put anything in? Cost \$25.00

Board discussion: No Thank you

- Town has been approached by Federated Parish to see if the town wished to be a part of donating to a local family in need this holiday season.

Board discussion: Town Board cannot legally donate using tax payer money. Town Clerk will donate personally and anyone wishing to donate please do so By Monday December 14, 2020.

- Water service from Crystal Rock has been suspended as they have not received the payment from October of 2021. I contacted them 11/28/20 when I received the most recent invoice with the October 2021 amount still owed to see if they received the check yet. They had not received the check for the October amount due, I notified them that I would request a new check be sent if our records showed it had not been cashed, which it had not. A new check has been sent. Does the board wish to continue a water service at the town or cancel service?

Board discussion: Town Board all agreed that the people that utilize in the town hall as employees should do what works best for them. Town Board asked to research to see if there is

another service provider without a contract. Town Board asked that town clerk research and let the board know at year end meeting.

A motion by Councilmember Niedermaier and seconded by Councilmember Atterbury to adjourn the meeting. Motion carried. Meeting adjourned at 7:28 p.m. The next meeting will be the yearend meeting December 30, 2020 @ 6:30 p.m. at the town hall and is open to the public. Motion carried unanimously.

Kimberly D. Burgess, Town Clerk
Town of Groveland
Dated: December 10, 2020