

The regular meeting of the Groveland Town Board was held on Thursday March 10, 2022 at the Town Hall.

Present: Bill Devine, Supervisor; Sandra Bean, Deputy Supervisor and Councilmember; Amy Phelps, Councilmember and John Macauley, Councilmember

Other Town Officials: D. Mark Caldwell, Highway Superintendent

Others Present: J. Molino; Director of LCWSA, R. Niedermaier, J. Rutigliano

Absent: Steve Atterbury, Councilmember

Supervisor Devine called the meeting to order @ 8:54 a.m. Supervisor Devine led the pledge to the flag.

A motion by Councilmember Phelps and seconded by Councilmember Bean the audited bills be paid. General Fund vouchers numbered 38-62 for \$14,487.66; Highway Fund vouchers numbered 29- 45 for \$34,960.61 and Conesus Lake Water Fund Voucher Number 1 for \$36,725.00. Motion carried.

A motion by Councilmember Bean and seconded by Councilmember Macauley to accept the regular meeting minutes of 2/10/2022 as presented. Motion carried.

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 Phelps and seconded by Councilmember Bean to accept both financial reports. Motion carried.

Information handed out/or acknowledged:

1. Food Pantry Box- located in the town hall

Old/New Business:

PUBLIC HEARING SEWER LOCAL LAW # OF 2022 RESOLUTION 36-2022- Supervisor Devine requested Town Clerk to read aloud the public hearing notice for the local law.

A motion by Councilmember Bean and seconded by Councilmember Phelps to open the public hearing. Motion carried.

Public hearing opened at 8:55 a.m.

Comments: None

A motion by Councilmember Phelps and seconded by Councilmember Macauley to close the public hearing. Motion carried.

Public hearing closed at 9:55a.m.

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- Negative Declaration. Once question were answered the Determination was made that LCWSA are requiring the addition of the local law as part of a requirement on LCWSA from DEC as they are responsible for the publicly owned treatment works. Supervisor Devine signed the SEQR.

WHEREAS notice of public hearing was duly given and said hearing duly held on the 10th day of March, 2022 to consider the enactment of the local law Entitled Sewer Use Rules and Regulations; and

WHEREAS SEQR is required and a negative declaration was completed; and

NOW, THEREFORE, PLEASE TAKE NOTICE that, after due consideration and deliberation, the Town Board of the Town of Groveland duly enacted said local law # -2022 Sewer Use Rules and Regulations on this 10th day of March, 2022, and said local law and adopted thereby shall be in full force and effect as provided by law upon the filing of a copy of this local law with the Secretary of State. The local law enacted will be included in the minutes.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Phelps and seconded by Councilmember Macauley and the results were carried with 0 nay, 4 ayes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Phelps, aye; Councilmember Macauley, aye. Councilmember Atterbury, absent.

INTERMUNICIPAL AGREEMENT LCWSA- RESOLUTION 37-2022- Following the approval of the Sewer Use Law, an Intermunicipal agreement authorizing LCWSA to provide services relating to Publicly Owned Treatment Works is required. Previously was under the County when it was County owned but a new agreement is necessary following the changes made.

WHEREAS, the Town Board has met at the time and place at its regular meeting, to review the Intermunicipal Agreement with Livingston County Water and Sewer Authority to perform and provide services relating to Publicly Owned Treatment Works; and

WHEREAS, the Agreement shows the County to pay for the aforementioned services provided under this contract during the term of such contract without chargeback or cost to the town, and

THEREFORE BE RESOLVED, the Town Board agrees with such contract and authorizes William Devine to sign the 10 year Agreement effective upon full execution by all parties with an automatic renewal term of 10 years.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Bean and seconded by Councilmember Macauley and the results were carried with 0 nay, 4 ayes. Roll

Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Phelps, aye; Councilmember Macauley, aye. Councilmember Atterbury, absent.

CRAIG COLONY HISTORICAL SITE- John Rutigliano requested privilege of the floor to discuss the Historical site located at Craig Colony. Mr. Rutigliano gave a brief background with the his work American Heritage Council associated with the local boy scout troop along with his association as being a mentor badge counselor. Mr. Rutigliano gave a brief background of the site and how much history is being lost as the State continues to build in non-historic ways with the closure of Livingston Correctional Facility.

Craig Colony structure located at Craig Colony is the second only to the Wadsworth Homestead design left that is open to the public. Mr. Rutigliano gave a brief background of the site and how much history is being lost. He proposed 3 different ways the town could assist to bring visibility to the site. It was stated that the Superintendent of the Correctional Facility is interested in keeping the historical as well but will need to have communication ahead to allow on site visit.

Councilmember Phelps is interested in a site visit by the board to see exactly what is being discussed moving forward.

Councilmember Bean inquired what of the three proposed would be most important and is there a time restriction. Mr. Rutigliano answered all are valuable however the seven to save is due the last Friday in March, the Preserve NY Grant along with the Genesee Valley Rural Preservation Revitalization Effort both may be 20% matching but ideally would like to get outside sources to fund.

Councilmember Bean asked if Mr. Rutigliano would be willing to put a proposal together. Councilmember Macauley agreed would like to know cost to the town prior to an agreement.

Supervisor Devine asked if the County had been approached as well. Mr. Rutigliano stated that he had been in contact with Bill Bacon, Livingston County Economic Development and it was stated to him to start locally first.

A motion by Councilmember Phelps to have Mr. Rutigliano bring back a proposal for the board to review regarding the potential application(s) for the creation of a potential historical structures/ site located at Craig Colony, seconded by Councilmember Bean. Motion Carried.

HIGHWAY REPORT- Highway Superintendent Caldwell reported the crew has been busy removing trees from the right of way on VanBuskirk Road and Wise Road. Highway Superintendent Caldwell has been hauling for the County.

Highway Superintendent Caldwell updated the board on fleet mechanical issues, the excavator has a transmission issues. In attempt to fix with solenoid that did not work it was found that the excavator will need the transmission to be either fixed by either a remanufactured one or new one. There is not a remanufactured one available to purchase and with installation for a new one the repair is approximately \$20,000.

The bucket truck was taken for inspection and failed due to the cables. The cable repair will cost \$6500.

Supervisor Devine stated you use the bucket truck and have no choice you have to repair.

Councilmember Bean inquired how long will the excavator be down. It was answered no idea yet.

Highway Superintendent stated with the cost of fuel this is not what the budget was planning on and wanted the board to be aware as the end of the year may be tight.

Board agreed however they value the Highway Superintendent's expertise to move forward as a team.

Highway Superintendent Caldwell discussed with the board the UNIFIRST contract and the uniform issues that have been on going. The latest phone conversation the bill would be correct, once the service arrived that day it was wrong. How does the board wish to proceed.

Supervisor Devine stated you have given more than enough communication to state their incompetence in the service that has been provided. Discuss canceling the service and purchasing what uniforms the crew currently has on hand.

Kevin Molinari with Peterbilt was present to discuss the future purchases of fleet for the town as costs keep increasing and the timing to receive large trucks is approximately now 2 years out. The newest Federal emission laws will change in 2024 and this will be an added increase to the vehicle purchase of approximately 10% of the cost. The board reviewed the specs provided per State Bid for an order for a truck.

A motion by Councilmember Macauley and seconded by Councilmember Bean to authorize the order of 2024/2025 Peterbilt. Motion Carried. Authorization form signed by Supervisor Devine and Councilmember Macauley.

INTRODUCTION OF SOLAR ENERGY SYSTEMS LOCAL LAW # OF 2022 - Supervisor Devine stated the Planning Board has finished their review of the Town's Solar Law and have made the changes they wish to see. Supervisor Devine has asked the attorney to review the changes.

Board Discussion: Reviewed and discussed decommissioning, letter of credit vs, Bond

Councilmember Phelps gave description of Bond vs. Letter of Credit

Councilmember Bean would like to discuss with Code Officer in further detail the penalty area prior to next meeting as it seemed vague. #16 needs a period at the end.

Tabled for further discussion by all members at April meeting, all agreed.

EMPLOYEE HANDBOOK RESOLUTION 7-2022- Board has reviewed the handbook and the minor changes following the approved union contract forms have been added along with the Juneteenth Holiday.

WHEREAS this town board has reviewed the Handbook known as Town of Groveland Employee Handbook to help ensure government compliance, foster positive employee relationships; and

RESOLVED this Handbook will contribute to the overall success of the town in delivering services to the public effectively and efficiently. Such Handbook will reflect the changes and be kept on file with the Town Clerk's office.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Bean and seconded by Councilmember Macauley and the results were carried with 1 nay, 3 ayes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Phelps, nay; Councilmember Macauley, aye. Councilmember Atterbury, absent.

DEPARTMENT ANNUAL REPORTS – RESOLUTION 38-2022- Town Clerk previously emailed AUD reports previously.

WHEREAS, per General Municipal Law Section 35 the Town Board has met at the time and place at its regular meeting, to review the 2021 annual reports submitted by the Justice Court office, Town Clerk, Code Enforcement and Supervisor's; and

WHEREAS, the Town Clerk stated the Town Annual report was advertised in the official publication;

RESOLVED this Town Board does hereby accept such Annual Reports that reflects with the Town Annual Report of the Town Accounts office from LaDelfa & Associates; fiscal year ending December 31, 2021 and that such 2021 annual reports be adopted, by this Board, be entered in the minutes of the proceedings of this Town Board, except for the AUD will be filed separately in the Town Clerk's office due to its size.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Bean and seconded by Councilmember Macauley and the results were carried with 0 nay, 4 ayes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Phelps, aye; Councilmember Macauley, aye. Councilmember Atterbury, absent.

ASSET LISTS – REVIEW FOR APPROVAL - Town Clerk presented updated lists for each department. This are helpful for tracking purchases or if ever an insurance claim needed to be filed. Each department has reviewed and signed them. Board reviewed and made no changes.

HISTORIAN GRANT REQUEST- Supervisor Devine stated that the Town Historian forwarded a grant request to utilize a company in assisting the town in the preservation of the historical

documents the town has on file. Town Clerk forwarded the request on prior to the meeting so all members could review.

Board discussion: Councilmember Bean stated that if it is not a requirement to be 501(c)3 go ahead and apply however if the grant is a matching grant the town needs to be notified prior to accepting of the grant.

Board all agreed.

DEFERRED COMENSATION RESOLUTION 39-2022- Supervisor Devine stated following the approval of the Union contract the town needed to approve the use of Deferred Compensation moving forward as required by the Union Contract.

WHEREAS, the Town of Groveland wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the “Plan”) for voluntary participation of all eligible employees; and

WHEREAS, the Town of Groveland is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law* and

WHEREAS, the Town of Groveland has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Groveland by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement NOW, THEREFORE, it is hereby:

RESOLVED, that the Town of Groveland hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Groveland are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Phelps and seconded by Councilmember Bean and the results were carried with 0 nay, 4 ayes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Phelps, aye; Councilmember Macauley, aye. Councilmember Atterbury, absent.

Councilmember Phelps exited meeting at 10:41 a.m.

Supervisor Communication:

- Supervisor Devine met with the Kevin Niedermaier, President for the Groveland Fire Department to discuss the ball park located on Groveland Hill Road nearest to Scottsburg Road. The Fire Department is interested in selling it to the Town moving forward for \$1.00. The department requested that the plaque honoring Walt Magee remain and another erected to recognize the donation of the park to the Town. In the agreement the Fire Department also requested that the park would not be sold but if the Town no longer wished to own the park that it would return ownership back to the Fire Department. Supervisor Devine stated that the town will need to look at insurance and the cost to upgrade the playground equipment. Supervisor Devine would like to look into removal of the tree line for a potential parking area. Supervisor Devine will discuss with Code Officer Maxwell the necessary requirements for parking to move forward.

The Supervisor and the Fire Department President also discussed the upcoming contract that expires. Supervisor stated the request is 2.5 % increase each year annually for the next 5 years. Supervisor Devine stated the President Niedermaier informed him of the upgrades in vehicles within the department last year as a positive for the department.

- Supervisor would like to move forward with the ADA push button doors, all agreed to move forward and look at cost for the other doors too.
- Supervisor Devine has been approached by the Town Supervisor from Sparta regarding the property between Caldwell Rd and Anderson Rd to purchase for use for stock pile.
- Congressman Chris Jacob's office will be in attendance Monday if any concerns by board members are needed to be addressed.
- Supervisor Devine has been in contact with the representative from BOCES to finalize to project on the building. They have provided a list of supplies needed that will be necessary to finish. Supervisor asked Highway Superintendent to facilitate picking up the supplies. There was also the discussion of difficulty in getting the students to the park last year due to busing. Supervisor is going to ask Geneseo Central School about donating a bus for him to drive students back and forth the assist so the project can be finalized hoping by May.

Other Business:

Town Clerk Burgess discussed with the board the use of their emails being placed on the town clerk board as required moving forward in a resolution to “age” a local law if sending the law electronically. Discussion was tabled until all members can be present for now all law are placed in mailbox at town office and notified it is here for their review per the law.

Due to the lack of quorum in April the meeting will be moved to April 7, 2022 and will be advertised as such.

A motion by Councilmember Bean and seconded by Councilmember Macauley to adjourn the meeting. Motion carried. Meeting adjourned 11:15 a.m. The next meeting will be the regular meeting April 7, 2022 @ 9:00 a.m. at the town hall and is open to the public. Motion carried.

Kimberly Burgess, Town Clerk
Town of Groveland
Dated: March 10, 2022