

The regular meeting of the Groveland Town Board was held on Thursday November 12, 2020 at the Town Hall.

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

Other Town Officials: D. Mark Caldwell, Highway Superintendent; J. Love, Town Justice; M. Bean, Town Justice

Other Attendees:

Excused: Steve Atterbury, Councilmember

Supervisor called the meeting to order @ 6:32 p.m. Supervisor Carman led the pledge to the flag.

A motion by Councilmember Phelps and seconded by Councilmember Devine the audited bills be paid. General Fund vouchers numbered 247-287 for \$ 68,764.68; Highway Fund vouchers numbered 185- 210 for \$ 103,648.93. Motion carried.

A motion by Councilmember Niedermaier and seconded by Councilmember Phelps to accept the regular meeting minutes of 10/08/2020 approved as presented. Motion carried.

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 Devine to accept both financial reports. Motion carried.

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:

QUARTERLY COURT UPDATE- Town Justice Bean and Town Justice Love attended the meeting to update the board on their clerks and how the COVID pandemic has affected their offices.

The Justices reviewed what has been progressing in the court since the Coronavirus has begun and continues to dictate their office and procedures. The Justices have reviewed the Supervisor's monthly reports and recognize that the revenue side of their budget is down but they are not in control of the part of the budget.

Currently they are scheduling appointments for people to attend court to limit the amount of people within the building for court related matters. All eviction cases are now being sent to County Court as a pilot program for the 7th judicial district. The Office of Court Administration

which is what the court is mandated to follow has recently allowed the use of suspensions again as it had been on hold during the height of the Coronavirus.

The court has closed their 2019-2020 JCAP Grant with the installation of a remote door with camera visibility at their side door. The Justice's plan moving forward is to have all court related business enter through that door and not use main door to keep traffic to a minimum in town hall.

The court has applied for the 2020-2021 JCAP Grant with the hope to update the security camera system. They will keep the town board updated as it relates to the grant.

Executive Session- Councilmember Phelps made a motion to go into executive session, seconded by Councilmember Devine 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.

The board asked the Town Clerk, Highway Superintendent and Justices to attend.

Board entered into executive session at 6:43 p.m.

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

Returned to regular session at 6:56 p.m.

A motion by Councilmember Phelps and seconded by Councilmember Devine to approve Sarah Driscoll to Fulltime Court Clerk position with scheduled work hours of 35-40 hours per week and pay rate of \$15.50 an hour. Motion carried.

2021 BUDGET RESOLUTION 56-2020- Town Clerk presents the 2021 Budget with approved changes following the public hearing and town board meeting 10/08/2020.

WHEREAS, the Town Board has met at the time and place specified in the Notice of the Public Hearing on the Preliminary Budget held October 08, 2020 and heard all persons desiring to be heard thereon, now therefore be it

RESOLVED that this Town Board does hereby adopt the Preliminary Budget as the Annual Budget of this Town for the fiscal year beginning on the first day of January 2021 and that such Budget as so adopted and by this Board, be entered in detail in the minutes of the proceedings of this Town Board and be it

FURTHER RESOLVED that the Town Clerk of this Town shall prepare and certify, in duplicate, copies of said Annual Budget as adopted by this Town Board, together with the Estimates, if any, adopted pursuant to Section 202-A Sub. 2 of the Town Law and deliver one

copy thereof to the Supervisor of this Town to be presented by him to the Board of Supervisors of this County.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Devine and seconded by Councilmember Phelps and the results were carried with 0 nay 4 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilmember Devine, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye. Councilmember Atterbury, absent.

UPPER BEAN HILL ROAD COMPLAINT CONTINUATION- Councilmember Devine updated the board that there was a meeting on October 30, 2020 at the site. Luke Scannell, NYS DEC; Ron Maxwell, Code Officer; Lucas Bushen, Marathon Engineer; W. Todd Ewell, Town Engineer and Barber's all were present for the meeting.

NYS DEC issued a SWPPP permit for the project. The project is going dormant for the winter, Marathon Engineer, Barber's engineering firm is working with NYS DEC for their requirements for the project to go dormant.

Mr. Ewell, the town's engineer has reviewed the plans for the soil erosion application and sent his comments to Lucas Bushen, engineer for Marathon Engineer for full compliance for approval of Soil Erosion application. Code Officer Maxwell will not issue a permit for Soil Erosion until final approval comes from Mr. Ewell along with all bills accrued to date for the town engineer's service are paid in full.

HIGHWAY REPORT- Highway Superintendent Caldwell reported the crew has been busy preparing trucks for the winter, they have two trucks with plows on currently. Cinders are being hauled from the Town of Conesus with bank run from our town being used as a trade for materials. Highway has taken advantage of the warm weather and have graded some town roads.

The Peterbilt is back in service following the damage and insurance claim, all seems to be working well and have been hauling with it to ensure its readiness for use.

Highway Superintendent provided a copy for the board of the signed agreement from RTI for the price guarantee for the sale of the loader, which was significantly more than the trade amount that was previously given from 2 dealers.

Highway Superintendent gave an update for the planned loader purchase in 2021 as new OGS bids have been received from both CAT and John Deere. Highway Superintendents plans on order ASAP as it takes at minimum 6 months to obtain once ordered.

Board discussion: All agreed for Highway Superintendent to choose the one best suited for the town.

A motion by Councilmember Phelps and seconded by Councilmember Devine requesting the town clerk contact the town attorney to begin the process for the BAN that was approved in the 2021 Budget.

Next year the highway department intends on purchasing their own products to undercoat the town owned vehicles. The cost is minimally more than what it cost the town annually and feels that they are capable to do it in house.

The board agreed to have a letter created that allows the town to dispose of waste material from highway work onto private property but requested the town attorney approve along with the board. Highway Superintendent provided letter to board for their review as the town attorney has reviewed and provided his recommendations that have been implemented in the letter.

Board discussion: All liked the letter as presented

A motion by Councilmember Phelps and seconded by Councilmember Niedermaier to approve the use of the form for Request for Disposal of Waste material on Private Lands and release of liability. Motion carried.

CORONAVIRUS UPDATE- Supervisor is concerned with the increase of the coronavirus locally and is anticipating future restricting measures to control the virus. It is Supervisor Carman's recommendation to the board to consider using Zoom again to allow for the ability for our residents to attend the meeting either in person or virtually following the regulations in Governor Cuomo's executive order 202.15.

Board discussion- The board all agreed with the Supervisor concern.

Councilmember Phelps stated she recognizes the concern but does feel she is more productive in person but would like to try a hybrid meeting that would allow for in person and teleconference combined.

A motion by Councilmember Devine and seconded by Councilmember Niedermaier to renew the Zoom account and have meeting Hybrid via in person and teleconference until such time the Governor rescinds the ability to participate remotely or the board no longer deems necessary. Motion carried.

AMBUSCADE PARK- Councilmember Niedermaier stated that the ADA door handles have been installed on the bathrooms and the gussets still need to be wrapped. Councilmember Niedermaier is a bit concerned with spacing for the water heater and expansion tank. BOCES work at the park on Tuesday, Thursday and Friday and anticipates they will be complete in a few weeks. The spring the only items that will need to be completed will be septic, water and seeding.

WATERFILL STATION UPDATE- RESOLUTION 57-2020 - The water fill station has been complete, the only item we are lacking is the camera for the area. We can submit for payment following this meeting for payment approval from the grant. Prior to approving the payment to Crosby Brown-Lie Supervisor wanted the board to be aware that changes were made modifying the fill station construction but not the contracted amount the town pays to Crosby Brown-Lie.

The changes were as follows:

1. Add a housekeeping pad for the pump.
2. Reconfigured the piping and added valves so the fill station can be run on line pressure or pump pressure and the building can be run on either line pressure or pump pressure.
3. Added a Stainless steel bracket and supports to hold the weight of the fill arm.
4. Added Stainless steel bumpers so the arm does not hit the building or the gutter.
5. Added a dump feature to the solenoid valve so the fill line drain and can be operated in freezing temperatures.
6. The pipe was insulated at no cost to the town.

Board all agreed to approve payment received with 5% still owed as a final bill has not been received.

The board will need to set a price per 50 gallons for the machine to be calibrated for that amount. Supervisor Carman recommended ¢.25 per 50 gallons along with updating the town fee schedule to reflect the new service. The Town of Livonia and Town of Sparta charge ¢.25 per 50 gallons currently.

Board discussion- All agreed to maintain similar cost as surrounding towns of ¢.25 per 50 gallons.

RESOLVED, the Groveland Town Board adopts the updated 2020 Fee Schedule as follows
*Fee scheduled attached to resolution

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Devine and seconded by Councilmember Phelps and the results were carried with 0 nay 4 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilmember Devine, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye. Councilmember Atterbury, absent.

INTRODUCTION OF PROPOSED LOCAL LAW # of 2020 REGULATING BATTERY ENERGY STORAGE SYSTEMS- RESOLUTION 58-2020- The Planning Board has finalized the proposed Local Law Regulating Solar Battery Energy Storage Systems for Groveland following the moratorium and forwarded to the town attorney for his review Attorney DiMatteo has reviewed and prepared the necessary documents to review and if approved move forward to a public hearing on the proposed local law. Deputy Supervisor Devine introduced the proposed local law to the town board.

The Town Board of the Town of Groveland met at a regular board meeting at the Town Hall of the Town of Groveland, on the 12th day of November, 2020, commencing at 6:30p.m. and the following members were:

Present: William E. Carman, Supervisor
Bill Devine, Councilmember & Deputy Supervisor
Amy Phelps, Councilmember
Ron Niedermaier, Councilmember

Absent: Steve Atterbury, Councilmember

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 in place in consideration of the COVID-19 pandemic and the guidelines put in 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 is considering a proposed local law, entitled “Regulating Battery Energy Storage Systems”, to regulate Tier 1 and Tier 2 Battery Energy Storage Systems within the Town of Groveland; and

WHEREAS, the Town of Groveland recognizes that battery energy storage systems are becoming an integral component to alternative energy sources; and

WHEREAS, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Groveland declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

1. Livingston County Board of Supervisors
2. Livingston County Agricultural Land Protection Board
3. Livingston County Planning Board
4. Town of Groveland Planning Board
5. Town of Groveland Zoning Board of Appeals
6. Commissioner, Department of Environmental Conservation, Albany
7. Commissioner, Department of Environmental Conservation, Avon
8. Town Board of the Town of West Sparta

9. Town Board of the Town of Sparta
10. Town Board of the Town of Conesus
11. Town Board of the Town of Geneseo
12. Town Board of the Town of Leicester
13. Town Board of the Town of Mount Morris
14. Conesus Lake Watershed Council

and;

WHEREAS, pursuant to §§239-l and 239-m of the General Municipal Law, said local law and all supporting documentation, including Part 1 of the FEAF, shall be submitted to the Livingston County Planning Board for their review and recommendations; and

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

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

RESOLVED, pursuant to and in accordance with the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Groveland declares its intention to seek lead agency status for purposes of SEQRA review, has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part 1 of a Long Form EAF, specifically sections C, F and G and shall advise all other involved and/or interested agencies that it believes it is the proper Lead Agent for this Action. Those Agencies are listed as follows:

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8. Town Board of the Town of West Sparta
9. Town Board of the Town of Sparta
10. Town Board of the Town of Conesus
11. Town Board of the Town of Geneseo
12. Town Board of the Town of Leicester
13. Town Board of the Town of Mount Morris
14. Conesus Lake Watershed Council

and;

RESOLVED, that pursuant to §§239-l and 239-m of the General Municipal Law, said local law shall be submitted to the Livingston County Planning Board for their review and recommendations at their next meeting on the 10th day of December, 2020; and be it further

RESOLVED, that Town Board of the Town of Groveland will hold a public hearing on the proposed adoption of the local law entitled “Regulating Battery Energy Storage Systems” on the 10th day of December, 2020 at 6:30 p.m., at which time all interested parties and citizens for or against the proposed local law will be heard; and be it further

RESOLVED, that the Town Board will ensure that proper safety protocols are followed based upon the Phase of reopening that New York State attains and any additional Executive Orders issued by the Governor by said date of public hearing.

Ayes: 4

Nays: 0

Quorum Present: Yes No

Public hearing to be scheduled for December 10, 2020 at 6:30 p.m.

Board also discussed the impending solar farms potential in the town and has requested the town clerk contact the planning board for their review the town’s Solar Law. The law that was created fit for the time; however many changes have happened since the approval of the law. The board wants to ensure it still is the best for the town.

NYSERDA PROPOSED SOLAR SITE- Supervisor was contacted by a representative from NYSERDA to inform the town of a potential site at Livingston Correctional Facility. This would part of NYS “Build Ready” program sites with this being 1 of 4 potential sites. The Build-Ready Program will help protect the value of taxable land, leverage existing infrastructure, protect environmental justice areas, and provide benefits such as property owner agreements, host community benefits, Payment in Lieu of Taxes (PILOT) agreements, and potentially workforce training. In addition, the Public Service Commission will hold a proceeding to determine how best to provide communities with a compensatory benefit for hosting a major renewable facility, such as a discount or credit on utility bills and the Build-Ready Program would support communities in acquiring those benefits.

BUDGET LINE TRANSFERS- RESOLUTION 59-2020- Board members reviewed the proposed resolution to transfer funds that was prepared based on the monthly budget expenses.

RESOLVED: That the Groveland Town Board members do hereby authorize LaDelfa Schoder & Walker PC to make the account transfers within the adopted budget with additional amendment line items mentioned.

Budget Transfer 2020 GF Budget as follows:

From A1620.2 (Buildings Equip) \$2,568.00 proportioned as:
\$2,568.00 to A1670.4 (Central Printing Cont.)

Establish General Fund Revenue- A3089.2 Water Fill Station Grant

Increase 2020 GF Budget as follows:

A3089.2 (Water Fill Station Grant) \$61,000.00
A1620.4 (Building Cont.) \$61,000.00

Increase 2020 HF Budget as follows:

DA2680 (Insurance Claims) \$82, 573.72
DA5130.4 (Machinery Cont.) \$82, 573.72

Reduce 2020 HF Budget as follows:

DA3501 (State Aid – CHIPS) \$9,215.00
DA5112.2 (CHIPS) \$9,215.00

Reclassify CHIPS Voucher number 129 as follows: Due to mandatory ability to apply for only 80% of what was allocated by NYS. Original total amount of \$22,944.18 was allocated for CHIPS.
DA5110.4- \$12,767.43
DA5112.2- \$10,176.75

Budget Transfer 2020 HF Budget as follows:

From DA5142.1 (Snow Removal Srv.) \$6,200.00 proportioned as:
\$6,200.00 to DA5142.4 (Snow Removal Cont.)

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Niedermaier and seconded by Councilmember Devine and the results were carried with 0 nay 4 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilmember Devine, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye. Councilmember Atterbury, absent.

SURPLUS ITEMS- RESOLUTION 60-2020- Town Clerk notified the board of highway items that are no longer in use.

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:

- 11- 5 gallon buckets of white block paint
- 1- Fisher minute mount kit for 2017 Ford

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 question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Phelps and seconded by Councilmember Niedermaier and the results were carried with 0 nay 4 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilmember Devine, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye. Councilmember Atterbury, absent.

VILLAGE OF DANSVILLE AMBULANCE CONTRACT RESOLUTION 61-2020 – Town Clerk reported we have a renewal contract with no changes or fees to handle the Groveland portions stated in the contract. The other portion of the town is handled through Livingston County Ambulance without a fee.

WHEREAS the Town Board has met at the time and place at the regular meeting the town board has reviewed the proposed 2021 Village of Dansville Ambulance contract; and

WHEREAS, the contract is desirous of procuring ambulance service for a portion at the point where southerly boundary intersects with Route 36, thence on Route 36 to Pioneer Road, then in a easterly direction along Pioneer Road and Lattimer Road to Groveland Hill Road, easterly on VanBuskirk Road to Barber Hill Road, thence southerly on Barber Hill Road to Bath Road, thence northeasterly on Bath Road to Route 256, thence southerly on Route 256 to southerly boundary line of the Town boundary to the place of beginning; and now therefore be it;

RESOLVED this Town Board does hereby accept the Village of Dansville Ambulance contract with no contract fee as approved in the 2021 Budget and authorizes Supervisor Carman to sign the agreement.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Niedermaier and seconded by Councilmember Devine and the results were carried with 0 nay 4 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilmember Devine, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye. Councilmember Atterbury, absent.

Supervisor communication:

- **Potential Water District update-** Supervisor Carman met with Eric Weis to discuss the potential water district. Application is in the process of being submitted to US Rural Development for a grant. Once the application is submitted we have to wait for an offer of funding amount to come back to move forward, the next step would be creating the district. This is subject to referendum, which either the town board can establish a water district via a petition or by election/ special election. The town board discussed this with the potential district users at the original meeting of interest for the potential district. It was expressed then there would be a vote prior to the formation of the district so their voices would be heard. The town attorney recommends utilizing a petition from potential district electors to move forward with the creation of the district. Supervisor would like to update where we are in the process of the potential water district in the newsletter and

how the vote for the district will be done, via signed petition or by election. This way the town can notify the residents in those areas to be prepared that someone from the district will be petitioning for the potential water district and by signing the petition it would be a yes vote for the town board to create the water district. This would be their formal yes vote via the petition as it relates to the creation of the district.

Board discussion: Board agrees with the attorney's recommendations and have requested the update be placed in the newsletter to inform the resident's in the potential district that someone from their district will be carrying a petition to formally request the town board create a water district in the specified area.

Other Communications:

Councilmember Niedermaier stated that he attended the conversation with the county along with Councilmember Devine, a ZBA member Dolan and the Town Clerk. Councilmember Niedermaier was impressed at how much information the County Administrator provided along with how much the town board is kept up to date of county happenings by the Town Supervisor.

A motion by Councilmember Phelps and seconded by Councilmember Devine to adjourn the meeting. Motion carried. Meeting adjourned at 8:08 p.m. The next meeting will be the regular meeting December 10, 2020 @ 6:30 p.m. at the town hall and is open to the public. Motion carried.

Kimberly D. Burgess, Town Clerk
Town of Groveland
Dated: November 12, 2020