

**The regular meeting of the Groveland Town Board was held on Thursday October 08, 2020 at the Town Hall.**

**Present:** 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:** K. and D. Partridge, W. France, CLA

**Excused:** Bill Carman, Supervisor

**Deputy Supervisor called the meeting to order @ 6:25 p.m.** Councilmember Atterbury led the pledge to the flag.

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier the audited bills be paid. General Fund vouchers numbered 224-246 for \$35,392.19; Highway Fund vouchers numbered 167- 184 for \$16,743.94. Motion carried.

A motion by Councilmember Niedermaier and seconded by Councilmember Atterbury to accept the regular meeting minutes of 09/10/2020 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 Atterbury to accept both financial reports. Motion carried.

**Information handed out/or acknowledged:**

1. Food Pantry Box- located in the town hall
2. Conversation with the County 10/21/20@ EOC
3. Pancake Breakfast for Fire Department canceled for October - December

**Old/New Business:**

2021 PRELIMINARY BUDGET RESOLUTION 53-2020- Town Clerk presents the Preliminary 2021 Budget with no changes from the Tentative. Town Clerk reported the notice for hearing was published in the Livingston County News.

The hearing notice read and opened the hearing @ 6:30 p.m. and the town is not exceeding the tax cap.

Public Comments: None

Highway Superintendent Caldwell stated that there was an error in calculation for equipment and will need and additional \$10,000 for equipment to do what was approved by the board. A discussion of the loader that is to be purchased in 2021 via the use of a BAN was discussed by

the board. Highway Superintendent is waiting on a guarantee for the sale of the old loader at auction from Teitsworth Auctioneering. The guarantee would be for \$55,000 for the old loader that will be surplus. Questions about warranties for each loader was presented to the board by the Highway Superintendent. Following the discussion the board agreed that the John Deere Loader was the best fit for the town.

A motion by Councilmember Atterbury and seconded by Councilmember Devine to move forward with ordering the John Deere loader once BAN is approved for the 2021 budget. Motion carried.

A motion by Councilmember Devine and seconded by Councilmember Phelps to close the public hearing. Motion carried. Hearing closed at 7:38 p.m.

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,

RESOLVED that this Town Board does hereby accepts the Preliminary Budget in accordance of Town Law Section 108 with changes and will presented at the next meeting for Annual Budget Final approval.

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

UPPER BEAN HILL ROAD COMPLAINT CONTINUATION- K. & D. Partridge attended the meeting to speak with the board to continue the discussion from the erosion damage that occurred this summer from the neighboring property.

K. and D. Partridge stated that the silt fence is still an issue and nothing has been done on the south side. The wooded area of his property still having damage. Electric poles have been set by the electric company and still is planning on doing more work as he was approached to do the driveway there by Mr. Donald Barber Jr.

Councilmember Devine stated that he noticed in the latest SWPPP inspection report that the silt fence was noted it needed to be corrected. Councilmember Devine updated the board he requested the town clerk to send an email to Tim Walsh who is supervising region 8 for DEC an update to insure that this complaint stays current with all offices to date no response has been received from Mr. Walsh. Councilmember Devine also stated that the town is in receipt of an email from Mrs. Barber that the town engineer should have the plans by 10/09/2020 for his

review to move forward with the Soil Erosion application. The Barbers' did not realize their engineer had not provided to the town yet.

Councilmember Devine also has been in close contact with the Code Officer regarding this complaint. Councilmember Devine informed the board that a request for review of appearance tickets have been sent to Attorney DiMatteo for his review if compliance does not happen. There is a second site that Barber's have disrupted soil without a permit and a stop work order has been issued. Councilmember Devine stated that Don Barber Sr. will be providing a letter that the second parcel is an agricultural use and winter wheat will be planted. It is his understanding that eventually a house will be built there.

D. Partridge inquired why the town has not been able to do anything for the Upper Bean Hill road complaint. Councilmember Devine explained that because there is no active permit the Code Officer cannot go onto the property without permission. D. Partridge didn't realize the town could not enforce without a permit.

Councilmember Devine discussed with the board and the Partridges' the next steps if an appearance ticket would be issued. Councilmember Devine also discussed that DEC may have a better route currently as they have the violation now.

Councilmember Phelps discussed permits issued by the town and failure to apply for permits.

All board members agreed that the town will continue to pursue to the best of their ability and if need the attorney to be involved they will request it. The board thanked Mr. and Mrs. Partridge for coming.

HIGHWAY REPORT- Highway Superintendent Caldwell reported the crew has been busy ditching on Turner Road to prepare for roadwork in 2021. Several cross over pipes and driveway pipes have been replaced due to age and deterioration of old pipes. Gravel has begun being hauled in for the portion of Bennett Hill Road from Groveland Hill to Dantz Road. Sand has also begun being hauled in to the town in preparation for winter. The last of the roadside mowing was completed this week for the year. Repairs have been done to the clutch on truck #6 along with new tires for truck #6 and Truck #4. Highway Superintendent Caldwell notified the board that the cab is here and on the truck for the damaged Peterbilt, he is researching if he will be able to obtain the damaged cab for the town to store in case parts break on the new cab.

Highway Superintendent inquired with the board about creating an agreement with landowner to dump roadside debris such as dirt and earthen materials onto private property for permission.

Councilmember Phelps inquired if any other towns may have this agreement already, if not should have the town attorney review too.

Board all agreed that it was good idea moving forward and would like to review prior to use.

NYS DOT contacted Highway Superintendent Caldwell in regards to a shared service agreement as was done in the past. The information was provided to the board for their review. This would be a 4 year contract beginning immediately and expire 12/31/2025 as we are almost until the end of 2020.

WHEREAS, the Town Board has met at the time and place at its yearend meeting, to review the shared service Agreement with NYSDOT of sharing services and lending materials with each other; and

WHEREAS, the Town may enter into this type of Machinery, Tools, Equipment and Services Sharing Agreement pursuant to section 99-r General Municipal; and

WHEREAS, the Town Board agrees with such contract and authorizes D. Mark Caldwell to sign the 4 year contract to begin immediately with the expiration date of December 31, 2025; and

THEREFORE BE RESOLVED; that the Highway Superintendent, D. Mark Caldwell will possess such powers and authority to determine the needs and availability of such equipment and labor and the rates are variable based on union contract rates.

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

INTERMUNICIPAL MACHINERY TOOLS SHARED SERVICES – RESOLUTION 55-2020 - the contract is extending for 1 year for 2021. No changes other than updated equipment and wages as listed in the contract.

WHEREAS, the Town Board has met at the time and place at its regular meeting, to review the Extension Intermunicipal Agreement with Livingston County Highway of sharing machinery, tools, equipment and services with each other; and

WHEREAS, the Town may enter into this type of Machinery, Tools, Equipment and Services Sharing Agreement to NYS Highway Law Section 142-b and Section 142-d; and

WHEREAS, the County enter into this type of Machinery, Tools, Equipment and Services Sharing Agreement to NYS Highway Law Section 133-a; and

WHEREAS, the Town Board agrees with such contract and authorizes Supervisor William Carman to sign the 1 year contract to expire December 31, 2021; and

THEREFORE BE RESOLVED; that the Highway Superintendent will possess such powers and authority to determine the needs and availability of such equipment and labor and the rates are variable based on union contract rates.

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

ASSESSOR INTERNSHIP- Town Assessor, Dan Stanford contacted the Supervisor and requested the approval to allow him to train a person interested in becoming an assessor. The position would be an unpaid internship with him for approximately 6 months. Mr. Stanford is requesting the board approve Carlton Maxwell for the internship. Board discussion: all agreed it was a good idea.

A motion by Councilmember Atterbury and seconded by Councilmember Niedermaier to allow Carlton Maxwell the 6 month unpaid assessor internship with Mr. Dan Stanford, Assessor. Motion carried.

CORONAVIRUS UPDATE- Councilmember Phelps stated a few clusters have been noted among SUNY Geneseo students and the county has been using state contractors for tracing.

AMBUSCADE PARK- Councilmember Niedermaier has met with the BOCES representatives to discuss the finalization of the pavilion. Mr. Werner, the BOCES representative that the town was working with is no longer in that position in BOCES. Councilmember Niedermaier noted that the town now has a key to the area that is to be used as bathrooms. BOCES will begin the finalization of the pavilion and will install the bathroom fixtures, sinks and toilets if the town wanted. Board agreed it was a good idea and asked Councilmember Niedermaier to move forward with the supplies necessary to outfit the bathrooms and to ensure they are ADA compliant.

The necessity for hot water at the pavilion was discussed. Councilmember Phelps stated she would inquire with DOH at the county and it was also suggested to ask Code Officer Maxwell to ensure compliance.

Councilmember Phelps inquired with the board about a heritage garden and their thoughts of the idea. Agreed the idea was good but further down the road in the project as right now any gardens are covered in dirt for the septic.

Highway Superintendent stated he is hopeful to have the dirt for the septic leveled by next week.

**Supervisor communication passed along to board via Deputy Supervisor:**

- **Water fill station-** The fill station will begin construction October 13 with an anticipated end date of October 26, 2020.
- **Workers comp cost** for 2021 decreased for the town, a savings of \$1,255

**Other Communications:**

- Town Clerk Burgess attended an online webinar for the new law passed that amends NYS Labor Law. In summary, the new law requires public employers to create plans to protect employees and contractors in the event of another public health emergency declaration in NYS. Items that need to be in the plan will be allow for the continuation of work in the workplace along with remote work if possible. It will outline what employees are essential, who is responsible for management of plan and PPE .The plan needs to be introduced to the union no later than February 4, 2021 for their review/ comments and needs to be adopted with comments by April 1, 2021. Once adopted it must be a part of the employee handbook and posted for employees. A template has been provided that the town may use but it was recommended that once the plan has been created have the town attorney review.  
Councilmember Phelps offered to assist in the creation of the plan as she has been very involved in this current pandemic.
- Wayne France from the Conesus Lake Association attended the meeting to thank the board for their continued support. The association appreciates the partnership they have with the town and its commitment to the association members. Councilmember Niedermaier inquired to the amount of boat trailers parked along W. Lake Road and the legality of it. Mr. France along with the board did not know the answer and Mr. France stated he would look into the concern.

Councilmember Phelps inquired if the State had cleaned their culvert pipes as they stated they would periodically review the need. Highway Superintendent stated that he knows they did review and clean culverts located on West Lake Road.

A motion by Councilmember Devine and seconded by Councilmember Phelps to adjourn the meeting. Motion carried. Meeting adjourned at 7:53 p.m. The next meeting will be the regular meeting November 12, 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: October 08, 2020