

The regular meeting of the Groveland Town Board was held on Thursday October 14, 2021 at the Town Hall.

Present: Bill Devine, Acting Supervisor; Ron Niedermaier, Councilmember; Amy Phelps, Councilmember

Other Town Officials: D. Mark Caldwell, Highway Superintendent

Absent: Steve Atterbury, Councilmember

Others Present: Steve Lopuchwycz, Carlton Maxwell

Acting Supervisor Devine called the meeting to order @ 9:01 a.m. Highway Superintendent D. Mark Caldwell led the pledge to the flag.

A motion by Councilmember Niedermaier and seconded by Acting Supervisor Devine the audited bills be paid. General Fund vouchers numbered 227 –252 for \$34,561.58; Highway Fund vouchers numbered 152-169 for \$7,704.57 and Conesus Lake Water District Fund numbered 2 for \$1,725.00. Motion carried.

A motion by Councilmember Phelps and seconded by Councilmember Niedermaier to accept the regular and special meeting minutes of 9/09/2021, 9/16/2021 and 9/23/2021 approved. Motion carried.

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

Information handed out/or acknowledged:

1. Food Pantry Box- located in the town hall

Old/New Business:

2021 PRELIMINARY BUDGET- Resolution 50-2021 Town Clerk presents the Preliminary 2022 Budget and reported the notice for hearing was published in the Livingston County News.

The hearing notice read and opened the hearing 9:03 a.m. and the town is not exceeding the tax cap.

Public Comments: None

A motion by Councilmember Phelps and seconded by Councilmember Niedermaier to close the public hearing at 10:09 a.m.

Acting Supervisor Devine stated following the public hearing changes to the preliminary budget were made as retirement cost was an estimate when tentative budget was prepared the actual

amount is lower than when tentative budget was prepared. Union contract discussion did not happen until after tentative budget preparation therefore medical insurance will be 10% higher for the family plan if approved by the union. Acting Supervisor Devine stated following the changes and it was not realized by the accountant that due to the increase in the PILOT program we will need to reduce the tax levy in General fund by \$20,000 and utilize more from fund balance to remain under the tax cap. Acting Supervisor provided the calculations from the accountant for the board for their review.

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 14, 2021 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 presented at the meeting for Annual Budget Final approval and adoption for the fiscal year beginning on the first day of January 2022 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 the Supervisor to the Board of Supervisors of this County.

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 3 aye votes. Roll Call Votes: Acting Supervisor Devine, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye. Councilmember Atterbury, absent.

TRAFFIC SPEED CONCERN 5532 GROVELAND ROAD- Steve Lopuchwycz requested privilege of the floor to discuss his concern regarding speed near his home.

Mr. Lopuchwycz's concern is speed has been getting increasing worse with close calls regarding accidents near his home and would like to see the speed reduced to 40 mph. Mr. Lopuchwycz did contact Livingston County Sheriff's Office and request a traffic post for speed and he has seen an up tic of law enforcement in the area which he is appreciative of but still feels a lower speed would be necessary. There also is a significant amount of beer and whiskey bottles thrown in the ditches in the area of his property.

Acting Supervisor Devine stated that he understands the concern and the steps necessary will be for the board to send the recommendation the Livingston County Traffic and Safety Board for their review. They will be the board that determines how to proceed. D. Mark Caldwell our Highway Superintendent is the town representative and he will be able to keep the board updated with the findings along with Mr. Lopuchwycz.

Board was all in agreement with Acting Supervisor Devine to send letter to request Livingston County Traffic Safety Board review. Town Clerk will forward request along with unapproved minutes.

ASSESSOR POSITION DISCUSSION- C. MAXWELL- Carlton Maxwell requested permission of the floor to discuss the position of assessor with the board. Mr. Maxwell stated he has been working with Dan Stanford over the phone reviewing exemptions and files that need to be input into County system such as splits and new purchases.

Mr. Maxwell has met with Livingston County Real Property Director, William Fuller regarding next year's update. Mr. Maxwell is confident that with the resources he has already been in contact with and guidance from Mr. Fuller at the County he can successfully complete the update next year. Mr. Maxwell understands that he will have a learning curve but has already been in contact with a former Town of Groveland Assessor, Tammy Baker who was more than willing to give guidance when needed as well.

The County Association of Assessors is meeting on October 20, 2021 to go over the update for next year, Mr. Maxwell was planning on attending this meeting in preparation for the update.

Councilmember Phelps inquired about office hours and availability. Mr. Maxwell stated that he has currently been in the office for a few hours every day since moving back to New York. Mr. Maxwell agrees that in person hours are valuable to the community and has no issues with being in the office and having office hours.

Acting Supervisor Devine thanked Mr. Maxwell for coming to the board and stated that the town would be in contact with him soon regarding the position that will become vacant following Mr. Stanford's impending resignation.

Acting Supervisor Devine stated to the board that currently Mr. Maxwell is and unpaid intern and feels that he should be compensated for the work he is doing. Board agreed.

A motion by Councilmember Niedermaier to pay Carlton Maxwell \$15.00/ hour as a part time Assessor Intern for up to 20 hours per week, seconded by Councilmember Phelps. Motion carried.

HIGHWAY REPORT- Highway Superintendent Caldwell reported that the crew has been busy Ditching, grading and putting gravel down on Bath road.

Church Street sink hole was caused by water issue that is LCWSA responsibility.

The traffic counter has been ordered and waiting for that to arrive. Plow equipment will start to be placed on trucks in two weeks. The roller broke and it was necessary to rent one for two weeks to finish the job on Bath Road. It is the Highway Superintendent's intention to fix the roller during the winter months.

CHIPS has been submitted and now just waiting for either the check to be received from the state or questions from the State.

VILLAGE OF DANSVILLE AMBULANCE CONTRACT RESOLUTION 51-2021 – 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 2022 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 2022 Budget and authorizes Acting Supervisor Devine to sign the agreement.

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 3 aye votes. Roll Call Votes: Acting Supervisor Devine, aye; Councilmember Phelps, aye; Councilmember Niedermaier, aye. Councilmember Atterbury, absent.

ORDER FOR THE ESTABLISHMENT OF WATER DISTRICT #1- RESOLUTION 52-2021- Acting Supervisor Devine stated the next step in the creation of the water district prior to the submission the State Comptroller application for audit is the order for establishment of the district.

WHEREAS, the Town Board of the Town of Groveland, New York, has duly adopted a Resolution directing the Acting Supervisor of the Town of Groveland to file a map, plan and report as prepared by the Town’s engineer for providing the facilities, improvements or services in a portion of the Town of Groveland wherein a water district is proposed to be established; and said map, plan, and report dated November 2020 has been filed in the office of the Town Clerk of the Town of Groveland on December 11, 2020; and

WHEREAS, said Acting Supervisor adopted an “Order for a Public Hearing on the Petition for Establishment of the Town of Groveland Water District No. 1” reciting a description of the boundaries of the proposed district, the maximum amount proposed to be expended for the

improvement, the proposed method of financing to be employed, the fact that a map, plan and report describing the same is on file in the Town Clerk's Office for public inspection and specifying that said Town Board shall meet at the Town of Groveland Town Office on the 23rd day of September, 2021 at 7:00 p.m. for the purpose of conducting a public hearing on such proposal to establish the water district with the specified improvements and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, a "Petition to Request Water District" was filed in the Groveland Town Clerk's Office on April 28, 2021, signed by the required number of property owners within the proposed district, namely, pursuant to the latest completed assessment roll of the Town of Groveland, the owners of taxable real property located in the proposed Town of Groveland Water District No. 1 (also referred to herein as "Water District") owning in the aggregate at least one-half (½) of the assessed valuation of all of the taxable real property of the proposed Water District; and also constituting the signatures of resident owners who own taxable real property aggregating at least one-half (½) of the assessed valuation of all of the taxable real property of the proposed Water District owned by residents; and

WHEREAS, the project area has been identified through public interest and the proposed Water District will obtain its water supply from the existing pump station owned and operated by the Livingston County Water Supply Authority (LCWSA), located on Maple Beach Road. The Town of Groveland Water District No. 1 shall receive its water from the LCWSA. The LCWSA has ample capacity available to provide water for this project; and

WHEREAS, copies of the aforesaid said "Order for a Public Hearing on the Petition for the Establishment of the Town of Groveland Water District No. 1" was duly published and posted according to law, and said Town Board did, at the time and place specified in said Order, duly meet and considered such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same; and

WHEREAS, the boundary of the proposed Town of Groveland Water District No. 1 shall have an exterior boundary described in **Appendix A**, attached hereto and incorporated herein by reference; and

WHEREAS, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single family home) during the first year will be approximately \$1,190 (such amount includes construction financing costs (debt service) and estimated annual water usage costs); and each property will also have to provide for service from their home to the property line and internal plumbing modifications (as applicable) to set a meter and valves at an estimated one-time cost of approximately \$1,560 (actual costs will vary depending on the actual length of the service line and the complexity of installation); and

WHEREAS, the evidence offered at such hearing requires that the Town Board make the determinations hereinafter made.

ON MOTION OF Councilmember Phelps, which was duly seconded by Councilmember Niedermaier,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Groveland, in the County of Livingston, duly convened, that it be and hereby is determined as follows:

- (1) The aforesaid "Petition to Request Water District" was signed and acknowledged or proved or authenticated, as required by law and is otherwise sufficient;
- (2) The Notice of Hearing was published and posted as required by law and is otherwise sufficient;
- (3) That all the property and property owners, within the proposed water district are benefited thereby;
- (4) That all of the property and property owners benefited are included within the proposed water district; and
- (5) It is in the public interest to establish the proposed water district as hereinafter described; and be it

FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a water district as hereinafter described to be known as the Town of Groveland Water District No. 1 and shall have an exterior boundary described in **Appendix A**, attached hereto and incorporated herein by reference; and be it

FURTHER RESOLVED, the project will generally consist of installing approximately 80,000 linear feet of 4", 6", 8" and 12" diameter water main within existing rights-of-ways along portions of Barber Hill Road, Hunt Hill Road, Lee Road, Geneseo Road, Mount Morris Road, Gamble Road, Adamson Road, Logan Road, Turner Road, Dantz Road, Baily Road, New York State Route 36, and Groveland Station Road. The water main will serve approximately 161.2 units; and be it

FURTHER RESOLVED, the proposed District will be connected to the existing booster pump station on Maple Beach Road, which is owned and operation by the Livingston County Water Supply Authority (LCWSA). The proposed District will also require the installation of one (1) new pump station to serve a portion of the proposed District; and be it

FURTHER RESOLVED, an existing 500,000-gallon water storage tank located in the Town of Groveland, owned and operated by the LCWSA will provide the primary storage for the supply for the proposed District; and be it

FURTHER RESOLVED, the water system will be designed to provide 165 gallons of water per household per day for domestic and commercial use and to provide fire protection meeting Insurance Services Office (ISO) Standards and will serve approximately 161.2 units, which may include single family houses, mobile homes, vacant land, manufactured homes, or non-residential properties; and be it

FURTHER RESOLVED, the debt service for the initial project costs are based on equivalent dwelling units and the Town of Groveland anticipates securing grants from the USDA Rural Development to partially fund the project through grant, while the remaining share will be paid for by a USDA Rural Development Loan in addition to all other local, state or federal funding; and be it

FURTHER RESOLVED, a typical average household uses 60,000 gallons of water per year and water rates for that usage shall be as follows:

1. The estimated average annual water cost was estimated based on a retail rate of \$3.50/1,000 gallons from the LCWSA and an average usage of 60,000 gallons/unit/year, along with a base charge of \$37 per quarter ($\$3.50/1,000 \times 60,000 = \210) ($\$210 + (37 \times 4) = \358); and the total cost to homeowners for water would be **\$1,190 per year**; and be it

FURTHER RESOLVED, the total capital cost (estimated maximum amount) for the Town of Groveland Water District No. 1 is \$6,405,000 which amount is to be financed by the issuance of serial bonds in an aggregate amount not to exceed \$6,405,000, such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, a USDA Rural Development grant in the approximate amount of \$2,882,250; and be it

FURTHER RESOLVED, Net local project costs are anticipated to be approximately \$3,522,750 with an annual debt service including (38 years at 2.0 % interest) of \$133,233 and the estimated Debt Service per Unit of \$826.51; and be it

FURTHER RESOLVED, the payment of debt service will be made by levy and collection of special assessments from the several lots and proceeds of lands within the District which for the Town Board shall determine and specify to be specifically benefitted thereby, so much upon and from each as such shall be in just proportion of the amounts of benefit conferred upon the same, to pay the principal of and interest on said bonds, as same shall become due and payable; and be it

FURTHER RESOLVED, the total annual cost for an average homeowner including debt service and water bill would be estimated to be \$1,190 per year, per household; and be it

FURTHER RESOLVED, in addition each unit shall be responsible for several one-time costs, including cost to hookup and connect to the right-of-way to interior plumbing, (approximately \$10.00 per linear foot) and well separation costs (approximately \$500 per unit); and be it

FURTHER RESOLVED, that this Resolution and Order is subject to the approval of the Office of the State Comptroller, Department of Audit and Control and the Acting Town Supervisor, assisted by the Town Attorney, will prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this water district; and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized and directed, within ten (10) days hereof, to record a certified copy of this Resolution and Order with the Livingston County Clerk’s Office and submit duplicate certified copies of this Resolution and Order with the Office of the State Department of Audit and Control, together with an application, in duplicate, executed and verified by the Acting Supervisor of the Town of Groveland for permission to create such district.

DATED: October 14, 2021

Kimberly Burgess, Clerk
Town of Groveland

[SEAL]

Approved on Roll Call as follows:

Acting Supervisor	William Devine	⌚ Yes
Councilmember	Atterbury	⌚ Absent
Councilmember	Phelps	⌚ Yes
Councilmember	Niedermaier	⌚ Yes

WATER INFRASTRUCTURE IMPROVEMENT GRANT APPLICATION- RESOLUTION
53-2021-

WHEREAS, the Town of Groveland engaged Clark Patterson Lee Engineers to complete an engineering report for the Town's water distribution system identifying the current system shortcomings, the proposed infrastructure improvements necessary to improve performance, and the projected costs for residents of the district: and

WHEREAS, affordability for Town residents and property owners is a significant concern in advancement of the proposed project: and

WHEREAS, the Town is eligible for Water Infrastructure Improvement Act (WIIA) funding consideration and must now submit a competitive application to obtain WIIA funding.

NOW, THEREFORE, be it RESOLVED as follows:

1. The Town Board authorizes Municipal Solutions, Inc. to prepare an application for Water Infrastructure Improvement Act grant funds from the NYS Environmental Facilities Corporation (EFC).
2. The Town Board authorizes William Devine and Kimberly Burgess in her role as Town Clerk to execute the application for Water Infrastructure Improvement Act grant funds from the NYS Environmental Facilities Corporation (EFC).
2. This resolution shall take effect immediately.

Dated: October 14, 2021

Introduced by: Councilmember Phelps

Seconded by: Councilmember Niedermaier

Voting Aye: 3

Voting Nay: 0

Councilmember Atterbury absent

AMBUSCADE PARK-Councilmember Niedermaier stated BOCES will be installing bathroom fixtures, he checked with Highway Superintendent Caldwell to see where we purchased plumbing supplies from so BOCES could get what was necessary.

The next step is the well pump and pipe. Kiosk is moving along, Councilmember Niedermaier spoke with the Eagle Scout doing the project and they are waiting on the wood from the Amish to be treated before installing. Once that is complete then the maps will need to be created.

Highway Superintendent Caldwell stated that the septic has been installed and the Engineer has signed off on the project. The Engineer will send the proper paperwork the County DOH for their approval to close the permit. The site has been all bulldozed for raking and then seed once it has settled.

Acting Supervisor Communication:

- **David Gray Hill**- Acting Supervisor Devine spoke with Mr. Werner regarding signing off closing of the road. Mr. Werner wanted to speak to his attorney to ensure the future use of his property would be benefited. Acting Supervisor Devine provided Mr. Werner with a section from NYS Fire Code as it pertains to building on a seasonal use road/ subdividing. The town is waiting on Mr. Werner for his signature for the road closure.
- **County Youth Board**- Acting Supervisor Devine inquired with Councilmember Niedermaier which community member was interested in the position. Councilmember Niedermaier stated that Michael Szczesniak has accepted the position. Board all agreed to Mr. Szczesniak to be the Town of Groveland representative.
- **Livingston County Planning Board**- Bill Graham will be resigning his position from the Planning Board for the County. Mr. Graham does not have an exact date but wanted to give the board time to look for a replacement for his position.
Board discussion- Will review community to think of potential candidates.
- **Town Historian Position**- Town Clerk has received a few calls if interest regarding the Historian position. To date one resume for the board to review have been received.
Board discussion following the resumes received: Councilmember Phelps liked to give the opportunity to Chelsey Aten as Chelsey provided her resume and the fact she has and Anthropology background along with being on the Dean's list for college showed great qualities in a candidate.
A motion by Councilmember Phelps and seconded by Councilmember Niedermaier to appoint Chelsey Aten to Town Historian position term 10/14/2021-12/31/2021.
- **Board of Election Follow up**- Councilmember Niedermaier inquired with Board of Election about the closure of permanent polling site in Groveland Station. Town Clerk Burgess followed with an email with an excerpt in minutes approving the closure as Councilmember Niedermaier was not in attendance for that meeting. Councilmember Niedermaier inquired about consolidating the districts into 1 district with the closure of 1

polling location. Rebecca Schroeder, Commissioner for Board of Elections stated is was not the Town's responsibility but the Board of Elections to consolidate if they felt it was necessary. It was not necessary to do so for Groveland as the election inspectors are capable of handling both districts in one polling location. Acting Supervisor Devine asked Town Clerk Burgess to follow up with BOE regarding the inspectors required following the email sent as well. The discussion was that the inspectors necessary would be regulated by Board of Elections as it is dependent on what type of election and the amount of turn out anticipated. For budget purposes it always best to plan for the maximum amount of inspectors and not have the use them.

Other Business/ Announcements:

Councilmember Niedermaier discussed the Planning Board meetings and the Solar Law that is currently under review. He stated the meeting are going very well.

Acting Supervisor Devine stated he has spoken with the Planning Board Chair and thought they may have a Law to introduce at our next town board meeting that the Planning Board is close to finalizing the law.

Councilmember Niedermaier stated Deputy Town Clerk has started doing the research of past Town of Groveland Supervisors. He stated there are quite a lot of them as the term limits typically in the beginning were only a year. He asked the board to think of something maybe the town could do in recognition.

Acting Supervisor stated he potentially could make something at his home once we had all the names.

Councilmember Niedermaier stated the water project on East Groveland Road for LCWSA is still on hold as they are currently waiting on piping. Highway Superintendent Caldwell stated this is effecting him as he was ordering pipe to have on hand and was limited on the stock he could order.

A motion by Councilmember Phelps and seconded by Councilmember Niedermaier to adjourn the meeting. Motion carried. Meeting adjourned 10:18 a.m. The next meeting will be the regular meeting November 10, 2021 @ 9:00 a.m. at the town hall and is open to the public. Motion carried.

Kimberly D. Burgess, Town Clerk
Town of Groveland
Dated: October 14, 2021