

The regular meeting of the Groveland Town Board was held on Thursday September 8, 2022 at the Town Hall.

Present: Bill Devine, Supervisor; Sandra Bean, Deputy Supervisor and Councilmember; Steve Atterbury, Councilmember; Amy Hunter; Councilmember and John Macauley, Councilmember
Other Town Officials: D. Mark Caldwell, Highway Superintendent

Supervisor Devine called the meeting to order @ 8:57 a.m. Councilmember Atterbury led the pledge to the flag.

A motion by Councilmember Atterbury and seconded by Councilmember Macauley requested the audited bills be paid. General Fund vouchers numbered 212 – 229 for \$22,072.29; Highway Fund vouchers numbered 131- 148 for \$173,048.72 and Water District voucher number 2 for \$1,270.00. Motion carried unanimously.

A motion by Councilmember Bean and seconded by Councilmember Atterbury to accept the regular meeting minutes of August 11, 2022 as presented. Motion carried unanimously.

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

Information handed out/or acknowledged:

1. Food Pantry Box- located in the town hall

Old/New Business:

INSURANCE 3 YEAR BID REVIEW- Supervisor Devine stated Mike Hardie with Tompkins Agency could not be at the meeting in person to review the 5 companies that the town sent bids to for the town insurance. Mr. Hardie left information for the board to review. Insurance outline to be included in insurance file for future reference.

Supervisor Devine asked if the board had any questions following the review. Councilmember Bean inquired about the loss, and it was stated from multiple members the tree falling on the new Peterbilt. Board all agreed that NYMIR was in line with the town's needs as Selective was almost double in price and two companies declined to give a quote as they could not compete with pricing and one company did not provide a quote.

RESOLUTION 55-2022 INSURANCE SERVICES-

WHEREAS the Town Board has met at the time and place at its regular meeting the town board has reviewed the proposals that came for 3 year review of insurance policies, and

WHEREAS the Town Board has reviewed the policy coverage effective 9/21/2022 through 9/20/2023, and therefore be it;

RESOLVED this Town Board does hereby accept the NYMIR proposal through Tompkins Insurance Agency.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Hunter and seconded by Councilmember Macauley and the results were carried with 0 nay 5 aye votes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor and Councilmember Bean, aye; Councilmember Atterbury, aye; Councilmember Hunter, aye; Councilmember Macauley, aye.

HIGHWAY REPORT UPDATE- Highway Superintendent Caldwell stated the new mower tractor has arrived and have been mowing with both tractors trying to get caught back up as the one tractor was down.

Finished up ditching on Wise Road in preparation for gravel. First round of CHIPS has been submitted a second one will need to be done for a small final submission.

ENGINEERING SERVICES WATER DISTRICT 1- RESOLUTION 56-2022- Supervisor Devine stated that he has a proposal from Eric Weis, CPL Engineer that has been assisting the town in the formation of the water district with their formal proposal moving forward with the water district.

WHEREAS the Town Board has met at the time and place at the regular town board meeting the town board has reviewed the proposed contract with CPL commencing September 8, 2022; and

WHEREAS, the Town is desirous of procuring engineering services to include the preparation to the town's water district number 1 and now therefore be it;

RESOLVED this Town Board does hereby accept the Agreement with CPL, and authorizes Supervisor Devine to sign the agreement.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilmember Hunter and seconded by Councilmember Atterbury and the results were carried with 0 nay 5 aye votes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor and Councilmember Bean, aye; Councilmember Atterbury, aye; Councilmember Hunter, aye; Councilmember Macauley, aye.

BOND RESOLUTION 57-2022- A resolution is required to move forward with the Water District #1 Attorney Alessi's office has prepared one for the board following the State Comptroller's approval of the water district.

RESOLUTION 57-2022

A BOND RESOLUTION, DATED SEPTEMBER 8, 2022, OF THE TOWN BOARD OF THE TOWN OF GROVELAND, LIVINGSTON COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF GROVELAND WATER DISTRICT NO. 1 IN THE TOWN AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$6,405,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,405,000 OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED BY THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Groveland, Livingston County, New York (the "Town"), pursuant to Article 12 of the Town Law, created a water district designated and known as the Town of Groveland Water District No. 1 (the "District"); and

WHEREAS, the Town Board has determined to undertake a water system capital improvements project (the "Project") generally consisting of the construction of the infrastructure for the District; and

WHEREAS, by Resolutions the Town Board took the following actions with respect to the Project: (a) prepared maps, plans and reports and identified the boundaries for the District and the Project, (b) held public hearings with respect to the Project, (c) determined that the Project would not have a significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, (d) determined that the requirements of Article 12 of the Town Law had been satisfied with respect to the Project and further determined to undertake the Project and (e) received permission to establish the District from the New York State Comptroller; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Project;

NOW, THEREFORE, be it

RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a certain capital improvements project generally consisting of the installation of approximately 80,000 linear feet

of PVC water main along various roads in the Town including, but not limited to, Barber Hill Road, Hunt Hill Road, Lee Road, Geneseo Road, Morris Road, Gamble Road, Adamson Road, Logan Road, Turner Road, Dantz Road, Baily Road, NYS Route 36, and Groveland Station Road, and connection to the existing booster pump station on Maple Beach Road, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such Project, together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, water services, appurtenances, apparatus, and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “Purpose”). The estimated maximum cost of said purpose is \$6,405,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$6,405,000 said amount to be offset by the receipt of any federal, state, county and/or local funds received including, but not limited to, the application of approximately \$2,882,250 of grant funds anticipated to be received from the United States of America – Rural Development Agency. Unless paid from other sources or charges, the costs for the establishment of the District will be by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine to be especially benefited by said District, so much upon and from each as shall be in just proportion to the amount of benefit which the District shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the costs of said establishment of the District shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same shall become due

and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the

provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 14. To the extent applicable, the Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "Project Financing Agreement"). To the extent applicable, the Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the Project Financing Agreement.

SECTION 15. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 16. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 17. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 18. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: 5- Supervisor Devine, aye; Deputy Supervisor and Councilmember Bean, aye; Councilmember Atterbury, aye; Councilmember Hunter, aye; Councilmember Macauley, aye.

NOES: None

ABSENT: None

2023 TENTATIVE BUDGET- Supervisor Devine provided to the board an outline of his budget preparation. Board members reviewed line by line each item and discussed the budget as presented. Supervisor stated the town budget is under the tax cap and has increase the use of highway fund levy amount by \$13,000 from the previous year.

Councilmember Macauley left meeting at 10:08am

Board requested a few minor changes outlined on Page 1, Page 2 and Page 13 be sent to the accountant for updates.

A motion by Councilmember Bean and seconded by Councilmember Hunter to request accountant to make the minor changes as discussed to the Tentative 2023 Budget and set the public hearing for October 13, 2022 at 9 am. Motion carried unanimously.

Supervisor Communication: Supervisor Devine stated that after attending the County meeting it appears that the town will still see the benefit of the mortgage tax revenue with an approximate increase of 14%.

Supervisor Devine also stated that the County is moving forward with the stage 3 broadband at this time as well.

A motion by Councilmember Atterbury and seconded by Councilmember Hunter to adjourn the meeting. Motion carried. Meeting adjourned 10:39 a.m. The next meeting will be the regular Town Board meeting scheduled on October 13, 2022 at 9:00 a.m. at the town hall and is open to the public. Motion carried.

Kimberly Burgess, Town Clerk
Town of Groveland
Dated: September 8, 2022