

The regular meeting of the Groveland Town Board was held on Thursday August 9, 2012, at the Town Hall.

Present: James C. Merrick, Supervisor; Bill Carman, Deputy Supervisor; John Driscoll, Craig Phelps, James Love, Councilman; Greg Adamson, Highway Superintendent

Absent: None

Other Attendees: Burt Lyon -CLA liaison, Helen & Harry Wadsworth, Phyliss Dreywood, Mitje Raschi, Jennifer Wildman

Supervisor handed out the monthly financial reports.

Supervisor called the meeting to order @ 7:57 p.m.

A motion by Councilman Carman and seconded by Councilman Phelps the audited bills to be paid. General Fund vouchers numbered 197-214 for \$3,810.51; Highway Fund vouchers numbered 153-172 for \$67,956.76; Cemetery Fund voucher number 10 for \$200.00. Motion carried unanimously.

A motion by Councilman Phelps and seconded by Councilman Love to approve the minutes of the regular meeting of July 12, 2012 with spelling corrections. Motion carried unanimously.

A motion by Councilman Phelps and seconded by Councilman Carman to accept the monthly financial reports as submitted. Motion carried unanimously.

Information handed out/or acknowledged:

- 1) Liv. Co. Board of Supervisors minutes
- 2) Livingston County Water and Sewer have a signed contract to put a new waterline from Maple Beach Road to Groveland Correctional Facility.
- 3) Copier installed just in time as other was not useable a day before new one arrived
- 4) Cookbook sent out for printing – due back sometime in October
- 5) Budget forms handed out due August 20th to Mr. Merrick
- 6) Town Clerk Association hoping County Dog Control purchases an Animal Shelter program to monitor dogs within the county.
- 7) Tim Sullivan provided a copy of the packet he presented at Geneseo Town Board on 7/12/12
- 8) NYS Ban for all burning through October 2012
- 9) Chamber of Commerce is accepting nominations for small business of the year due Friday
- 10) GCC – Dansville campus has moved into Clara Barton building – much larger

Old/New Business:

HIGHWAY REPORT – Greg reported the crew is still working on Gamble Road to finish ditching then graveling. Conesus has their portion finished but waiting for the Stop Sign to be installed before opening, which we should be able to complete by the time it is installed.

JAN ROGERS, LIVINGSTON INSURANCE AGENT @ 8P.M. – Jan reported that quotes are due back in a few weeks, but does not foresee an increase in premiums despite the industry is showing hardening across the board. He would foresee the increases to start showing next year. The cause of harden market is generally due to economy and weather related disasters. He will have all figures at the board's next regular meeting in September and be placed on the agenda for 8p.m.

Councilman Love inquired if the town has a rider policy; Jan replied the town does hold a \$2 million umbrella policy.

Jan discussed the 200th anniversary events as he has met with the Town Clerk; he stressed the importance of having a great celebration and the ability to protect the town with liability and suggests all vendors provide a certificate of insurance and listing the town as additional insured.

BUDGET LINE TRANSFERS – RESOLUTION 9-2012 - Board reviewed the transfer request.

RESOLVED:

That the Groveland Town Board members do hereby authorize Baldwin Business Service to make the account transfers within the adopted budget with the line items mentioned:

<u>GENERAL FUNDS</u>			
<i>Transfer</i>			
<i>From:</i>	A1355.4	Assessor Contractual	\$ 178.00
			TOTAL: \$ 178.00
<i>Transfer</i>			
<i>To:</i>	A1440.4	Engineer Contractual	\$ 36.00
	A1460.4	Records Mgmt Contractual	\$ 142.00
			TOTAL: \$ 178.00
<u>HIGHWAY FUNDS</u>			
<i>Transfer</i>			
<i>From:</i>	DA5130.2	Machinery Equip	\$ 300.00
			TOTAL: \$ 300.00
<i>Transfer</i>			
<i>To:</i>	DA9060.8A	Medical Reimb	\$ 300.00
			TOTAL: \$ 300.00
<u>CEMTERY FUNDS</u>			
<i>Transfer</i>			
<i>From:</i>	C2190	Sale of Cemetery Lots	\$ 1,200.00
	CUB	Unexpected Balance	\$ 1,888.00
			TOTAL: \$ 3,088.00
<i>Transfer</i>			
<i>To:</i>	C8810.1	Cemetery Services	\$ 1,891.00
	C8810.4	Cemetery Contractual	\$ 1,052.00
	C9030.8	Social Security	\$ 145.00
			TOTAL: \$ 3,088.00

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilman Phelps and seconded by Councilman Carman and the results were carried unanimously.

ZONING LAW DRAFT - UPDATE WALTER KALINA RESPONSE - Town Clerk provided Walter Kalina's email response to the boards question before moving forward they wanted to inquire if there is anything that can be added to gear on protecting pro/anti horizontal drilling as in set backs or something in that nature as this is a sensitive area with no decisions being made in our town on how to regulate them. *Kalina email response:* As I mentioned this was not discussed by the Planning and Zoning boards at any of our meetings so I am not sure what the Town's goal is with regard to fracking. Based on what I have found so far the two towns in NY (Middlefield and Dryden) that had their ban on Hydrofracking held up in court was because they banned drilling outright through their zoning ordinance as heavy industry. The Town of Skaneateles has done something similar in their zoning. I have come across nothing with regard to setbacks or anything along those lines that is somewhere in between permitting it and banning it. Towns are either banning it or allowing it and from your email I can't tell which direction Groveland is leaning. I have attached two documents from NYS Ag and Markets that could play a role in Groveland by requiring compliance with these guidelines and standards through your zoning ordinance - either requiring this throughout the Town in order to better protect

farmland like in the newly proposed “A” district and/or in certain other districts. What the courts seem to be saying is the towns can say whether drilling is a permitted use or not and where, but the towns have no power to regulate the methods or manner of drilling which is permitted through the DEC. The DEC is saying they will consider local laws and plans in **issuing permits. Everything is likely to end up in court so whatever is decided needs to be carefully worded** and thought through. The first thing I think needs to be decided is whether Groveland wants to permit it (with certain conditions and perhaps in certain areas – with required compliance with the Ag and Market guidelines and subject to Town approval) or if it will be prohibited town-wide or in certain districts. I think the Town Board, Planning Board and Zoning Board needs to have this discussion.

Town Clerk also reported that she just received an email at 5 p.m. today that looks as if the planning board has more information that want added to the draft zoning law in regards to flag lots, which would indicate the draft given to us in July should be held off.

Board agreed that planning/zoning board need to review the flag lot information only and provide a revised zoning draft once those changes have been made before the town board moves forward.

DECLARES TOSHIBA COPIER SURPLUS – Town Clerk reported that the Toshiba E-280 was replaced with a new Konica Minolta. We were hoping to utilize the Toshiba within the highway department but it stopped working a few days before the new copier arrived, as we had already cancelled the service contract effective July 1st. A motion by Councilman Driscoll and seconded by Councilman Carman to declare Toshiba E-280 surplus. Motion carried unanimously.

SHREDDING – DISCUSSION – Town Clerk reported as the storage vault is a shared room despite against Town Law the space is limited and requires regular retention schedules to be routinely done. In the past we have had Greg dig a hole and burn the items, but since the 2010 NYSDEC restrictions and most recent mandatory ban on burning we find ourselves with 29 boxes of material ready for disposal. Quotes have been researched for onsite pickup with onsite disposal companies:

Iron Mountain: Attempted to reach through the website with no response:

Nation Shred: who quoted over the phone \$75 up to 700lbs per visit, but does not provide certificate of disposal.

Shred-it: \$52 on a quarterly basis with a secured box provided to fill

Board agreed that the prices seem reasonable; A motion by Councilman Phelps and seconded by Councilman Carman to allow Town Clerk to enroll in a service contract with Shred-It on a quarterly basis but not to exceed \$300 annually. Motion carried unanimously.

200TH ANNIVERSARY CELEBRATION UPDATE - Town Clerk reported that the cookbook is in the final editing stage and then sent in for printing. Larry had provided the historical information before his passing. Events are set for 2013 with:

April 13th – kick off day at Federated Church

May 18th – Salt mine tours

June 15th – Farm days with McCauley & Meyer Farms

July 27th – Lake Day

August 18th – Town wide picnic with Fire Department

September 7th Yearend celebration with a parade then festival at Ambuscade Park with fireworks

MOMENT OF SILENCE LOSS OF TOWN HISTORIAN, LARRY TURNER 7/15/12 - Supervisor Merrick asked for a moment of silence paying respect to Larry Turner; resident, businessman, respected farmer, historian, husband and father. He will be missed.

HISTORIAN POSITION – Town Clerk reported that she had received calls inquiring what the town would be doing to replace the Historian position; I suggested they submit a letter of interest as the board

has not met since the passing of Larry. This position pays \$75 a year. The civil service has a job description which was presented to review. Five letters of interest have been received: David Carman, Tracy Guldenschuh, Ethan Moore, Phyliss Dreywood, and Nancy Carr. Board discussion: Board wanted to table for 30 days to respect Larry's passing. Clerk will email all letters to board members.

HYDROFRACKING – RECOMMENDATION FROM COMMITTEE - Deputy Supervisor, William Carman presented a written letter that is a recap from the committee meeting held on July 31st. He stated as most of the committee members are present in the audience he thanked them for their hard work.

With the conclusion of six months of fact finding, expert opinions, a site visit, an energy forum, the gathering of documentation and an abundance of personal opinions, our committee has concluded the need of some rules and regulations to protect our community and offered the following:

- 1) Three members desired to enact a one year moratorium immediately
- 2) Two of which recommended a total ban on hydraulic fracturing, however being practical agree to a moratorium instead.
- 3) Four members agreed that at this time a moratorium is not needed, as the state already has one in place, and if and when, if needed, one could be placed.
- 4) Four members agreed that land owners should also have the right to utilize their property as they feel.
- 5) One member suggested that we should allow Hydrofracking a few years in the future, thereby allowing the time for the town to see how others deal with Hydrofracking and enabling us to mold our "laws" in order to avoid repeating the mistakes others have made before us.

Throughout this entire process of discovery, all of the "experts" that we consulted, with the exception of one, were either for or against Hydrofracking and justified in their thinking. There appeared to be no "here is the good, here is the bad," decide as you will. These split opinions made our process difficult at best.

Our committee, in its entirety, did agree that in order to protect Groveland, its natural resources, land, water, aquifers, air, roads and its citizens, that a "law or laws" should be implemented by the Groveland to accomplish this. It is also believed that at this time the DEC does not have the man power or the finances to oversee Hydrofracking to any level of comfort. There is also a consensus of distrust of DEC oversight and regulations.

Keeping in mind that Groveland is a "farming community" and that hydraulic fracturing and gas well drilling are "heavy industry" and that if hydraulic fracturing comes to fruition in Groveland it will change the "face" of Groveland forever.

It is this committees determination that the Groveland Planning Board should work, over the course of and no longer than one year, to arrive at a law or laws, to best protect Groveland, its citizens and natural resources. At the end of the year, or sooner if possible, the planning board will present to the town board its "law", for the inception of a town law.

The planning board shall use any of the resources it deems necessary to accomplish this task with any spending to be preapproved by town board.

In order to move this process along and not allow it to lag, a time frame of sorts shall be followed and a report presented to the town board quarterly.

- 1) Three Months or sooner:

“Laundry List” of areas encompassing what needs to be controlled such as flow back waste, land restoration, etc. The resources to be used for example Association of Towns, County Planning Dept., free legal Council, farm land protection plan. Provide a list of any problematic areas where Town Board or County Board Chairman can assist.

2) Six Months or sooner:

Specific areas that law will address, taking into account any existing laws that may already be in place by County or Town to address these areas, i.e.: county road use plan, traffic, disaster protocol, site protection, waste disposal, conflict resolution, site restoration, bonding, infrastructure, etc. Detail as to where information is derived from, and any areas where Town Board can assist.

3) Nine Months or sooner:

Rough draft of “laws.” Town Board to comment and assist if needed. Rough draft to be perused by Town Attorney.

4) Twelve Months or sooner:

Final law to be submitted to Town Board for action, and law implementation.

Councilman Carman also stated he has received personal letters from some committee members and would like them to be part of the record. Town Clerk stated they will be added to the minute book as inserts. A motion by Councilman Carman to forward the findings and recommendations to the Planning Board and seconded by Councilman Driscoll. Motion carried unanimously.

Communications:

Town Clerk mentioned that Craig (Cricket) Adamson donated framed poster from August 7, 1971 for a concert that occurred in Groveland. Supervisor said he would send a thank you note.

Supervisor Merrick read aloud a letter from the County Tourism seeking help in the program Livingston Shop; he asked Burt Lyon if he would serve and he agreed. Town Clerk will forward the information onto Lisa Burns.

Supervisor Merrick passed around the Ambuscade Park grant packet around to show the work put into submitting for our 3rd request for monies to improve our Park.

Supervisor Merrick read a letter from Livingston County Youth Board indicating Ted Saunders term is up and seeking for reappointment of a two-year term. Motion by Councilman Carman and seconded by Councilman Phelps recommending Ted Saunders for reappointment. Motion carried unanimously.

Councilman Carman inquired to Supervisor Merrick if he knows why the Groveland Water District charges for 2 services with 1 meter; for example a home business? Supervisor Merrick stated he does not have an exact answer other than when it was privately owned and turned over to the county they followed what was done in the past. He suggested Carman contact Cathy VanHorne to get the full answer.

A motion by Councilman Carman and seconded by Councilman Phelps to adjourn the meeting. Motion carried unanimously. Meeting Adjourned at 9:06 p.m. The next meeting will be the regular meeting on moved to Thursday September 20, 2012 at the town hall, as the Primary Elections are being held on the 13th.

Dated August 9, 2012
Town of Groveland

Sandra L. Bean, Town Clerk