

**The regular meeting of the Groveland Town Board was held on Thursday October 11, 2012, at the Town Hall.**

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

**Absent:** None

**Other Attendees:** Kim Burgess-Deputy Town Clerk, Phyliss Dreywood-Historian, Donald M. Caldwell-Deputy Highway Superintendent

Supervisor handed out the monthly financial reports.

**Supervisor called the meeting to order @ 7:56 p.m.**

A motion by Councilman Carman and seconded by Councilman Driscoll the audited bills to be paid. General Fund vouchers numbered 240-262 for \$26,923.50; Highway Fund vouchers numbered 191-209 for \$40,299.83. Motion carried unanimously.

A motion by Councilman Driscoll and seconded by Councilman Carman to approve the minutes of the regular meeting of September 20, 2012 as written. Motion carried unanimously.

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

**Information handed out/or acknowledged:**

- 1) Liv. Co. Board of Supervisors minutes
- 2) False Alarm Notice 8/4/12 reported from LC Sheriff Dept. faulty door equipment
- 3) Doyle security – False alarm again 9/24/12
- 4) County Credit Card Program in place for Tax collection – looking into it for our town
- 5) Sent notice to Dog Control of 18 licenses not renewed
- 6) Letter copied to us from NYS Retirement of 2 employees who did not do a mandatory 3 month schedule
- 7) Livingston County has opened the “Thank A Vet Discount” Program – cards obtained at County Clerk’s office
- 8) Town Clerk not able to attend the November meeting – Deputy will fill in
- 9) Groveland Fire Department’s pancake breakfasts started 10/14/12 and are every 2<sup>nd</sup> Sunday of each month – go support and enjoy!

**Old/New Business:**

HIGHWAY REPORT – Greg reported they are done with work on Gamble Road for the year. The crew is working on odds n ends and putting snow equipment on.

ZONING LAW – Local Law – Local Law prepared and introduced after discussion with Town Attorney who agreed that the zoning ordinances when established in 1966 can be repealed and replaced with a Local Law. SEQR would need to be done as this is a Type 1 Action that requires a Full Environmental Assessment, which would require a public hearing for SEQR as well as holding simultaneously with the Local Law hearing. Supervisor Merrick asked Councilman Driscoll if he would help facilitate with the SEQR application; he agreed but stated it will need a lot of time. Deputy Supervisor Carman said he would help. It was suggested the Town Attorney, Code Officer, Planning & Zoning Chairman be present for the public hearing. Town Clerk will notify.

**Resolution 12- 2012**

RESOLVED that this board agrees the zoning regulations are outdated and improvements have been made and ready to move to the public for review and direct the Town Clerk to schedule a public hearing for both SEQR application and Local Law hearing for December 13, 2012 @ 8:15 p.m.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilman Driscoll and seconded by Councilman Phelps and the results were carried unanimously with no nay votes.

SENIOR CITIZENS & PERSONS WITH DISABILITIES & LIMITED INCOME EXEMPTION – RESOLUTION 13-2012 – The County has updated their scale and we generally follow suite to make it less confusing. The change is to raise the income eligibility \$500. Groveland currently has 16 residents qualify for senior discount and 2 who qualify for disability discount.

Roll Vote: 0 Nays, 5 Ayes

**Resolution 13-2012**

*Whereas Persons with Disabilities and Limited Incomes in accordance with section 459-c of the Real Property Tax law and adopted the income sliding scale set forth under section 459-c of the Real Property Tax Law for incomes above the maximum income eligibility & set \$20,000 as the maximum income eligibility & for Senior Citizens Tax Exemption under section 467 of the Real Property Tax law and adopted the income sliding scale set forth under section 467(2) of the Real Property Tax Law for incomes above the maximum income eligibility; now and therefore, be it*

Resolved, that the amount of income to determine eligibility for tax exemption & income eligibility under section 459-c & section 467 of the Real Property Tax Law remains at \$20,000; now and therefore, be it

Resolved, that the income eligibility sliding scale set forth under section 467(B) (1), (b) (2), and (b) (3) of the Real Property Tax Law shall continue for property owners exceeding the \$20,000 income eligibility level & for tax exemption set forth in section 459-c of the Real Property Tax Law to maintain \$20,000, having any such person having a higher income shall be eligible for an exemption in accordance with the following schedule:

<u>Income</u>	<u>Residential Exemption</u>
\$0.00 - \$20,000.00	50%
\$19,500.01 - \$20,999.99	45%
\$21,000.00 - \$21,999.99	40%
\$22,000.00 - \$22,999.99	35%
\$23,000.00 - \$23,899.99	30%
\$23,900.00 - \$24,799.99	25%
\$24,800.00 - \$25,699.99	20%
\$25,700.00 - \$26,599.99	15%
\$26,600.00 - \$27,499.99	10%
\$27,500.00 - \$28,399.99	5%

Resolved, that these shall be effective with the 2013 assessment roll.

This resolution was duly put into vote on motion of Councilman Phelps seconded by Councilman Love and the results were carried unanimously.

HISTORIAN ROOM AT FEDERATED CHURCH – Town Clerk was approached from the church to consider utilizing one of the rooms for all the Historical records, partly due to the amount of documents they want to turn over to us from the church. Space is an issue for us to house any or all of the records recently acquired from the Turner family. The room is 12x12 with a locked door and would have restricted use. The church would like to receive some kind of stipend or donation to offset possible increased costs of utilities but would not have a figure in mind. Town Clerk needs to know how she should proceed. The board likes the idea of having one specific secure room but would like Sandy to find what the churches needs are to make this happen.

PRELIMINARY BUDGET PRESENTED – Town Clerk handed out the Preliminary budget. Supervisor stated he has prepared the budget with a tax rate of \$3.72 per thousand, up 35 cents from current year. The budget tax levy does exceed the 2% tax cap by \$20,985, which does require a local law to override the cap.

Board discussion before public hearing: Supervisor indicated the overage in the tax cap is mostly the amount for the roof. Greg stated with the job elimination the board would have to do the bid specs for the salt shed roof as he does not have time. Councilman Carman offered to do it and will provide specs at the next meeting.

Councilman Carman asked if there is a limit to the amount of fund balance we can have or not have? Supervisor Merrick said no, but we could get our hands slapped for too much, but he is comfortable with the current surplus balance.

Councilman Love would rather gradually add a few pennies each year rather all at one time; he does not like risking no raises and eliminating positions. We have low fund balances and can't afford to keep using them. Councilman Driscoll agreed and suggested we start with .10 cents. The Clerk reminded the board if any changes are made to the budget it could not be passed tonight and requires a new public hearing.

Councilman Driscoll asked what happens if we have bad weather, are we in a position to hire part-time workers. Greg stated snow plowing is not a position we would consider for part-time, it is too risky and requires skill. Supervisor Merrick stated there is money in the budget for overtime and part time help.

Supervisor Merrick feels this budget is good and we should move forward with it.

Supervisor opened the public hearing up at 8:36 p.m. Supervisor closed the hearing @ 8:46 p.m. with no public comments.

Councilman Love opposes passing the budget as he stated he feels he was blind sided with this. We go one day in the black and the next in red having to let people go, using old equipment, low moral and no raises. Love feels we should have more time to review and plan the budget process and all members help prepare. He asked for the reasons behind all this sudden change.

Supervisor Merrick stated: Lack of revenues, lack of county highway work, increased retirement & health benefits and state and federal mandates are the reasons.

Roll Call Vote: Nays 1, Ayes 4

**Resolution 15 2012 – Adoption of 2013 Budget**

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

RESOLVED that this Town Board does hereby adopt such Preliminary Budget as the Annual Budget of this Town for the fiscal year beginning on the first day of January 2013 and that such Budget as so adopted with no amendments, 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 duly put in vote on motion of Councilman Phelps and seconded by Councilman Carman with Councilman Love opposing the budget results were carried with a 4 to 1 vote to approve the budget.

LOCAL LAW TAX CAP OVERRIDE – PUBLIC HEARING @ 8:30 P.M. – Each board member has received the Local Law through email and at the last meeting. No SEQR is required for this law.

Supervisor opened the public hearing up at 8:36 p.m. No comments from the public. Supervisor closed the hearing @ 8:46 p.m. with no public comments.

Roll Call Vote: Nays 0, Ayes 5

**Resolution 14-2012 – Override of Tax Cap**

WHEREAS this town board needs to exceed the 2 % tax cap in the General Fund District as surplus funds had been utilized in previous years to help with the tax rate, but the economy has not bounced back; and

WHEREAS, this resolution is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a resolution approved by vote of sixty percent of the town board; now therefore be it;

RESOLVED this Town Board has held a public hearing October 11, 2012 and is hereby authorized to adopt a budget for the fiscal year 2013 on behalf of General Fund District that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law Section 3-c does adopt Local Law 1-2012.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilman Carman and seconded by Councilman Driscoll and the results were carried unanimously with no nay votes.

## **Tax Cap Local Override Law**

Local Law No 1 of the year 2012  
Town of Groveland, County of Livingston

### **A local law to override the tax levy limit established in General Municipal Law 3-c**

#### **Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Groveland, County of Livingston pursuant to General Municipal Law § 3-c, and to allow the Town of Groveland, County of Livingston to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

#### **Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

#### **Section 3. Tax Levy Limit Override**

The Town Board of the Town of Groveland, County of Livingston is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

#### **Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### **Section 5. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.

Introduced 9/20/12

Adopted 10/11/12

## Communications:

Town Clerk reported the County Historian who is a town resident, Amie Alden has helped Livingston County acquire a William H. Kelly Archives Award. This award shows the County archival records program to be a model of excellence. I am happy we are able to utilize Amie in our Historian transition.

Councilman Phelps attended the most recent Lake Association meeting and few items. He was told Livonia has retired a highway position as well. The Lake Association is looking into grant funding to help monitor at boat launches for the newest species that has been detected in ~~Keuka~~ Cayuga Lake and is very invasive. And lastly, Geneseo is looking into the purchase of land at the north end of the lake ~~near~~ North of Long Point Park to possibly utilize for permanent Sherriff Depot, **among other things.**

Councilman Carman asked how the Correctional Water Project is going. Mr. Merrick said slow but steady.

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 Thursday November 8, 2012 at the town hall.

Dated October 11, 2012  
Town of Groveland

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Sandra L. Bean, Town Clerk