

The regular meeting of the Groveland Town Board was held on Thursday September 11, 2014 at the Town Hall.

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

Appointed: @ 7:53 p.m. Bill Devine, Councilman

Absent: None

Other Attendees: Jan Rogers-Agent for Livingston Insurance Agency, Inc.; Bill, Megan & Ted Linsner, Jerry Adamson, Fire Chief, Steve Teeter – Groveland Fire Department Representatives.

Supervisor handed out the Town Clerk & Supervisors monthly financial reports.

Supervisor called the meeting to order 7:52 p.m.

A motion by Councilman Driscoll and seconded by Councilman Phelps the audited bills be paid. General Fund vouchers numbered 221-247 for \$13,653.04; Highway Fund vouchers numbered 170-188 for \$70,451.45; Cemetery Fund voucher number 13 for \$125.00.

A motion by Councilman Love and seconded by Councilman Driscoll to accept the minutes of the regular meeting of August 14, 2014 as written. Motion carried unanimously.

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

Information handed out/or acknowledged:

- 1) Payroll available for review
- 2) Motorcycle awareness signs available at town hall if anyone interested
- 3) An Article 78 has been filed with the town
- 4) Notice of Claim hearing has been rescheduled to 11/5/14
- 5) Hunting licenses went on sale August 4th – with a many glitches on NYSDECAL software
- 6) Glow is hosting a Free Household Hazardous Waste/Pharmaceutical Collection 9/20/14 with reservations only!
- 7) Sheen Housing Foundation, Inc. – a Home Repair Grant Program is available in Livingston County for single family homeowners based on income – 585-657-4114
- 8) Democratic Primary was September 9, 2014 from Noon to 9 p.m. – they did consolidate polling sites.
- 9) Seasonal portion of David Gray Hill Road remains closed – discontinuance notices mailed to property owners
- 10) Cathy VanHorne from LCWSA has supplied us with a blank petition for residents to utilize with the proposed new water line to the Correctional Facility to expand – They have received our request to expand to the Town Hall
- 11) Town Clerk office closed 9/17/14 to attend a Disaster Training @ County EOC
- 12) Supervisor & Town Clerk attended a Citizens Preparedness Training Class – great information and will along in the next newsletter – Backpack on display in Town Hall

Old/New Business:

ATTORNEY DAVID ROACH – Mr. Roach is from Attorney David DiMatteo offices and is handling the Notice of Claim and Article 78 filed against the town. The board indicated they are unaware of the details associated with the Article 78. Attorney Roach indicated the Town & the ZBA have been named; which is ok but could have just named the ZBA as they are their own statutory entity. Basically an Article 78 is a quick procedure to start then goes into a fact finding process to determine if the board acted arbitrary and capricious. The attorney may need to schedule a work session to meet with the ZBA and will let us know if needed.

REAPPOINTMENT OF COUNCILMAN VACANCY – Bill Devine was present and reiterated his wish to continue serving as he needed to have one day off the books for his retirement benefits.

A Motion by Councilman Driscoll and seconded by Councilman Love to reappoint Bill Devine to the councilman vacancy effective immediately with the term that expires 12/31/14. Town Clerk issued the oath of office to Bill Devine and signed the oath of office book. Town Clerk will notify the Board of Elections.

HIGHWAY REPORT – Greg reported the stone and oil is nearly complete with one road left. His crew has worked with Town of Geneseo highway on Crossett Road to complete Groveland and the Geneseo portion of the road. Greg has been working on FEMA and submitting the 1st round of claim next week. Greg reported that David Gray Hill Road remains closed but not enough support from property owners to discontinue the road as one property owner had a change of heart. The road damage cannot be covered under FEMA being a seasonal use road and being late in the season and the road normally closes November 1, as we will have to put it on the list to improve come spring. BOCES start next week for the last section of Williamsburg Cemetery fence work and hoping it will be complete in November.

Councilman Love inquired if other towns notify each other of boarding roads to plan work ahead of time – Greg replied yes they do.

JAN ROGERS, LIVINGSTON INSURANCE AGENCY, INC. INSURANCE BID – Insurance Agent, Jan Rogers of Livingston Insurance Agency, Inc. provided updated renewal information with the upcoming policy expiring 9/20/14. He asked the board what they like or didn't like with the NYMIR bid and mentioned the bid was not apples to apples with Selective. Jan also stated not having a Broker is a huge value that should not be omitted; without it it raises liability exposure. Selective is one of the most outstanding companies to handle claims and has provided a low rate because Groveland has limited claims filed. The board stated the price was the enticement to NYMIR. Jan went through his proposal packet with the board and pointed out some key points in comparison to NYMIR's bid. Jan's proposal is with Selective for \$19,370.

After the review of proposals, Jan stated NYMIR is a reciprocal company and is not an insurance company and not a guaranteed fund, based on assessments. He feels the price differences are due to the changes in vehicles. He suggests having NYMIR clarify the differences and should get them in writing. Jan stated he is a resident and taxpayer and hope it is taken in consideration for their decision.

Councilman Phelps stated it is that very reason we are looking at all options to protect the taxpayers. Supervisor Carman asked why most county jurisdictions are switched to NYMIR; Jan stated he is not sure why town and villages would but for the county maybe because they are self insured.

Jan pointed out with the recent Village of Geneseo Rotary side walk festival was unsuccessful was mainly due to the NYMIR insurance coverage; remember when the town threw the bicentennial and how successful it was because we didn't make it so difficult for coverage.

With his proposal he made a suggestion for coverage to existing policy for the umbrella coverage to increase from \$2 million to \$3 million; each million is an increase of \$500.

The board thanked Jan for his presentation and will let him know once a decision has been made.

Board discussion:

With the discrepancies Jan pointed out in the NYMIR proposal it raised the question if there is \$3,000 worth of changes. Supervisor Carman stated we need to know by 9/18/14 which company we are going with as our coverage deadline is over a weekend. Board wants to pose the concerns with NYMIR and see from there. A motion by Councilman Driscoll and seconded by Councilman Love to appoint Councilman Phelps and Devine as the committee to get the answers and render a decision and allow a check to be cut if required on behalf of the board. Motion carried unanimously.

It was also discussed if the pricing goes in favor of NYMIR the board agreed to select Jan Rogers as the Broker to the policy. All agreed.

Concerns raised to be clarified:

- The NYMIR Blanket Building & Business Personal Property Limit shows \$14,000 less than our current policy – please explain and provide cost to policy to increase.
- Our current policy provides Crisis & Guaranteed Replacement cost does NYMIR?
- The Inland Marine Schedule we have a couple vehicles listed that show price difference and mainly need to know what NYMIR policy cost difference if we insurer them for the current policy limit – they are as follows: the 2005 Mack Dump for \$216,320 (NYMIR shows \$80,000); 2004 John Deere Loader \$171,619 (NYMIR shows \$70,000)
- With the inland Marine our current policy says vehicles Replacement cost applies to items 10 years old or newer and actual cash value applies to all other items – NYMIR shows on just vehicles not on equipment and then covers depreciation value. Can you tell us who determines the depreciation value?
- General Liability for Products/Completed Operations Aggregate we have \$3,000,000 and NYMIR shows \$1,000,000.
- Our policy has 2 OCP policies and NYMIR quoted for only 1 – are they required and for what cost?
- Commercial Auto we have Personal Injury Protection for \$75,000 and NYMIR shows \$50,000
- Supplementary Uninsured Motorists we have \$1,000,000 and NYMIR shows \$500,000
- Our Commercial Auto Schedule has collision coverage on several vehicles does NYMIR proposal show any and if not what cost to add?
- We recall NYMIR does an Excess Policy and does not offer a Commercial Umbrella can you explain why and what the benefit to an Excess Policy? Selective offers Self Insured Retention and Employee Benefits Liability within the Commercial Umbrella– how would NYMIR cover this?

On September 18th, the committee reviewed the amended pricing with NYMIR which came in to be \$373.01 difference in favor of NYMIR, (this included the broker fee). The committee decided with the price being so minimal they feel it is in the best interest to stay with Selective as their service has been impeccable.

AMBULANCE – VILLAGE OF GENESEO – Supervisor Carman is in receipt of a letter from Mayor Hatheway, stating they are not in a position to accept our \$50.00 per non transport calls and want to charge a contract flat fee of \$5,000. The Supervisor is invited to attend the Village Board meeting on 9/22/14. What are the board's wishes: Board all agree that a flat fee gives us no measure of calls and more than our budget can cover especially if the county ambulance can pick up at no charge. Dansville does direct billing and serving us without non-transport fees we should not have to pay a flat fee. This does not meet our budget. Supervisor will send another letter.

ABUSCADE GRANT PARK UPDATE – Committee members Bill Devine and John Driscoll reported we received bid prices on well drilling and chose Nothnagle Drilling based on price and included more items.

Bid prices are as follows:

Nothnagle Drilling Inc. \$4,250

Dansville Water Wells Inc. \$5,500

The bids were based on prevailing wages. They are scheduled to do this upcoming week, in the meantime we have advertised for septic engineers for bids to be returned by September 30, 2014.

FIRE DEPARTMENT ANNUAL FINANCIAL – RESOLUTION 38-2014 - Town Clerk provided copies of the report to take home on 6/12/14 for review. In July the board reviewed and compared it to the 2013 report as the numbers seemed unclear. Bill & Megan Linsner came in August with amendments but errors were noted and pending her pregnancy due date may submit before board meeting. (Resolution 38-2014 was introduced

8/14/14) The addendums submitted tonight are to be part of 2011-2013 financials. Additional reports were created and reviewed.

WHEREAS, the Town Board has met at the time and place at its regular meeting to review the annual financial report dated April 1, 2013 thru March 31, 2014 submitted by the Groveland Volunteer Fire Department. At which the report was previously submitted at the regular Town Board meeting of June 12, 2014 to take home for review, now therefore be it;

RESOLVED this Town Board does hereby accept such Annual Report fiscal year ending March 31, 2014 with Addendum's attached and that such annual report be adopted, by this Board, be entered in the minutes of the proceedings of this Town Board.

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilman Devine and seconded by Councilman Phelps and the results were carried with 0 nay 5 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilman Driscoll, aye, Councilman Phelps, aye; Councilman Love, aye, Councilman Devine.

FIRE DEPARTMENT 2015 BUDGET/CONTRACT – Bill and Megan Linsner were the spokespersons for the Fire Department and provided many handouts along with expense sheets showing past years expenses along with their needs for future. Mainly they show their budget needs to be at \$115,800 which is \$40,000 higher than the current budget year which would include the \$20,000 shortfall in contract and \$20,000 to be placed in the Truck Reserve; they gave the overall explanation that costs and NFPA mandates are the primary reason for such increases.

Councilman Love asked how many calls a year: approximately 120 calls through 911 of which 60 of those would be associated with grass fires.

Supervisor Carman asked if \$40,000 is your bottom line number as \$40,000 is an increase of .28 cents per thousand which is nearly a 50% increase? They decided to request \$30,000 to be placed in the 2015 budget.

Megan asked the board how do you expect us to use our funds?

Councilman Phelps stated you are not utilizing donation funds to assist in the contract portion; plus the post office funds come from the non contract but the building expenses come out of contract with your bottom line still has the same money in the account with the truck fund being flat for many years. Whether you add \$5,000 or \$20,000 to the truck fund there is not enough to buy a new truck within 3 years.

The board thanked the department for coming and will discuss it further once they get to the tentative budget portion on the agenda.

NYS RETIREMENT RESOLUTION 41-2014 – Town Clerk prepared another resolution based on the update since last month from Historian Phyllis Dreywood. She recently mailed in her calendar directly to NYS Retirement instead of our office; and the reason why we have to do another resolution to show the number of days to be reported. Her calendar was reviewed and signed by the board. A motion by Councilman Driscoll and seconded by Councilman Phelps to accept the resolution as presented. Motion carried unanimously.

Standard Work Day and Reporting Resolution # 41-2014

BE IT RESOLVED, that the Town of Groveland location code 30533 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these

TITLE	Name	register #	SS#	Term Begin/Ends	Participates in employers Time Keeping	Standard Work Day Hrs/day	Days/Month (based on Record Activities)	Tier 1 (check for 1 only)	Check if not * comple ed time keeping system
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Historian Phyllis Dreywood 4320823-0 01/01/2014-12/31/2014 N 6

I, Sandra L. Bean, clerk of the governing board of the Town of Groveland, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 11th day of September, 2014 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original. I further certify that the full board consists of five members, and that five of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

* Those that did not do record keeping we asked but chose not to participate

TENTATIVE BUDGET PRESENTED – 2015 – Town Clerk presented the budget that Supervisor Carman and Baldwin Business prepared. Supervisor stated he prepared the budget with a rate of \$4.529 per thousand. The budget has been prepared and will exceed the 2% Tax Cap. Supervisor listed some points of interest with his budget.

- The recession started in 2008 when we started to use large portions of surplus to maintain the tax rate to help the taxpayers but now we are out of money. The tax cap started 3 years ago which put even a tougher burden on the tax rate.
- With reading the countywide tax rates we were listed 3rd lowest. With the top 2 lowest tax rates being the larger populations and large commercial business. If you were to realistically compare towns based on size and business we would be close to Conesus, Portage, and West Sparta and looking at their tax rates are nearly double ours. Our gamble of using surplus has benefited the tax payers well up until now.
- According to our Accountant – he says that our 2013 & 2014 budget basically shows an over exaggeration in justice revenues by \$20,000 and other revenues which is why our surplus is less than we thought.
- The Tentative Budget is a bit different from the August meeting as we now have up to date assessment figures and calculations; with that being said we have a lot less money in our surplus than originally thought.
- The NYS Comptroller suggests we should hold 10% of our budget in surplus and our Accountant Tom Baldwin recommends we hold a minimum of \$100,000 in Highway Funds Surplus and \$60,000 in General Fund Surplus – the Tentative Budget I presented shows us NOT using any surplus and balances projected to be at \$12,327 in Highway Fund and \$88,534.
- Those balances can fluctuate based on how the 2014 expenses come in and how much extra funds are earned with county highway & FEMA.
- Now the proposed Tentative Budget again has no use of surplus as we have none available in the Highway Fund and is showing a .82/thousand increase in the tax rate; which is lower than the \$1.00 per thousand we were projecting last month.
- To lower the proposed budget we would have to cut \$10,000 in spending to even make a .07 cent decrease in the tax rate (1.89%) or \$30,000 to get to a .62 per thousand tax rate.
- The 3 year plan is no longer an option as we do not have surplus to make that plan happen.
- Now the question I asked the accountant – what does this do for our tax cap for 2016 budget? He stated if we do the full .82 this year we actually can start at an even slate to being under the tax cap.
- End result of this budget no matter how we can slice it, we will be over tax cap! I do not see where we can cut \$100,000+ in the budget to come close to being under the tax cap.
- With the new Tax CAP Freeze this year – the states is looking for Shared Service Efficiency Plans, but are not required to submit if we exceed the tax cap. I think we need to plan for next year some avenues of shared services as this may be a requirement for 2016 budget process.
- I would expect we will have some taxpayer concerns with the proposed budget and will plan on having poster boards with details showing what we are all seeing.
- Once we do the public hearing we cannot approve with changes without redoing the public hearing. I am open to any suggestions and changes.

Highway Superintendent stated in the previous budgets he voiced his concern with the Supervisor and the Accountant with over estimating what county work we could do, but was always told to hope for a windfall.

Supervisor Carman passed around the tax rates within the county and cannot believe we are in the top 3 for the lowest as we have no commercial and a fraction of the tax base to share the burden with in comparison to the large towns. We are more comparable in size and business to Nunda, Conesus, Sparta and those tax rates are double ours.

Councilman Phelps stated there is not much fat in the budget but we do need to be diligent and be sure we look for every avenue; we spoke last month of considering to lower all raise requests to 2% with the exception of the union contract employees. The board discussion stated that is less than \$1,000 and wouldn't save even a penny on the tax rate; with some of those pay rates are already at the low end of the pay scale countywide. It's not worth losing the staff when it doesn't affect the tax rate. All agreed.(except Councilman Phelps)

Fire Department contract discussion:

With the tentative budget presented this evening we have to decide before the public hearing what we as a board thinks are reasonable for the taxpayer. The tentative budget was based on last year's amount but we will be paying less in ambulance services. Therefore it was decided the board would provide an increase with \$5,000 for the fire department within the budget with the remaining \$2450 to be utilized for ambulance contracts. The fire department break down is \$88,140 for contract plus \$5,000 truck fund for a fire department total of \$93,140. This year's 2014 budget payment to the Fire Department was \$88,144.66.

RESOLUTION 42-2014

WHEREAS, the Town Board has met at the time and place and the Town Clerk presented the Tentative Budget that was prepared by Supervisor Carman in conformance with NYS Town Law Section 106, and
WHEREAS, that this Town Board reviewed the tentative budget and opted not to make such changes, alterations and revisions as it shall consider which are consistent with law, now therefore be it
RESOLVED, that upon the completion of such review, the tentative budget and any modifications thereof is approved by this town board and shall become the Preliminary Budget pursuant to NYS Town Law 106(4).

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilman Love and seconded by Councilman Driscoll and the results were carried with 0 nay 5 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilman Phelps, aye; Councilman Love, aye; Councilman Driscoll, aye; Councilman Devine, aye.

TAX CAP OVERRIDE - RESOLUTION 44-2014 – Town Clerk reported the local law tax cap override is required under the Tax Cap Law if we are expecting to pass a budget that exceeds the 2%.

WHEREAS this town board does expect to exceed the 2 % tax cap in the 2015 Budget based on the NYS Taxation and Finance Department Tax Cap Law and calculation; and

RESOLVED this Town Board intends to hold a public hearing October 9, 2014 @ 8:15 p.m. and is hereby authorized to adopt a budget for the fiscal year 2015 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law Section 3-c introduce Draft Local Law __-2014 titled "A local law to override the tax levy limit."

The question of the adoption of the foregoing RESOLUTION was put into vote. Motion by Councilman Phelps and seconded by Councilman Driscoll and the results were carried with 0 nay 5 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilman Phelps, aye; Councilman Driscoll, aye; Councilman Carman, aye, Councilman Devine.

TAX CAP OVERRIDE - LOCAL LAW 1-2014 – Town Clerk prepared and handed a draft local law of a tax cap override had been prepared and introduced. Town Board intends to hold a public hearing October 9, 2014 @ 8:15 p.m. while the Preliminary hearing is open.

COURT - JCAP GRANT REQUEST – RESOLUTION 43-2014 –The 2014-2015 JCAP grants are open again. The court would like to submit for office supplies and cabinets for restructuring the office.

WHEREAS, the State of New York has enacted a law establishing the Justice Court Assistance Program that will enable communities to apply to the chief administrative judge for a grant of state funds to assist in the operation of justice courts; and

WHEREAS, the availability of grant funding would enhance the ability of the town justice court to provide suitable, safe and sufficient services to the community.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Groveland hereby authorize the Supervisor, William E. Carman to file an application for a 2014-2015 Justice Court Assistance Program grant not to exceed more than \$30,000.

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 with 0 nay 4 aye votes. Roll Call Votes: Supervisor Carman, aye; Councilman Phelps, aye; Councilman Driscoll, aye; Councilman Devine, aye; Councilman Love, abstained.

Communications:

Supervisor Carman stated the Livingston County Ag Tour is scheduled for Thursday 9/25/14 this year and has limited seats, anyone interested should contact Sandy Bean as we want to select those who need the credit hours first.

Supervisor Carman reported the County Highway Superintendent, Don Higgins was recently in a motorcycle accident with non life threatening injuries but remains hospitalized.

Supervisor Carman has contacted Cathy VanHorne for any updates with the Correctional Facility water line and had no new updates.

A motion by Councilman Driscoll and seconded by Councilman Phelps to adjourn the meeting. Motion carried. Meeting adjourned at 11:00 p.m. The next regular meeting will be on Thursday October 9, 2014 @ 7:30 p.m. at the town hall.

Dated: September 11, 2014
Town of Groveland

Sandra L. Bean, Town Clerk