

**The regular meeting of the Groveland Town Board was held on Thursday March 13, 2014 at the Town Hall.**

**Present:** Bill Carman, Supervisor; John Driscoll, Town Councilman & Deputy Supervisor; Craig Phelps, James Love, Bill Devine, Councilman;

**Absent:** Greg Adamson, Highway Superintendent

**Guests:** Justices - Jenean Love & David Livingston; Resident, Tim Sullivan

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

**Supervisor called the meeting to order @ 8:16 p.m.**

A motion by Councilman Phelps and seconded by Councilman Love the audited bills be paid. General Fund vouchers numbered 50-76 for \$20,258.19; Highway Fund vouchers numbered 38-62 for \$42,581.45; Cemetery Fund voucher numbered 2 for \$293.47. Motion carried.

A motion by Councilman Driscoll and seconded by Councilman Devine to accept the minutes of the regular meeting of February 13, 2014 as written. Motion carried.

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

**Information handed out/or acknowledged:**

- 1) Payroll available for review
- 2) Town fundraiser May 31<sup>st</sup> to benefit community picnic/fire department 75<sup>th</sup> anniversary
- 3) Community Picnic planned for August 3<sup>rd</sup> to include FD 75<sup>th</sup> celebration
- 4) Deputy Town Clerk will filling for the Town Clerk on the April 10<sup>th</sup> meeting
- 5) Town Clerk has been awarded a \$200 scholarship from the Livingston County Town Clerk/Tax Collectors Association to help offset the attendance at the upcoming NYS Annual Conference
- 6) 2013-2014 JCAP was not awarded as funding was limited
- 7) Procurement Policy has been updated to include language of Piggyback Law
- 8) Annual 2013 Budget available for review @ Town Clerk office
- 9) 2014 Tax Collection will have a correction from County Ways & Means Board – Hally Allen Post 1341

**Old/New Business:**

HIGHWAY REPORT – Greg asked the Town Clerk to report that Town of Canadice has accepted the bid for the 2006 Mack truck at \$80,000; he did get a commitment letter from T/Conesus for \$23,000 2001 International.

JUSTICES – The justices provided a staff update. We realize the cash flow has been a little slow, but wanted to state with the holiday and weather schedules has made that a challenge to hold courts, but would expect that to improve as the winter months are almost over. They expressed their appreciation for the board in allowing them the opportunity to get trained staff. The court clerks are great, Stephanie is doing a great job and trained and Terri is doing a great job and soon on her way being trained. With that being said, Stephanie in September will be going on maternity leave and the justices will need to have a 3<sup>rd</sup> court clerk as a backup. They are not looking for more hours as they suggested with the hours available now and during the maternity leave should allow it to balance out with the overall budget. They have a lead on utilizing a trained court clerk from other towns with the part time rate of \$12.00/ hour and would like permission to do so. All agreed as long as they stay within their budget and they are comfortable with the selection. Once they have the person in mind to bring their name to the board for official appointment.

RESOLUTION 31-2014 ANNUAL AUDITS - Town Clerk previously notified members that all audits were available for review.

WHEREAS, the Town Board has met at the time and place at its regular meeting, to review the 2013 annual reports submitted by the Justice Court office, Town Clerk, Baldwin Business office and Code Enforcement office; at which these reports were previously submitted to take time for review, now therefore be it; RESOLVED this Town Board does hereby accept such Annual Reports that reflects with the Town Annual Report of the Town Accounts office from Baldwin Business; fiscal year ending December 31, 2013 and that such 2013 annual reports 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 Phelps and seconded by Councilman Devine and the results were carried with 0 nay 5 aye votes.

RESOLUTION 32-2014 BAN RENEWAL – Supervisor Carman has spoken with Attorney David DiMatteo who stated after further research we can renew this BAN as it was sufficiently filed in 1996 and meets the criteria as the law only recommends it to be a Serial Bond and would also recommend looking at a Serial Bond. He will be contacting a serial bond company out of LeRoy to work with us for next year as the process will take several months to do and the law requires the use of a Bond Attorney of which there is only 1 in our county (Jim Coniglio). He thinks it may be difficult to lock a 20 year serial bond with a rate that we have been use to as the debt is fairly low. Attorney stated all these years by simply renewing the BAN has been an asset to the taxpayers, but a gamble. He also recommended if that we only need to keep a 5% value of the district surplus which would be around \$35,000.

Discussion: All agreed but wondered before entering the bid process would like to know if once we start it are we obligated to accept one of the bids or if ok to walk away. Supervisor Carman stated he would have the attorney answer.

WHEREAS, the Town of Groveland term of the B.A.N for the Conesus Lake Water District is due for renewal. WHEREAS, BY THIS Town Board of the Town of Groveland that a Bond Anticipation Note be used to finance the Conesus Lake Water District should be renewed; and

WHEREAS, that the fixed date of the Bond Anticipation Note authorized is April 3, 2014; and

WHEREAS, that the date upon which such note shall become due as April 3, 2015

RESOLVED that the issuance of the above-mentioned note is for a Bond Anticipated Note known as Bond Anticipation Note No. 1 of 2014 in the amount of Four Hundred Seventy Eight Thousand Dollars (\$478,000.00); and it is further

RESOLVED that the Town Board of the Town of Groveland has hereby authorizes Attorney David DiMatteo to do one day bidding to local banks for the lowest rate this bond anticipation note for payment on the Conesus Lake Water District.

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 5 aye votes.

CEMETERY FUND RELEASE – Attorney David Morris has worked on releasing funds and spoke with the NYS Cemetery Division; and provided an email of correspondence: “I am attaching a copy of the email I received from Cindy Craig of the Division of Cemeteries. She has included the resolutions of the Lake View Cemetery Association and believes that providing these to the bank should be enough to have the funds transferred to the Town.” Since then we have contacted our representative of Five Star Bank to see if the information was enough for them and Maryann stated she did not need any of it, as it is our money to do what we want other than dealing with the CD restrictions.

The CD was renewed on 1/10/14 for \$33,757.09 and expires 1/10/15. We can take it our before for a 3 month penalty which currently is \$20.81, but if we don’t have plans to utilize until next summer then we can choose not to renew and place in the regular Lake View Cemetery account.

REVIEW LOCAL LAW 1-2005 – JUNK LAW – Code Enforcement Officer, Ron Maxwell written a letter for the board to discuss the need to have our Junk Law reviewed by the State Fire Protection and Building Code Council or rescind it completely.

The board read the letter and wanted clarity to if it was required to be reviewed if more or less restrictive. Town Clerk mentioned a new email had come in the last few days and probably explains it in full detail; she will get the information for the next meeting.

TIM SULLIVAN – Mr. Sullivan was granted permission to discuss his concerns with Code Enforcement. Mr. Sullivan provided a handout but the board looked at it and stated they did not want to read a 3 page letter and would hear what his actual concern is especially since he provided a letter previously.

Discussion:

Sullivan: stated he wants the code officer to cite violations and not the citizens.

Board: he is part-time and can be construed as arbitrary and capricious if he sites only the path he travels to work.

Board: NYS Code Compliance Representative did come out and audited the same properties that you have complained about for the past 3 years and found that Ron is complying with the regulations that this is a personal issue, as we have over 3,000 residents and you are the only one complaining.

Tim: No, this is not a personal issue, simply Ron interprets the law is own way. People don't want to complain against each other and instead come to me to file the complaint; but wants Ron to do his job. In fact, I called Deb Babbitt and asked her to look closer and she hung up on me and I called her boss and presented to him some of the things Deb overlooked and she may not be too happy with me right now. Deb's boss says her letter is wrong and just an opinion.

Board: First, how do people know to call you and do you have anything in writing that suggests Deb's review is wrong? You always question Ron's interpretation; it is the same cycle time and time again. Ron is doing the job and has been verified by the state and he meets the 1203 Law that we adopted and we have no objection to how he interrupts it. End of story.

Tim: Then you may leave me with no choice but to file a complaint against the State.

Board: We encourage you to do so as it may help the taxpayers to be able to come complain to us and not you.

Tim: I don't think you realize that it will cost me \$100 out of pocket and the state is willing to waive it already with the information I have provided them and would require you to show up for a court date somewhere in Rochester.

Supervisor: I have time to go if needed. Thank you for coming in.

### **Communications:**

Councilman Driscoll inquired about a rumor turned out to be true or false with the water line coming to the Correctional facility. Supervisor Carman stated he called Cathy VanHorne himself and asked and she said absolutely not to her knowledge and the contract has moved to the next level.

A motion by Councilman Carman and seconded by Councilman Driscoll to adjourn the meeting. Motion carried. Meeting adjourned at 9:10 p.m. The next regular meeting will be on Thursday April 10, 2014 @ 7:30 p.m. at the town hall.

Dated March 13, 2014  
Town of Groveland

---

Sandra L. Bean, Town Clerk