

**The regular meeting of the Groveland Town Board was held on Thursday October 9, 2014 at the Town Hall.**

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

**Absent:** None

**Other Attendees:** Fire Chief-Steve Teeter, Fire Department President – Steve Cockerham, Pete Dolan and Mary Dolan.

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

**Supervisor called the meeting to order 7:50 p.m.**

A motion by Councilman Phelps and seconded by Councilman Love the audited bills be paid. General Fund vouchers numbered 248-278 for \$30,323.78; Highway Fund vouchers numbered 189-204 for \$27,647.41.

A motion by Councilman Devine and seconded by Councilman Love to accept the minutes of the regular meeting of September 11, 2014 with a correction to a word on Page 6 with budget discussion from “All agreed” to add with the exception of Councilman Phelps. Motion carried unanimously.

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

**Information handed out/or acknowledged:**

- 1) Payroll available for review
- 2) General Election is Tuesday November 4, 2014 from 6:00 a.m. to 9 p.m. – all poll sites are open
- 3) Board of Elections are working on voting district countywide consolidations – decisions due by 2/15/15
- 4) Seasonal portion of David Gray Hill Road remains closed
- 5) 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
- 6) Supervisor mailed his newsletter the week of 9/29/14
- 7) Assessor is working on Commercial Assessment on Town property
- 8) Town Clerk office shredder broken – taken off the asset lists
- 9) Assessor has completed the Appraisal for the Town buildings and contents
- 10) Handicap ramp is being installed on the main door to meet ADA regulations
- 11) Town office shredder #00216 broke and no longer needed since we have a onsite shredding service

**Old/New Business:**

HIGHWAY REPORT – Greg reported all stone and oil is completed for the year. They removed the Ambuscade Park pavilion and preparing the ground for the new pad. They have attempted to pump the existing well located at the park and only getting about 5 gallons per hour. The Williamsburg fence project is underway. He is meeting with FEMA representatives next Thursday to get a voucher submitted for reimbursement of the May 12<sup>th</sup> damage. There are 2 roadside banks that suffered heavy damage but may not get covered under FEMA; south side of Barber Hill Road and east side of Bath Road. The crew has started to put snow equipment on the trucks.

INSURANCE BID – RESOLUTION 45-2014 – On September 18<sup>th</sup>, 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. A check was given to Jan in the amount of \$18,685.76 that did not include the Crime policy premium of \$695.

It was suggested by Karen Buckley that we consider looking at some of the vehicles we carry comp/collision on as they seem unnecessary; therefore Greg went through and made some changes as the renewal insurance check

would be cut would reflect these changes; Greg left it with Jan that he would present it to the board and would review and decide if more changes are necessary. The renewal price does not reflect these changes yet.

Changes by Greg that were submitted to our Agent, Jan Rogers:

On the Commercial Auto Schedule based on the values and age it seems that Comp/Collision is not necessary:

1987 Mack Dump Truck

1985 John Deere grader

1973 Fruehauf Tank Trailer

1991 OshKosh Tank Trailer

1996 International 4900 DT Bucket Truck

1989 Rogers Trailer

The Inland Marine Schedule Greg recommends we up the coverage on the following as they would be covered for the market value:

2006 Mack Truck to be raised to \$216,000

2004 Mack CV7 to be raised to \$120,000

With the above changes it resulted in a premium increase of \$264.00 paid today by credit card to avoid cancellation.

Total insurance premiums with crime is \$19,644.76

The comprehensive deductible on the 2014 Ford pickup vehicle is \$250 do we want it to remain or change to \$500; the board all agreed if it can be increased to \$500 and cost effective then go ahead.

WHEREAS the Town Board has met at the time and place at its regular meeting the town board has reviewed the competitive insurance proposals from NYMIR and Selective for coverage from 9/21/2014 through 9/20/2015, and now therefore be it;

RESOLVED this Town Board does hereby accept the Selective proposal through Livingston Insurance for \$19,370 for the town insurance coverage which will be adjusted with the board changes to the current vehicle list coverage and authorize Supervisor Carman to cut a check to avoid a lapse of insurance coverage.

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. Roll Call Votes: Supervisor Carman, aye; Councilman Driscoll, aye; Councilman Phelps, aye; Councilman Love, aye; Councilman Carman, aye.

PRELIMINARY BUDGET PRESENTED – 2015 – Town Clerk presented the budget that the town board prepared. Supervisor Carman 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. The county tax rate is slated to be the same or a penny or two less (7.959). The Fire/ambulance Protection line has been amended with the verbal decision of the this board as it was the intention to give a 2% increase in the contract amount plus \$5000 to be utilized in their truck fund; last month we calculated the 2% on 2013 rates and not the 2014 and now reads \$89,908 for the contract plus \$5,000 for the Truck Fund = \$94,907 with adding the Ambulance contracts of \$2,450 for a protection budget total of \$97,358.00. The poster boards reflect the correct amount along with the budget handouts.

Supervisor addressed the Fire Department members: I want to express the decision that this town board made regarding the Fire Department request and we chose to be fiscally prudent as the fire department has started to work on their financial needs with new practices in place but changes need to be made internally to make future schedules to plan out the rotation of equipment and should not be a once every 10 years. It is this board who is responsible to the taxpayers of your financial decisions and will not accept the illusion that the taxpayers shouldn't see contract expenses verses the noncontract, as you indicated the non contract is part of your social

expenses. We commend you for your giving back and recognizing staff and citizens for their efforts but transparency is what taxpayers expect. I will quote you a section of the Town of Dansville – Steuben County audit by the NYS Comptrollers recent audit.

“This responsibility requires the Board to exercise due diligence when considering significant financial commitments such as contracts for services. Accordingly, the Board must balance the level of services desired and expected by Town residents with the ability and willingness of the residents to pay for such services. When a municipality contracts with providers for fire protection and emergency medical services, it is the Board’s responsibility to ensure that the amount of funding to be paid to the service providers is fiscally responsible to the taxpayers and a defined sum as legally required. An important part of this process is the review of each provider’s annual budget, as well as financial records and reports, to ensure that only the necessary amount of real property taxes will be raised to fund these services. The Town contracts for fire protection services from the multiple agencies which I will not name: None of the six fire protection and emergency medical services contracts contained provisions for Town officials to review the service provider’s financial records.” A complete copy of their audit is here for review.

All in all, you have 2 year rotations for administration and maybe the views of each new officer changes the course of plans. You currently developed budget/expense worksheets which is the first time they have been produced and think they are a tool that is wonderful and should be looked closer in house to make future plans; but you cannot expect the taxpayers especially of a small community to swallow a \$30,000 to \$40,000 increase at one time even if all is legit. I offer that someone from your agency to come to our meetings on a quarterly basis and brainstorm your ideas and use some of our knowledge to assist you with an open transparent process to serve our taxpayers.

Town Clerk read the public hearing notice that was published in the Livingston County Newspaper and Supervisor Carman opened the public hearing at 8:14 p.m.

Public comments:

Steve Cockerham, President of the Fire Department was the spokesperson on behalf of the department. He first commended the board for taking careful consideration in what all the budgets show and what taxpayers can afford; a difficult job.

Cockerham asked why ambulance comes out of the Fire Protection Fund. Supervisor Carman stated it is a Fire Ambulance Protection Fund, but have had the County Real Property Edit how it shows on the tax bills.

Cockerham asked if ambulance is ever bid out? Board responded in theory yes as availability is limited to our township.

Cockerham wanted to clarify the use of the fund drive as the board raised good questions and has allowed us to make internal changes in how we advertise/solicit for it. Also, stated we did have to borrow from the fund drive to cover contracted expenses until additional funds were received.

Cockerham stated he read in the newsletter the town has a surplus why can’t the fire department have one? We are required by law to have it and limited to how much we can hold in it, stated Supervisor Carman.

Councilman Phelps stated we did see the department use of non contract funds towards the contracted funds as stated in the annual report.

Cockerham is concerned we are perceived as not transparent; it was a fire department auditor that suggested we did not need to show non contract items in our financials. The board responded that the fire department may have not been presented it well in their presentations to the board.

Cockerham stated the NFP is a standard we utilize for liability and safety.

Supervisor Carman remarked that he would like to hear more specifics regarding equipment mandates and add it to the newsletter as all residents including myself would have a better appreciation for the mandates.

Cockerham ended by stating he wants to be on record for what the fire department would request for a 3 year contract.

The first year (2015) 7,500 + 2% for each additional year with adding \$20,000 on top of the \$20,000 Truck Fund: 2015 total \$115,644.66; 2016 total \$117,157.55, 2017 total \$118,700.70.

The board said they could not foresee doing that and not necessary to commit to a 3 year contract; however it may be an option once a final figure is agreed upon.

Fire Chief, Steve Teeter stated if a motor vehicle accident occurs in Groveland; Geneseo Ambulance comes to the scene that the EMS overrides the scene based on the Village of Geneseo's Standard Operating Procedures (SOP). It was asked from the board if this is a normal practice countywide; Teeter stated no - Geneseo is the exception to the rule.

Mr. and Mrs. Peter Dolan observed all the information and appreciate hearing all the sides to it all.

There was much discussion with what the board could give the fire department. It was noted with the increase in assessments it pushes the tax rate down from .496 per thousand to .456 per thousand using the same budgeted amount.

Councilman Phelps suggested we calculate the FD to meet the .496 tax rate in the budget. All agreed that was reasonable and gets the Fire Department closer to their needs without impacting the tax rate.

Supervisor Carman closed the public hearing at 9:24 p.m.

Supervisor mentioned resident Bill Shearer had read his newsletter and came to discuss the budget and offered his 40+ years in municipal accounting and reviewed our budget: He suggested we under stated our revenues in areas that show a 3 year history of sales & mortgage tax that can safely raise revenues and consider using \$10,000 of surplus to lower the tax rate. Mr. Shearer asked about the building fund – which was due to the reroofing of the town building and salt sheds but have no plans for 2015. The full budget review by the board with changes made:

Budget: GF Revenues – A1120 add \$5,000 for a total of \$7,700

A3005 add \$500 for a total of \$32,000

GF Expenses – A1620.4 decrease to \$19,000

A1910.4 increase to \$19,000

FD District – Rev/Appropriations - SF1001 & SF-3410.4 increase for a total of \$105,150.00

#### **Resolution 46-2014**

WHEREAS, the Town Board has met at the time and place specified in the Notice of the Public Hearing on the 2015 Preliminary Budget and heard all persons desiring to be heard thereon, now therefore be it

RESOLVED that this Town Board hereby accepts the Preliminary Budget in accordance of Town Law Section 108 with changes and will prepare it to be presented at the next meeting for Annual Budget final approval with the Tax Cap calculations attached.

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. Roll Call Votes: Supervisor Carman, aye; Councilman Driscoll, aye; Councilman Phelps, aye; Councilman Love, aye; Councilman Carman, aye.

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 9/11/14. Clerk reported the notice was properly advertised in the Livingston County Newspaper. Supervisor opened the public hearing up at 8:14 p.m. Supervisor closed the hearing @ 9:24 p.m. with no public comments on the tax cap override.

**Tax Cap Local Override Law**  
Local Law No 1 of the year 2014  
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 2015 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 2015 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.

TAX CAP OVERRIDE - RESOLUTION 47-2014 – 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

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 9, 2014 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 does adopt Local Law 1-2014.

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. Roll Call Votes: Supervisor Carman, aye; Councilman Driscoll, aye; Councilman Phelps, aye; Councilman Love, aye; Councilman Devine, aye.

AMBULANCE – VILLAGE OF GENESEO – Supervisor Carman is in receipt of another letter from Mayor Hatheway, stating they are not in a position to accept anything less than \$5000 for a contract fee for service and it is our choice to opt out as they are willing to serve us for their set fee. He has reached out to County Administrator Ian Coyle to discuss the county ambulance services and waiting for figures.

BOARD OF ELECTIONS – Consolidation of Districts – The County is reviewing cost cutting measures with all voting districts. We need a committee to sit on this and discuss if a good idea to consolidate to one District in our township.

Committee request is one from each area: Supervisor will contact and provide the list to BOE.

Town Board Rep – Bill Carman

Republican Committee Rep - Julie Carman

Democrat Committee Rep – Ron Niedermaier

Public Rep – Pete Dolan

The board raised the question whether it is an option to make the Fire Hall the main voting district instead of the Town Hall, as more residents tend to walk to the fire hall. Also, is there any history to show a decrease in voters with prior consolidations? Supervisor Carman will address those questions in his letter.

JUNK LAW REVISIONS – a letter from Planning Board Chairman showing the review of the Junk Law and recommended changes. Board will take home and decide at the next regular meeting if ready to make amendments to the Junk Law local law.

ABUSCADE GRANT PARK UPDATE – Committee members Bill Devine and John Driscoll reported since the last meeting we discovered there was an existing well and unclear if we could utilize it or drill a new well as it is only producing 5 gallons per hour. Councilman Driscoll is waiting on a letter from the Department of Health.

Town Clerk reported that she received an email from the NYS Labor board that works on prevailing wage projects and may stop out to inspect our records the week of October 20<sup>th</sup>.

In the meantime we have advertised for septic engineers and 3 bids were reviewed:

Septic Engineer bids:

Fraser Engineering: \$3,600 base fee with additional hourly rates

Labella Associates: \$1,000 base fee without surveyor.

Jeffrey Wilson: \$1,000 all inclusive

The committee decided today to accept Mr. Wilson and have scheduled him to come out tomorrow for a deep hole test along with the DOH to inspect.

Councilman Devine showed the larger prints from Mossien and stated it looks like they are all set to go but we will want to schedule the bidding out for all other work but need to have firm commitments on what sections to bid oppose to volunteer work. A contractor will not want to bid a project if they think we will remove portions. The board has indicated they will handle the plumbing, electric, septic and concrete flat work – pad only. All other work should be bid out and to include prevailing wage requirements.

COURT CREDIT CARD USE – RESOLUTION 48-2014 - Our court has had the NYS Court Program provide credit card system to each court at no charge to the municipality and no charge to the user. Now the OCA has changed it and will provide the service to each municipality again at no charge but each user will have to have to pay the convenience fees. The third party company collects and maintains all records associated with the convenience fee.

WHEREAS, the Town Board has met at the time and place at its regular meeting and reviewed in accordance to NY General Municipal Law Article 2 Section 5 & Section 5-b the courts request to utilize credit card services through a third party company & via internet; and

WHEREAS, the court has established the use of utilizing credit cards to collect such fines and fees in past with the NYS Office of Court Administration (OCA) providing such services to our local court with no charge for such services; and

WHEREAS, the OCA has changed its contracts and offer the service at no charge through the local courts but will now include a service/convenience fee to be paid by the credit card user through a third party company; now therefore be it

RESOLVED, the town board authorizes the court to use the online company nCourt for online transactions and our court staff to utilize the OCA approved vender currently identified as KMS in the office; and now further it be

FURTHER RESOLVED, this board recognizes that no service/convenience fees will be kept in house and will be the records of the third party financial institutes.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilman Driscoll and seconded by Councilman Phelps and the results were carried with 0 nay 4 ayes votes with Councilman Love abstain.

ACCOUNTING – Supervisor Carman discussed his concerns with Baldwin Business’s continued errors on our account. The person that was handling our account has moved to other employment. Missing checks, checks being issued to wrong people, recalling checks due to an error, misappropriated coding to budget lines. It has been mentioned many times in past with this board to look for another service and feel the fee we pay may limit who is out there to provide such a service. Supervisor stated I hate to knock a person down when they have family health issues but so much more time is spent on additional checks and balances with their services. A motion by Councilman Phelps and seconded by Councilman Driscoll to bid out the service to get an idea if other options are out there. Motion carried. Town Clerk will develop a job description and advertise it.

#### **Communications:**

Supervisor Carman stated again no news on the water line for the Correctional Facility.

Supervisor Carman reported a potential concern with NYSEG as they have indicated the gas line may not been built big enough to supply new growth in our township. This was discovered with a local farmer with a new grain bin that required natural gas hookup and told he may not get it. The Supervisor is waiting for more information from NYSEG to see how they will correct the problem.

Councilman Phelps reported he attended a recent Conesus Lake Association meeting that discussed other lakes that handle water quality and boat wash screening and how they may consider it at Conesus.

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

Dated: October 10, 2014  
Town of Groveland

---

Sandra L. Bean, Town Clerk