

The regular meeting of the Groveland Town Board was held on Thursday March 09, 2023 at the Town Hall.

Present: Bill Devine, Supervisor; Sandra Bean, Deputy Supervisor and Councilmember; Steve Atterbury, Councilmember and Amy Phelps, Councilmember

Other Town Officials: D. Mark Caldwell, Highway Superintendent

Absent: John Macauley, Councilmember

Others Present: R. Niedermaier

Supervisor Devine called the meeting to order @ 9:00 a.m. Councilmember Atterbury led the pledge to the flag.

A motion by Councilmember Atterbury and seconded by Councilmember Bean that the audited bills be paid. General Fund vouchers numbered 40-64 for \$10,450.81; Highway Fund vouchers numbered 38-53 for \$12,188.58, Conesus Lake Water Voucher #1 for \$41,270.00 and Capital Fund vouchers numbered 4-5 for \$7,658.00. Motion carried.

A motion by Councilmember Atterbury and seconded by Councilmember Bean to accept the regular meeting minutes of 2/09/2023. Motion carried.

Supervisor Devine forwarded copies electronically of the Town Clerk & Supervisors monthly financial reports. The supervisor financial report with monthly statement of all money received. Councilmember Atterbury and seconded by Councilmember Bean to accept both financial reports. Motion carried.

Information handed out/or acknowledged:

1. Food Pantry Box- located in the town hall

Old/New Business:

PUBLIC HEARING LOCAL LAW OF 2023- TAX EXEMPTION SENIOR CITIZENS RESOLUTION 37-2023- Supervisor Devine requested Town Clerk to read aloud the public hearing notice for the local law.

A motion by Councilmember Bean and seconded by Councilmember Atterbury to open the public hearing. Motion carried.

Public hearing opened at 9:01 a.m.

Comments: None

A motion by Councilmember Bean and seconded by Councilmember Atterbury to close the public hearing. Motion carried.

Public hearing closed at 9:55 a.m.

WHEREAS notice of public hearing was duly given and said hearing duly held on the 9th day of March, 2023 to consider the enactment of the local law Entitled Providing a Partial Exemption from Real Property Taxes to Certain Eligible Senior Citizens and;

NOW, THEREFORE, PLEASE TAKE NOTICE that, after due consideration and deliberation, the Town Board of the Town of Groveland duly enacted said local law #1-2023 Providing a Partial Exemption from Real Property Taxes to Certain Eligible Senior Citizens on this 9th day of March, 2023, and said local law and adopted thereby shall be in full force and effect as provided by law upon the filing of a copy of this local law with the Secretary of State. The local law enacted will be included in the minutes.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Bean and seconded by Councilmember Atterbury and the results were carried with 0 nay, 4 ayes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Atterbury, aye; Councilmember Hunter, aye and Councilmember Macauley, absent.

PUBLIC HEARING LOCAL LAW OF 2023- TAX EXEMPTION PERSONS WITH DIASBILTIES AND LIMITED INCOME RESOLUTION 38-2023- Supervisor Devine requested Town Clerk to read aloud the public hearing notice for the local law.

A motion by Councilmember Bean and seconded by Councilmember Atterbury to open the public hearing. Motion carried.

Public hearing opened at 9:01 a.m.

Comments: None

A motion by Councilmember Bean and seconded by Councilmember Atterbury to close the public hearing. Motion carried.

Public hearing closed at 9:55 a.m.

WHEREAS notice of public hearing was duly given and said hearing duly held on the 9th day of March, 2023 to consider the enactment of the local law Entitled Providing a Partial Exemption from Real Property Taxes to Persons with Disabilities Who Have Limited Income and;

NOW, THEREFORE, PLEASE TAKE NOTICE that, after due consideration and deliberation, the Town Board of the Town of Groveland duly enacted said local law #2-2023 Providing a Partial Exemption from Real Property Taxes to Persons with Disabilities Who Have Limited Income on this 9th day of March, 2023, and said local law and adopted thereby shall be in full force and effect as provided by law upon the filing of a copy of this local law with the Secretary of State. The local law enacted will be included in the minutes.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Bean and seconded by Councilmember Hunter and the results were carried with 0 nay,4 ayes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Atterbury, aye; Councilmember Hunter, aye and Councilmember Macauley, absent.

HIGHWAY REPORT- Highway Superintendent Caldwell reported the crew has been busy with maintenance around the shop and road work when necessary.

Supervisor Devine asked the Highway Superintendent to obtain quotes to replace the 2021 Dodge Pickup. Highway Superintendent Caldwell obtained three quotes and provided the quotes for the boards' review. The truck was not an intended purchase in 2023; however, with the most recent surplus of items he feels that the trade-in value and the money received back from the auction of surplused items it will cover the complete cost of a new truck.

Highway Superintendent Caldwell also recommends the town board purchase with the remainder of the surplused monies the used oil furnace that was discussed last month as the surplused money was significantly more than anticipated.

A motion by Councilmember Atterbury to purchase the 2023 Chevy Pickup truck from Dansville Chevy for approximately \$9,800.00 and a new used oil furnace for the town barns, was seconded by Councilmember Bean. Motion carried.

APPOINTED HIGHWAY SUPERITENDENT DISCUSSION- Supervisor Devine inquired with Councilmember Hunter regarding her research.

Councilmember Hunter stated that the Board of Elections did not have much information unfortunately other than the current resolutions that she provided for the board's review. The Supervisors she spoke with are very positive regarding the appointed position.

Councilmember Bean liked the job description the county has used for the Highway Superintendent position and feels that the community forum would feel comfortable with the language. Councilmember Bean stated that lacking the surrounding town laws she would like to draft the verbiage to present at the community forum from the research the board has gathered.

Town Clerk Burgess stated following the county job description the town received it was noted from County Personnel that the creation of a new position will force the position to be a civil service position that will require a request for a rules amendment as the other towns are not civil service, with the understanding that they were created prior to civil service testing requirements.

Board was all in agreement to have Councilmember Bean draft wording for a Local Law to have for the community forum as a template.

A motion by Councilmember Hunter and seconded by Councilmember Bean to have a public meeting to discuss with the community moving to an Appointed Highway Superintendent Position on Thursday, March 30, 2023, at 7 p.m. at the Groveland Town Hall. Motion carried.

EMPLOYEE HANDBOOK RESOLUTION 39-2023 Board has reviewed the handbook and there were minor changes following the review done in January. The board wished to add clarity to bereavement time definitions along with allowing 1 day paid time off for bereavement for part-time employees. The board also fixed a clerical error at the same time.

WHEREAS this town board has reviewed the Handbook known as Town of Groveland Employee Handbook to help ensure government compliance, foster positive employee relationships; and

RESOLVED this Handbook will contribute to the overall success of the town in delivering services to the public effectively and efficiently. Such Handbook will reflect the changes and be kept on file with the Town Clerk's office.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Atterbury and seconded by Councilmember Hunter and the results were carried with 0 nay, 4 ayes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Hunter, aye; Councilmember Atterbury aye and Councilmember Macauley, absent.

DEPARTMENT ANNUAL REPORTS – 40-2023– Town Clerk previously emailed AUD reports.

WHEREAS, per General Municipal Law Section 35 the Town Board has met at the time and place at its regular meeting, to review the 2022 annual reports submitted by the Justice Court office, Town Clerk, Code Enforcement and Supervisor's; and

WHEREAS, the Town Clerk stated the Town Annual report was advertised in the official publication;

RESOLVED this Town Board does hereby accept such Annual Reports that reflects with the Town Annual Report of the Town Accounts office from LaDelfa & Associates; fiscal year ending December 31, 2022 and that such 2022 annual reports be adopted, by this Board, be entered in the minutes of the proceedings of this Town Board, except for the AUD will be filed separately in the Town Clerk's office due to its size.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Bean and seconded by Councilmember Atterbury and the results were carried with 0 nay, 4 ayes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Atterbury, aye; Councilmember Hunter, aye and Councilmember Macauley, absent.

ASSET LISTS – REVIEW FOR APPROVAL - Town Clerk presented updated lists for each department. This are helpful for tracking purchases or if ever an insurance claim needed to be filed. Each department has reviewed and signed them. Board reviewed and made no changes.

ARPA USE RESOLUTION 41-2023- Supervisor Devine stated it is the boards intention to use ARPA monies this year to pay principal only towards the BAN for the mower tractor that was utilized last year with the remaining amount to be used for fuel cost. Following the guidelines of ARPA the board needs to recognize the use.

WHEREAS, the United States Government adopted the American Rescue Plan Act (ARPA) that provide funding to municipalities; and

WHEREAS, Municipalities are allowed to use this funding to make necessary improvements to town infrastructure; and

WHEREAS, the Town Board recognizes the ability to utilize a portion of ARPA funding to be dedicated in the amount of \$100,000 for the use in the Highway Fund for a portion of the Town of Groveland following the authorized use of said monies; and

WHEREAS, the use of such monies will be utilized to pay the amount of \$73,000 to be applied towards the Bond Anticipation Note (BAN No. 1 of 2022), this amount will be principal only for the 2022 John Deere 6105E 4WD with a 22-foot mower attachment and a Ferris IS600Z Zero-turn mower with 48-inch cutting deck, of original amount of \$146,213.60; and

WHEREAS, the use of \$27,000 will be utilized for the cost of fuel,

THEREFORE BE RESOLVED; the town board authorizes the use of in the amount of \$100,000 for the 2023 Highway Fund for a portion of the Town of Groveland.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Atterbury and seconded by Councilmember Hunter and the results were carried with 0 nay, 4 ayes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Hunter, aye; Councilmember Atterbury, aye and Councilmember Macauley, absent.

CEMETERY SERVICE CONTRACT DUE FOR RENEWAL – RESOLUTION 42-2023- Town Clerk stated no changes to the contract looking to extend for 1 year.

WHEREAS the Town Board has met at the time and place at its regular meeting the town board has reviewed the 2022 Snyder Brothers Cemetery Service contract; and

WHEREAS, the town board wishes to extend by 1 year the contract with Snyder Brothers Cemetery Service with no changes

WHEREAS, the Town Board is desirous of cemetery service for taking calls, selling plots, mapping plot owners, grave opening and closing and grading and seeding; and; now therefore be it

RESOLVED, this Town Board does hereby accept the Snyder Brothers Cemetery proposal to service Lake View Cemetery from April 1, 2023 and expires March 31, 2024 with no changes in pricing following the 2022 contract therefore further be it;

THEREFORE FURTHER BE IT RESOLVED, that either party may terminate this agreement within a written notice to the other party within 90 days said to prior end of said contract.

The adoption of the foregoing RESOLUTION was duly out in vote on motion of Councilmember Bean and seconded by Councilmember Hunter and the results were carried with 0 nay, 4 ayes. Roll Call Votes: Supervisor Devine, aye; Deputy Supervisor & Councilmember Bean, aye; Councilmember Atterbury, aye; Councilmember Hunter, aye and Councilmember Macauley, absent.

RESOLUTION 43-2023 APPROVAL OF BOND ANTICIPATION NOTE- The town board requested the town attorney to begin preparation of Bond Anticipation Note for renewal of partial payment of last year's BAN that was for a new 2022 JOHN DEERE 6105E 4WD with a 22-Foot Mower and a Ferris IS600Z Zero-Turn mower with 48-inch cutting deck. The BAN comes due April 21, 2023 for payment, it is the Boards intention to pay \$73,000 off on the BAN and the interest required of 2.49%. That amount is \$3,640.71 which would be due in interest.

WHEREAS, the Town Board of the Town of Groveland met at a regular board meeting at the Town Hall located at 4955 Aten Road, Groveland, New York 14462 on 9th day of March, 2023, commencing at 9:00 a.m., at which time and place the following members were:

WHEREAS, all Board Members, having due notice of said meetings, and that pursuant to Article 7, Section 104 of the Public Officers Law, said meetings were open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, in April 2022, the Town Board of the Town of Groveland approved the financing and purchase of a 2022 John Deere 6105E 4WD with a 22-foot Mower and a Ferris IS600Z Zero-turn Mower with a 48-inch Cutting Deck through a Bond Application Note (BAN No. 1 of 2022) for the amount of \$146,213.60; and

WHEREAS, the Town Board retained the services of Town Attorney David DiMatteo to request bid proposals for BAN No. 1 of 2022 from Five Star Bank, the Bank of Castile, Community Bank N.A., M & T Bank, and the Bank of Greene County and thereafter the bid was awarded to the Bank of Greene County for 2.49%; and

WHEREAS, the Town Board of the Town of Groveland now wish to pay down BAN No. 1 of 2022 by \$73,000.00 as principal and interest accrued at 2.49% per annum and seeks

authorization to re-finance the principal and interest of \$76,640.71 for the 2022 John Deere 6105E 4WD with a 22-foot Mower and a Ferris IS600Z Zero-turn Mower with a 48-inch Cutting Deck through Bond Anticipation Note Number 1 of 2023; and

WHEREAS, the Town Board of the Town of Groveland seeks to retain the services of Town Attorney David DiMatteo to request bid proposals for BAN No. 1 of 2023 from Five Star Bank, the Bank of Castile, Community Bank N.A., M & T Bank, and the Bank of Greene County; and

WHEREAS, the note date of the \$76,640.71 Bond Anticipation Note Number 1 of 2023 is the 21st day of April, 2023.

NOW ON MOTION OF Councilperson Bean which has been duly seconded by Councilperson Hunter, now therefore be it

RESOLVED, that the Town Board of the Town of Groveland hereby authorizes the re-financing of a Bond Anticipation Note in the amount of \$76,640.71 for the 2022 John Deere 6105E 4WD with a 22-foot Mower and a Ferris IS600Z Zero-turn Mower with a 48- inch Cutting Deck; and be it further

RESOLVED, that the above-mentioned note is being re-financed by the issuance of a Bond Anticipation Note, known as Bond Anticipation Note No. 1 of 2023 for \$76,640.71 dated April 21st, 2023; and be it further

RESOLVED, that the Town Board of the Town of Groveland will retain the services of Town Attorney David DiMatteo to request bid proposals for BAN No. 1 of 2023 from Five Star Bank, the Bank of Castile, Community Bank N.A., M & T Bank, and the Bank of Greene County; and be it further

RESOLVED, that the Supervisor of the Town of Groveland authorized the issuance of the bond anticipation note to re-finance the 2022 John Deere 6105E 4WD with a 22-foot Mower and a Ferris IS600Z Zero-turn Mower with a 48-inch Cutting Deck.

Ayes 4

Nays 0

Quorum Present: Yes No

Dated: March 9, 2023

Kimberly Burgess, Clerk

(SEAL) Town of Groveland

LCWSA Intermunicipal Agreement Groveland Water District #1 -Resolution 44-2023- Livingston County Water and Sewer Authority provided the Town the agreement as required by USDA Rural Development as part of the grant process requirements to move forward. The Town Attorney David DiMatteo has reviewed the agreement as presented.

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town of Groveland has previously established Water District No. 1; and

WHEREAS, the Town of Groveland Water District No. 1 consists of approximately 80,000 linear feet of 4 inch, 6 inch, 8 inch and 12 inch PVC water transmission mains and appurtenant improvements including fire hydrants, valves, water meters and water services, all as detailed in the November, 2020 Map, Plan and Report prepared by CPL, D.P.C., and that will comprise cumulatively the water distribution improvements located with the Town of Groveland Water District No. 1 (the "System"); and

WHEREAS, in accordance with New York State Town Law (TWN) §198, 12(B), the Town of Groveland is eligible to lease the System to the Livingston County Water and Sewer Authority (the "Authority"); and

WHEREAS, in accordance with New York State Public Authorities Law (PBA) §1199- DDDD, the Authority is eligible to acquire leasehold interest in, and to operate the Town's System; and

WHEREAS, the Town and the Authority are considering entering into a long-term agreement, wherein the Authority will lease, maintain, operate, repair and replace the facilities of the System, and will supply water directly to customers served by the System; and

WHEREAS, the proposed Lease Agreement between the Authority and the Town of Groveland is annexed hereto as Schedule A; and

WHEREAS, the Town Board of the Town of Groveland has had an opportunity to review the proposed Lease Agreement; and

WHEREAS, the Town Board of the Town of Groveland believes it to be in best interest of the residents within the Town of Groveland Water District No. 1 to lease the System to the Authority, so that the Authority can operate and maintain such improvements and provide water delivery services for the benefit of Water District No. 1 customers; and

NOW ON MOTION OF Councilmember Hunter which has been duly seconded by Councilmember Atterbury, now, therefore,

BE IT RESOLVED, that the Town Board of the Town of Groveland hereby authorizes and directs the Town Supervisor to execute said Lease Agreement between the Livingston County Water and Sewer Authority and the Town of Groveland.

Ayes:4 Nays:0

Quorum Present: Yes No

Dated: March 9, 2023

Supervisor Communication: Supervisor Devine discussed with the board the pamphlet he received regarding investment for a company called NY Class, He will research and update the board on his findings.

The supervisor is in receipt of an email regarding support of Brady farms for a grant from the town board however it was lacking information so he requested more and will update the board at the next meeting.

Supervisor Devine made a motion to go into executive session for matters relating to proposed, pending or current litigation, seconded by Councilmember Bean.

Executive session entered at 10:11 a.m. Supervisor requested the Town Clerk remain.

A motion by Councilmember Bean and seconded by Councilmember Hunter to close the executive session with no action taken. Motion carried.

The executive session closed at 10:29 a. m.

A motion by Councilmember Atterbury and seconded by Councilmember Hunter to adjourn the meeting. Motion carried. Meeting adjourned 10:30 a.m. The next meeting will be the regular meeting April 13,2023 @ 9:00 a.m. at the town hall and is open to the public. Motion carried.

Kimberly Burgess, Town Clerk
Town of Groveland
Dated: March 9, 2023