

TOWN OF GROTON – MINUTES OF TOWN BOARD MEETING

TUESDAY, JUNE 11, 2013 AT 7:30 PM

THE TOWN HALL, 101 CONGER BOULEVARD

Those present: Glenn E. Morey, Supervisor
Ellard L. Sovocool, Councilman
Donald F. Scheffler, Councilman
Richard B. Gamel, Councilman
Sheldon C. Clark, Councilman
Fran Casullo, Attorney for the Town

Also present: Gregory Weiland, Elizabeth Snyder, Kelly Smith, Joan Packard, Stafanie Brooks Jacobs, Jen Schwade, David Kalb, Mary McGarry-Newman, Faith Tyler, Charles Rankin, Richard C. Case, Jr., April Scheffler.

MOVED by Councilman Sovocool, seconded by Councilman Gamel, to approve the minutes of the May 14, 2013 meeting as presented.
Ayes - Sovocool, Scheffler, Gamel, Clark, Morey.

Claim Numbers 87-99 of the **Highway Fund** in the amount of \$81,002.67 were presented for audit.

MOVED by Councilman Clark, seconded by Councilman Scheffler, to approve the Highway Bills for payment.
Ayes - Sovocool, Scheffler, Gamel, Clark, Morey.

Claim Numbers 151-181 of the **General Fund** in the amount of \$43,508.45 were presented for audit.

MOVED by Councilman Gamel, seconded by Councilman Sovocool, to approve the General Bills for payment.
Ayes - Sovocool, Scheffler, Gamel, Clark, Morey.

Monthly Reports:

Charles Rankin, Bookkeeper - Submitted monthly reports for the Board's review. He had nothing to report on Cable TV. He attends the Health Care Consortium meetings and as part of that deal, there is going to be information that will need to be sent to all employees by October 14th explaining that they can go into a special pool if they don't make enough money. This pool option will not affect anyone here. We will also need to tighten up our paperwork as far as employees' decisions for opting in or out of the insurance coverage.

Gary Coats, Code Enforcement Officer - Was not present but had submitted monthly reports for the Board's review.

Richard C. Case, Jr, Highway Superintendent - Thanked the Board for going on the annual road tour and offered to take Councilman Gamel on a private tour, since he had been unable to attend. They are working towards the projects that the Board saw and are waiting for the blacktop to cure on East Brown Road, then will put the shoulders on. They are doing drainage work on Sincerbeaux and Sharpsteen and hope by next month to be paving those.

April L. Scheffler, RMC, Town Clerk/Tax Collector - Submitted monthly reports for the Board's review. Our Tompkins County Town Clerks Association will be hosting a seminar on social networking here on the evening of June 25th. This was a class that was given at convention and is being offered again for those who were not able to attend the class at that time or who were unable to go to convention. I have invited all of District 6 and our neighbors in Cayuga County. On June 26, we will be attending a meeting with the Tompkins County Clerks office for a demonstration on the Laser Fiche software that we will be using with the electronic records project that we are working on. Things are still being scanned into the system and our repositories are being set up within the County's servers. Rosemarie and I attended a seminar this past Saturday held at the old Wilcox Cemetery between North Lansing and East Genoa. This was a very informative, over 5-hour session of hands on learning about how to clean and repair old gravestones. I brought a packet of information back to Jeff Brockway and hope that we can use some of the things we learned to continue the restoration of our East Hill Cemetery.

Fran Casullo, Attorney for the Town - Had nothing to report.

John Norman and A. D. Dawson, Town Justices - Were not present but had submitted monthly reports for the Board's review.

Councilman Donald Scheffler, Representative to Joint Youth Program - Had nothing to report.

Brian Robison, County Legislator - Had nothing to report.

Privilege of the Floor:

Joan Packard - Gave the Board a copy of an article from Bloomberg entitled "Drillers Silence Fracking Claims with Sealed Settlements."

Stefanie Brooks Jacobs - Wanted to tell the Board that HBO will be showing "Gasland 2" on July 8th.

Elizabeth Snyder - Quoted a recent Ithaca Journal article stating that and the Finger Lakes area is one of the top 10 international lakeside regions and the importance of tourism for the region. She said that bans or moratoriums have been passed by all the towns in Tompkins County except Groton. She said that the bans helps protect the area and wants Groton to at least pass road laws. She thinks the Board has taken too long to pass a moratorium and needs to do so to protect Groton.

Faith Tyler - Is proud to be an American who is the descendant of immigrants. She has worked hard to have her own home and has received grant money to fix it up. The grants are forgivable after 10 years so she is here for at least that long and doesn't want to have to move because of fracking.

Jen Schwade - We are lucky to live here and all feel committed to the area. We are only allowed to enjoy our land as long as it doesn't infringe on other people's health and safety.

Greg Weiland - Asked the Board to pass a ban or a moratorium.

MOVED by Supervisor Morey to go into **Executive Session** for the purpose of discussing proposed, pending or current litigation, seconded by Councilman Gamel, at 7:41 pm.
Ayes - Sovocool, Scheffler, Gamel, Clark, Morey

MOVED by Supervisor Morey to return to **Regular Session**, seconded by Councilman Sovocool, at 8:05 pm.
Ayes - Sovocool, Scheffler, Gamel, Clark, Morey

Supervisor Morey - Let the record show that the Board was being updated on current litigation.

Attorney Casullo explained that he had been working on the proposed ethics law. After some discussion it was decided to hold a special meeting next week for the sole purpose of dealing with the local law, get it in final form, and set a public hearing for the July meeting.

MOVED by Supervisor Morey, seconded by Councilman Clark, to set a **Special Meeting** for Tuesday, June 18, 2013 at 6:00 pm, to discuss a proposed local law relative to ethical standards of conduct for Town of Groton officers and employees, and the creation of an ethics advisory board.
Ayes - Sovocool, Scheffler, Gamel, Clark, Morey

The following information had been received concerning changes to General Municipal Law:

General Municipal Law, §50-e (1) requires the service of a notice of claim upon a town as a condition precedent to filing suit for personal injury and property damage. Typically a notice of claim must be delivered personally or by registered or certified mail to the town clerk, town supervisor or to an attorney regularly engaged in representing such town. Effective June 15, 2013, a person wishing to sue a town will have another option for serving a notice of claim upon the town. In addition to delivering a copy of the notice of claim to the town, a notice of claim may be delivered to the Secretary of State. The Secretary of State will then forward the notice of claim to the person designated by the town board to receive the notice of claim from the Secretary of State. A person filing a notice of claim with the Secretary of State may be charged a fee of up to \$250, half of which shall be forwarded to the town providing that the town files a certificate of designation upon with Secretary of State within 30 days of June 15,

2013. To prepare for submitting that form, the town board should adopt a resolution designating a town officer or person who will serve in this function. Pursuant to CPLR §311(a)(5) the town supervisor or town clerk is the person authorized to accept service on behalf of the town.

**RESOLUTION #13-043 - DESIGNATE GLENN MOREY AS THE OFFICIAL TO
RECEIVE NOTICE OF CLAIMS FROM THE SECRETARY OF STATE**

MOVED by Supervisor Morey, seconded by Councilman Gamel
Ayes - Sovocool, Scheffler, Gamel, Clark, Morey

WHEREAS, General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate; now therefore, be it

RESOLVED, that the Town Board of the Town of Groton, County of Tompkins designates Glenn Morey in his capacity as Town Supervisor to receive notices of claims served upon the Secretary of State by mail at 101 Conger Blvd., P.O. Box 36, Groton, N.Y. 13073; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

Announcements:

- Planning Board Meeting, June 20, 2013 at 7:30 pm
- Zoning Board of Appeals Meeting, June 26, 2013 at 7:00 pm
- Next Town Board Meeting, July 9, 2013 at 7:30 pm

There being no further business, Councilman Gamel moved to adjourn, seconded by Councilman Scheffler, at 8:15 pm. Unanimous.

April L. Scheffler, RMC
Town Clerk