

**VILLAGE BOARD OF TRUSTEES**

**DEC. 18, 2017                      7 PM**

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Mayor Neville opened the meeting at 7 pm.

Present were: Mayor Neville, Trustees Conger, Morey, Evener and Holl, Lance Coit-Fire Chief, Nancy Niswender-Deputy Treasurer, Steve Teeter-Electric Utl. Supervisor, Chad Shurtleff-DPW Supervisor, Mike Andersen-Code Enf. Officer, Tim Williams-Police Dept. OIC, Peter Grossman-Attorney for the Village, William Schell, Jennifer Foote-Dean, Hayley Wheeler

Mayor Neville presented Jennifer Foote-Dean with a certificate of appreciation for her volunteer efforts this past year, which includes her involvement with the Girl Scouts and the organization of the Community Night and Trunk or Treat.

Trustee Morey made a motion to approve the minutes of the Nov. 20<sup>th</sup> meeting, seconded by Trustee Conger, carried.

Trustee Conger made a motion to approve the claims presented for review. Seconded by Trustee Holl, carried. The above adjustments and claims paid are covered by the following lists of abstracts of audited vouchers:

GENERAL (A7)	\$116,780.73	JOINT REC (J7)	\$ 43.48
WATER (F7)	4,310.40	CAPITAL STORM SEWER (HSS7)	9,657.32
SEWER (G7)	6,057.08	CAPITAL BUILDING (HB7)	1,985.00
ELECTRIC (E7)	90,436.78		

Department Reports:

Code Enforcement – Code Enf. Officer Andersen that he has performed 218 fire inspections during the year and still has 23 letters out on some that are still outstanding. During the year, 57 building permits were issued as well as 49 roofing/window permits. He also reported that he has been working on a clutter situation at 214 Elm Street, in which the tenant has to Wednesday to rectify. If not taken care of, the DPW will clean it up and bill the property owner. There was also discussion in regards to a junk situation at 201 Elm Street.

Fire/Ambulance – Chief Coit noted that he had also received calls on 214 Elm Street, and that the Fire Dept will not perform any interior operations if a fire occurs at that structure. They will only protect the adjacent exposures from the exterior. The fire side has been steady; the Dept. provided mutual aid to Etna last week. Ambulance also has been steady with a variety of calls. Total calls year to date is 890, should surpass 900 before year end.

Dept. of Public Works – Supervisor Shurtleff noted that the Dept. concentrated on finishing up the pickup of leaves during the last part of November and early December. Since the weather was good, we were able to extend it a little this year. Have also been prepping for snow plowing and have performed some hydrant repairs. He also made note of the insufficient paving job on West South Street and that discussions with Vacri have lead to them taking responsibility for correcting the issues with the street.

Electric – Supervisor Teeter reported that the Dept. has been working on tree trimming and replaced a small span of distribution line on Peru Road. Final safety training session for the year was completed. The Dept. has been performing maintenance of some of the Village buildings. The Dept. will also be installing a 1200 amp service (in addition to the present service) in the old fish farm building to accommodate an intense computer operation. Admin. Rankin noted that MEUA/NYMPA discussed the emergence of these “bit coin” operations at a recent joint meeting and how it affects the various municipal electric systems. Admin. Rankin also noted that the annual fuel usage label will be on the back of the electric bills being mailed out this month.

Police – Lt. Williams noted that the Dept. has been busy. 1965 calls to date, just slightly below last year at this time. There have been a few felony cases the Dept. has been working on. Two officers are injured, so the schedule has been a little tight. There are six open shifts this month, which will be covered by the Sheriff or State Police. Vehicle 158 has recently undergone many repairs, but is ready to run during the winter weather.

Mayor Neville appointed DANA SMITH as a part-time Police Officer. Trustee Evener made a motion, on the recommendation of the Board of Police Commissioners, to approve the appointment at the part-time police officer wage and the usual 52 week probation period, seconded by Trustee Holl, carried.

Joint Recreation – Trustee Conger reported that boys basketball conducting skills and drills for the remainder of the year, travel teams will start in January. There is also a K-2 program starting. Girl’s basketball will start in January. Wrestling will also start in January. Plans are underway for the Cabin Fever Festival. The PTO will be running the concession. We received a \$1,000 County celebrations grant for the festival. Dance with Limitations will be run on Saturdays during January and February which is designed for persons with disabilities, ages 8-17. ZUMBA will begin after the first of the year. Babysitting classes will be held on Saturday each during February and March.

Youth Commission – Reviewed the various programs offered by the youth services program. 85 kids benefitted from the warm winter clothing drive.

Trustee Conger reported that she is now the Vice Chairperson of the Tompkins County Council of Governments.

*Public Comments:*

Jennifer Foote-Dean & Hayley Weaver – approached the board about starting a volunteer recognition program which would be specific to Groton persons or groups. Applications will be due by January 30<sup>th</sup> and they will begin a push for such applications after the Holidays. They have spoken to the Benn Conger Inn about hosting a recognition event there for recipients, tentatively March 22<sup>nd</sup>. There is a web site link for nominations.

Skip Schell – 139 Church Street, read a statement concerning recent variances granted by the Zoning Board of Appeals on the property at 113 Church Street. [See enclosed letter.]

Trustee Evener made a motion to approve the contracts with the Town of Groton and Groton Fire Dept. for fire and ambulance service in the amounts \$130,000 and \$148,000, respectfully, and authorize the Mayor to sign such contracts, seconded by Trustee Morey, carried.

The Public Hearing to consider the adoption of Local Law No. 1 of 2018, a local law to override the tax cap was scheduled for Monday, January 15, 2018 at 7:30 pm.

Mayor Neville appointed NANCY NISWENDER to the position of Clerk-Treasurer for a term ending April 1, 2019. Trustee Evener made a motion to approve the appointment at a weekly rate of \$1,153.85, seconded by Trustee Conger, carried.

Mayor Neville appointed CHARLES V. RANKIN as Administrator, Part-Time. Trustee Holl made a motion to approve the appointment at a monthly rate of \$125, seconded by Trustee Conger.

Trustee Evener offered the following resolution:

RESOLVED,

Effective January 1, 2018, the following persons are hereby authorized to sign checks on Village checking accounts or withdrawal slips for Village savings or money market accounts and invest funds in certificates of deposits or withdrawals thereof:

*On all accounts:*

Mayor	Christopher J. Neville
Clerk-Treasurer	Nancy E. Niswender
Administrator	Charles V. Rankin

*In addition, the following signature is allowed on Accounts xx xxx-xx6558, xx xxx-xx6631 and xx xxx-xx1995:*

Deputy Treasurer	Deborah L. Barron
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BE IT FURTHER RESOLVED, THAT one signature is allowed to conduct such transactions as listed above.

The property to the north of the sewer plant property on Cayuga Street (217 Locke Rd.) is for sale and surveys of the property have shown that it overlaps the Village property and the property to the west. Attorney Grossman reported that the property in question that we would have to convey has no usable purpose due to the fact it is in a very swampy area and possibly even a wetland. It was his recommendation that we agree to the boundary line agreement due to this condition. Upon conclusion of discussion, Trustee Evener made a motion to approve the boundary line adjustment and direct the Mayor to execute the agreement, seconded by Trustee Holl, carried.

Trustee Conger made a motion to approve travel for Nancy Niswender (conference & travel) and Chuck Rankin (travel only) to the annual NYS GFOA Conference in Albany, March 21-23, seconded by Trustee Evener.

Trustee Evener made a motion that Nancy Niswender be appointed as the Village of Groton director on the Greater Tompkins County Municipal Health Care Consortium and that Elizabeth Conger be duly appointed as the Alternate on the Consortium, seconded by Mayor Neville, carried.

There was discussion in regards to possible construction of a small pavilion on the property the Village now owns at 308 Main Street. Dimensions have not been determined, but will be in the 15 by 30 foot range. It will be an all purpose unit that would be able to be disassembled once other improvements to the property begin. Upon conclusion of discussion, Trustee Evener made a motion to appropriate funds to construct such a pavilion, seconded by Trustee Conger, carried.

Trustee Evener made a motion to move into executive session to discuss a personnel matter in the Fire Dept and consult with the Village Attorney, seconded by Trustee Conger, carried.

Trustee Evener made a motion to move out of executive session, seconded by Morey, carried. There were no motions made or resolutions adopted during the session.

**CLERK'S NOTE:** This meeting marks my last meeting as Village Clerk for the Village of Groton. Over the past 35+ years, I have strived to present the proceedings of the Village Board, as well as the other commissions and committee in an accurate and unbiased manner as possible. Hopefully I have achieved this and those who read these minutes in the future will be able follow what we have tried to accomplish. I am proud to have served the residents of this Village as your Village Clerk and I thank the Village Boards, both past and present, for allowing me to serve the community in this capacity. The Village of Groton is a great community and I have been very lucky to have been a part of it.

The meeting was closed at 8:25 pm.



CHARLES V. RANKIN  
Village Clerk

RE: 113 Church St., Groton, NY: Use variances.

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I respectively ask the Village of Groton Board of Trustees to appeal the granting of the two use variances for 113 Church St., Groton, NY. The first variance was to add 4 apartments to the existing 2 dwelling units and the second, to add 10 apartments to the existing 2 dwelling units. My request to appeal is that, in my opinion, the Zoning Board of Appeals (ZBA) didn't follow its own rules, nor did they have substantial evidence when they made their decisions in the granting of these two use variances based on the following:

- Required records that provides substantial evidence enough to support the ZBA's decision for the granting of both variances was never submitted. The impression has been left that the required legal criteria has not been met for the granting of either of these use variances.
- The Planning Board must determine whether the use variances are in conformance with the objective of the Master Plan for the development of the Village. Neither case has gone before the Village of Groton Planning Board, yet both use variances were granted with proposed 12 parking spaces and 24 parking spaces respectively without the required parking plan. It was also stated at the Village Planning Board on December 5, 2017 that if the proposals are not approved by the Planning Board then the variances become annulled. (?) If this is not the case, someone should direct the Planning Board.
- During the variance hearings, the ZBA members were unaware that there is a required dimension for a parking space in the Village of Groton Zoning Law, yet the variances were still granted.
- -Environmental Impact: No consideration was taken for the required open space in the granting of these variances in this one & two-family zoning district. The applicant's answers on the Short Environmental Assessment Form: Question 3b asks; Total acreage to be physically disturbed? Answer: Zero (0) acres. Note, a total amount of land dedicated to the 24 required parking spaces would be 4,320 SF, not including maneuvering area and access drives. Question 8a asks; Will the

- proposed action result in a substantial increase in traffic above present levels? Answer: NO. With possibly four (4) parking spaces already existing, the proposed plan could bring as much as 20 additional vehicles to the neighborhood.
  
- Neighborhood character: The ZBA agreed that granting the use variances will be in harmony with the spirit and intent of the Village Zoning Law and will not alter the essential character of the surrounding neighborhood. Note, there will be 12 unrelated occupants and the possibility of 24 vehicles introduced into a single/two family dwelling zoning district!
  
- The agenda and minutes from the meetings refer to an area variance. To my knowledge, the applicant has not applied for or been granted an area variance for this property.
  
- There is the appearance of a violation of the Opening Meetings Law during the October 30, 2017 ZBA meeting.
  - In the granting of use variances, the ZBA must grant the minimum variance that it deemed necessary and adequate to address the unnecessary hardship proved by the applicant. With the applicant originally asking for and being granted a use variance to add four (4) apartments, for a total of six (6) units, it is my opinion that, based on the evidence, right or wrong, the ZBA has already granted the minimum variance necessary and adequate to address the unnecessary hardship of the applicant.
  
- The applicant did not show that he meets the legal requirements for a variance.
  - With the change of use to the building, per NYS code, accessibility features are required, including an accessible parking space and access aisle (2015 IEBC-1012.8.2). There was no evidence presented that showed proof that these requirements would be provided.
  
  - The building is a non-conforming structure. The applicant must show that for each and every permittable use the applicable zoning regulations

and restrictions have caused unnecessary hardship. To my knowledge, this was never submitted, as required, for the non-conforming structure.

- Economic return: The applicant must demonstrate factually, by dollars and cents proof, an inability to realize a reasonable return for each and every existing permissible use. To my knowledge, this was never submitted to the ZBA for the granting of either of the variances, as required, for demonstrating unnecessary hardship relating to the zoning restrictions on the property.

It is the Zoning Board of Appeals obligation to preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The Zoning Board of Appeals adherence to procedural requisites must ensure evenhandedness and due process for all parties. If the ZBA has failed to follow mandatory requirements in the granting of the variances, the decisions must be rendered void.

Respectfully submitted,

A handwritten signature in cursive script that reads "William 'Skip' Schell". The signature is written in black ink and is positioned above the typed name and address.

William "Skip" Schell  
139 Church St.  
Groton, NY 13073

Mayor  
Christopher J. Neville

# Village of Groton, N.Y.

Clerk-Treasurer  
Nancy Niswender

Trustees  
Elizabeth T. Conger  
Jeffrey W. Evener  
Michael G. Holl  
Jean E. Morey

Village Office  
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e-mail: [grotonvil@gmail.com](mailto:grotonvil@gmail.com)

Dept. of Public Works Supervisor  
Chad M. Shurtleff

Electric Utility Supervisor  
Stephen E. Teeter

Village Administrator, PT  
Charles V. Rankin

Code Enforcement Officer  
Michael Andersen

## PUBLIC NOTICE VILLAGE OF GROTON

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Groton will hold a Public Hearing on Monday, January 15, 2018 at 7:30 pm, at the Groton Village Office, 143 Cortland St., to consider the adoption of a local law that will override the tax levy limit as established under Section 3-c of the General Municipal Law.

The proposed local law will allow the Village adopt a budget for the fiscal year commencing on June 1, 2018, that, if necessary, exceeds the real property tax levy limit as defined by General Municipal Law §3-c.

A copy of the local law in its entirety is available for review at the Village Clerk's Office, 143 Cortland St., during usual business hours.

The public is invited to attend and all oral or written comments may be presented for consideration.

Any person with special needs, who wish to attend the hearing, should contact the Village Office (898-3966) immediately so your particular needs can be accommodated.

By order of the Board of Trustees.

NANCY NISWENDER  
Village Clerk

## LOCAL LAW NO. 1 OF 2018

### A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

Be it enacted by the Village Board of the Village of Groton as follows:

#### Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Groton to adopt a budget for the fiscal year commencing June 1, 2018 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 a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

#### Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Groton, County of Tompkins, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2018 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

#### Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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.