

REGULAR MEETING, TOWN OF LIVONIA

January 3, 2013

A regular meeting of the Town Board of the Town of Livonia, County of Livingston and the State of New York was held at Livonia Town Hall, 35 Commercial Street, Livonia on January 3, 2013.

PRESENT: Eric Gott, Supervisor
Andy English, Councilmember
Matt Gascon, Councilmember
Angela Grouse, Councilmember
Colleen West, Clerk
Jim Campbell, Attorney, Town of Livonia

ABSENT: Frank Seelos, Councilmember

OTHERS PRESENT: Several Residents.

The meeting was called to order by Supervisor Gott at 7:00 PM.
Kelly Howard led the pledge.

RESOLUTION 1-2013

APPROVE 2013 TOWN BOARD APPOINTMENTS

On motion of Councilmember Grouse seconded by Councilmember English the following resolution was

ADOPTED Ayes - 4 (Gott, English, Gascon, Grouse)
Nays – 0

Resolved to approve the following 2013 Town Board Appointments:

2013 TOWN BOARD APPOINTMENTS

DEPUTY SUPERVISOR	ANDREW ENGLISH
TOWN HISTORIAN	DOROTHY WILKINS
REGISTRAR	COLLEEN WEST
DEPUTY REGISTRAR	BETTY MILES
DEPUTY TOWN CLERK	BETTY MILES
RECORDS MANAGEMENT OFFICER	COLLEEN WEST
MILEAGE RATE	.56cents /MILE
TOWN ENGINEER	CLARK PATTERSON LEE
MEETING DATES	1 ST AND 3 RD Thursday, 7PM
TOWN ATTORNEY	JAMES CAMPBELL
CHAIRMAN OF JOINT ZONING BOARD	PETER NILSSON
CHAIRMAN OF JOINT PLANNING BOARD	RICHARD BENNETT
OFFICIAL BANK	FIVE STAR BANK
PLANNING BOARD SECRETARY	TAMMIE SCHWERZLER

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OFFICIAL NEWSPAPER	LIVINGSTON COUNTY NEWS
COUNTY TRAFFIC SAFETY BOARD	ERIC GOTT
“ “ALTERNATE	ANGELA GROUSE
BOARD OF ASSESSMENT REVIEW	TO BE DETERMINED
MEMBER OF PLANNING BOARD	DONALD RICHARDS
MEMBER OF ZONING BOARD OF APPEALS	PETER NILSSON
OFFICIAL RADIO STATION	1040 WYSL
MARRIAGE OFFICER	COLLEEN WEST

SUPERVISOR’S APPOINTMENTS

SECRETARY TO SUPERVISOR	MIKE LAWTON
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TOWN BOARD COMMITTEE APPOINTMENTS

HIGHWAY	ERIC GOTT
RECREATION/YOUTH	ANGELA GROUSE
BASEBALL /RECREATION SPORTS	ANDREW ENGLISH
LIBRARY	ANGELA GROUSE
EMERGENCY SERVICES LIAISON	FRANK SEELOS
JOINT WATER WORKS	ERIC GOTT AND FRANK SEELOS
CLA LIAISON	FRANK SEELOS
TRAIL LIAISONS	MATT GASCON

HEMLOCK PARK PAVILION PROJECT

Jeff Smith made a presentation to the board regarding his Eagle Scout project – repairing and painting the pavilion at Hemlock Park. The project took 238 man hours to complete and they worked on it from mid-August through the end of October. Jeff and his team of volunteers scraped the entire pavilion and pressure washed it twice. They also repaired the cement around the pillars, replaced the crown molding and some of the fascia boards. They primed the entire pavilion, including the ceiling inside, and painted the whole thing. Some areas required three coats of paint.

Smith reported that some of the challenges they faced included the weather and trying to schedule repairs around people using the pavilion.

Supervisor Gott thanked Smith on behalf of the town board and the people of Livonia.

Wayne Smith commented that it is frustrating to pull out all the staples and nails, and now find that there are more staples up there. He asked if there is some way to put hooks up for people to hang decorations.

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PRIVILEGE OF THE FLOOR

- John Haak addressed the board to again complain about the Town Hall expansion project. Supervisor Gott responded that the town has had seven straight years of squeaky clean audits by two different auditing companies. This Town Board authorized the purchase of Hemlock Lake Park debt free, completed the Town Hall addition project debt free, and paid off Vitale Park two years early – a debt they inherited. He added that the Town no longer takes out five-year loans. The town continues to pay double digit increases in health care costs and retirement benefits for the employees. We are proud of the Town Hall project. He added that the Town has the lowest tax rate since 1999, despite all the challenges we have faced. He suggested that Mr. Haak call the attorney general or comptroller and request that they audit us, if he still has any objections. If there are any documents that Mr. Haak would like to see, Supervisor Gott stated that we will make those available. Mr. Haak simply needs to submit a FOIL request with the Town Clerk listing the specific documents he wishes to see. Supervisor Gott added that a request for “everything” is not specific enough and therefore will have to be denied.
- Leo Gottroff asked if town has a small truck they could use at Vitale Park to plow off the sidewalks and open up the paths for walkers. Supervisor Gott answered that we may be able to look at a blade for the lawn mower or a snow blower. Councilmember Grouse added that she thinks people would use the paths if they were cleared. Robert Nilsson asked if the town could use the county inmates to shovel snow. Supervisor Gott answered that he doesn't think they come out to the towns in the winter.
- Phil Recchio asked about the status of the moratorium. Supervisor Gott answered that it is expired. There will be a Public Hearing at the next meeting to adopt zoning changes.

TOWN CLERK REPORT

Clerk West reported that her office has been very busy getting the tax bills mailed, so she will have the December 2012 and the 2012 Annual Town Clerk Report at the next meeting.

RESOLUTION 2-2013

APPROVE MEETING MINUTES FROM 12/20/2012

On motion of Councilmember Gascon seconded by Councilmember English the following resolution was

ADOPTED	Ayes -	4 (Gott, English, Gascon, Grouse)
	Nays –	0

Resolved to approve the meeting minutes from December 20, 2012.

DISCUSS TRUCK BIDS

Supervisor Gott reported that Tracey Road Equipment, Utica General and Kenworth all picked up bid packets for the new 10-wheel truck, plow and dump body. We received two bids: Tracey at \$184,977 (for a Western Star truck) and Utica at \$189,896 (for a Peterbilt). Highway

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Superintendent Dave Coty indicated that the Western Star deviated from the bid specifications as follows:

<i>Western Star</i>	<i>Bid Specifications</i>	<i>Comments</i>
Steel cab	Aluminum cab	Aluminum cab is lighter
Set forward axle	Set back steer axle	Maneuverability
20,000 lb front axle	22,000 lb	Load capacity
23,000 lb flat spring	23,000 lb tapered spring	Strength
Pre-set front axle bearing, no 3 year warranty	Adjustable bearing and 3 year warranty	Adjustable, warranty will save town money
TRW THP-60 dual steering	TRP TAZ-85	Safety
16.5" X 6" front brakes	16.5" X 7" front brakes	Safety
Drive axle housings standard duty	Heavy wall severe duty	
Engine block made from gray iron	Compact graphite	Strength, same material as cylinder head
19.0 cfm air compressor	28.0 cfm	Safety, faster air recovery
On-highway use, closed shoulder tires on drive axle	Mud/snow tires	Safety, the Western Star tires are not dump/truck/plow tires
2" front fender extensions	4" front fender extensions	Safety
Plastic grill	Stainless steel grill	Strength, protect radiator
Curved windshield	Flat windshield	Cost of replacement is less for a flat windshield

Highway Superintendent Coty feels that the deviations are significant enough to reject the bid on the Western Star and accept the bid on the Peterbilt, and that is his request to the Town Board.

Supervisor Gott reminded everyone that the Town Board rejected both bids last time. He and Councilmember Gascon looked at the bid specs and loosened them somewhat, so that more than one company could compete. The current bids for the trucks are \$4,900 apart. The plow equipment bids are the same.

The board discussed the request to purchase the higher priced truck. Attorney Campbell stated that the purpose of the bid process is to try to obtain the best price and assure that there is no collusion. Overriding it all is the Town Board's obligation as stewards to spend money judiciously. If they believe that there are deficiencies in the lower priced truck, they can determine to accept the higher bid. It is a judgment call.

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Councilmember English asked what the budget was for the truck. Supervisor Gott responded that they budgeted over \$200,000.

Councilmember English stated that safety is mentioned on five of the deviations, and as a Town Board they are concerned about safety. Councilmember Grouse added that the Highway Superintendent is elected by the public to do this job, and if he mentions safety on five points that is something to consider.

John Haak remarked that if you can get the Peterbilt for \$4,900 more than the Western Star, it is money well spent; it is that much better of a truck in his opinion.

A representative from Utica was at the Town Board meeting and he explained why the brakes, springs and tires are better on the Peterbilt.

The board discussed the deviations and the price differential.

RESOLUTION 3-2013

ACCEPT BID FROM UTICA FOR PETERBILT TRUCK/PLOW PACKAGE

On motion of Councilmember Grouse seconded by Councilmember English the following resolution was

ADOPTED Ayes - 4 (Gott, English, Gascon, Grouse)
Nays – 0

Resolved to accept the bid from Utica General in the amount of \$189,896 for the new Peterbilt 10-wheel truck and plow over the bid from Tracey Road Equipment because the Western Star truck did not meet the criteria specified.

COURT CLERK RESIGNS

Supervisor Gott reported that Court Clerk Pat Terho is leaving at the end of April. He would like to advertise to fill that position. A new clerk will need a few months of training with Pat to get up to speed. Judge Kemp and Judge Mahoney will be in on the hiring process.

RESOLUTION 4-2013

AUTHORIZE SUPERVISOR TO PLACE ADS TO FILL POSITION OF PART-TIME COURT CLERK

On motion of Councilmember Gascon seconded by Councilmember Grouse the following resolution was

ADOPTED Ayes - 4 (Gott, English, Gascon, Grouse)
Nays – 0

Resolved to authorize Supervisor Gott to advertise for a part-time court clerk.

TOWN TAX RATE

Supervisor Gott reported that Clerk West contacted him on Monday when she realized that the

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town tax rate on the 2013 Town & County Tax Bills is not the rate that the Town Board approved in the budget. There is a 14 cent increase in the rate on the 2013 bills.

Supervisor Gott stated that this town board worked hard to have a flat rate, and the mistake in calculating the rate happened at the county. Livingston County Real Property Director Joe Pukos did not realize that the Workers Compensation was in the budget already, and he added it in again.

Pukos had sent an email to Bookkeeper Mike Lawton on 12/3/12. Unfortunately, he used a defunct email address, so Mike never received it. Pukos did not follow up with Mike or Supervisor Gott or contact anyone else. Therefore, everyone got a bill that is incorrect, and the Town of Livonia is going to end up having \$74,000 that they are not entitled to have.

A second issue is the tax cap. This mistake puts us 1.6% above the cap. How do we get people back their money, do we have to pass legislation authorizing the overage? Supervisor Gott thinks that the answer is no based on an email he received from NYS. There is a process where we can put that money in a reserve to lower the rate next year by 28 cents per thousand.

He is going to ask the county to publish some ads to say that there was a mistake made, and it is not our mistake. If the county will not pay for the ads, then Supervisor Gott would like approval from the Town Board to pay for the ads. The Town Board was in agreement with that.

Attorney Campbell interjected that the Town needs to control the content of those ads. This was not a mistake that the Town Board made. The county overstepped their bounds. He suggested that the ads be posted on the town web site, in addition to the Livingston County News, the Pennysaver, the Genesee Sun, etc.

Dave Makepeace asked what the cost per taxpayer is for this mistake. Supervisor Gott replied that for a \$100,000 property, the overcharge would be fourteen dollars.

RECOGNIZE KELLY HOWARD FROM FIVE STAR BANK

Supervisor Gott recognized Kelly Howard from Five Star Bank and thanked her for coming to the meeting. Five Star will be our official bank again this year.

RESOLUTION 5-2013

AUDIT OF CLAIMS

On motion of Councilmember Grouse seconded by Councilmember English the following resolution was

ADOPTED Ayes - 4 (Gott, English, Gascon, Grouse)
Nays - 0

Resolved to pay claims numbered 1120-1142 in the amount of \$12,547.58 from the 2012 Abstract dated January 3, 2013 and claims 1-8 in the amount of \$24,724.02 from the 2013 Abstract dated January 3, 2013.

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BASEBALL/SOFTBALL SIGN-UPS

Councilmember English announced that baseball and softball registration will be held Wednesday, January 30th from 6-8 PM and Saturday, February 2nd from 8 AM to Noon. He reminded everyone that Craig Emmerling is new the director. He will perform these duties in addition to running the rest of the recreation program.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember English the meeting was adjourned at 7:58 PM. Carried unanimously.

Respectfully Submitted,

Colleen M. West, Town Clerk