

REGULAR MEETING, TOWN OF LIVONIA

March 21, 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 March 21, 2013.

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

OTHERS PRESENT: Several Residents.

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

PRIVILEGE OF THE FLOOR

Supervisor Gott asked if there were any comments for the Open Session. No one wished to speak.

RESOLUTION 45-2013

APPROVE MEETING MINUTES FROM 3/7/2013

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)
Nays – 0

Resolved to approve the meeting minutes from March 7, 2013.

DISCUSS NYS SAFE ACT

Supervisor Gott asked Attorney Campbell to discuss the resolution he drafted at the request of the board asking for a repeal of the NYS Safe Act. Attorney Campbell remarked that this issue is of personal interest to him. He based the resolution on constitutional issues and contributed the conclusions to the character of the Livonia Community. He addressed the undue burden that this law places on our municipalities, i.e. unfunded mandates for relicensing, etc. He remarked that most counties in the state have passed similar resolutions, and many state associations support repeal as well. Supervisor Gott asked the board to look over the resolution and they will talk more about it at the end of the meeting.

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HEMLOCK – CANADICE DRAFT UNIT MANAGEMENT PLAN

Supervisor Gott informed the board that he received a copy of a resolution that was passed by the Town of Canadice regarding the Hemlock-Canadice Draft Unit Management Plan. Many people are concerned because the plan does not rule out hydrofracking around Hemlock and Canadice Lakes. He asked the board if they would like Attorney Campbell to look at the resolution and see if this board is interested in passing a similar resolution. The board was in favor of that.

RESOLUTION 46-2013

SPONSOR LITTLE LAKES TRIATHLON

Supervisor Gott reported that he received sponsorship information for the 2013 Little Lakes Youth Triathlon. The Town has split a \$500 sponsorship with the village in the past. He asked the board if they would like to do the same this year.

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)
Nays – 0

Resolved to split a \$500 sponsorship with the Village for the 2013 Little Lakes Youth Triathlon. Each municipality would contribute \$250.

Supervisor Gott will follow up with Mayor Lathan regarding this.

RESOLUTION 47-2013

LIVONIA COMMUNITY SERVICE AWARDS

Supervisor Gott stated that we have supported the Livonia Community Service Awards by funding the picnic and awards. There is \$1,000 in the budget for this and he asked the board if they wanted to support it again.

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)
Nays – 0

Resolved to fund the 2013 Livonia Community Service Awards in an amount not to exceed \$1,000.

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RESOLUTION 48-2013

**CONTRACT WITH “PROTECT YOUR YOUTH SPORTS” FOR
BACKGROUND CHECKS**

Councilmember Grouse reported that she has researched how to perform background checks on youth workers in the recreation and baseball programs. She found a company called Protect Your Youth Sports (PYYS). They charge \$8.50 per check. We used to use the Livingston County Sheriff’s office, but they are only able to check Livingston County and will not discover if someone has been convicted of a crime elsewhere. Supervisor Gott remarked that he supports using YYS because it protects the kids and reduces our liability. They check the national criminal and sex offender registries and verify social security numbers. The Town of Henrietta and the City of Canandaigua use them for their youth programs and had only good things to say. They pointed out the ease of service and quick turnaround of checks.

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)
Nays – 0

Resolved to contract with Protect Your Youth Sports for background checks for our recreation and baseball programs.

CORRESPONDENCE

- Supervisor Gott received a letter from Les Cole supporting consolidation of Livonia’s three fire districts. In the letter, Mr. Cole also brought up other services that might be able to be consolidated to save taxpayer money, such as Town/Village, school, etc. Supervisor Gott wants to see if there is any grant money available for feasibility study to see if we can consolidate the fire districts.
- Supervisor Gott received a letter from Time Warner saying that they have been overcharging Town of Livonia customers, and they are working with the attorney general to refund the overcharges to customers.
- Supervisor Gott pointed out the Property Maintenance Request for Proposal that he included in the board packets. He made some changes to the proposal this year to ensure that companies know what we expect. He plans to open bids on April 8. The Town Board can authorize awarding the bid by email, and we will officially appoint the winning bid at the April meeting.

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MONTHLY TAX COLLECTION REPORT – FEBRUARY 2013

Clerk West gave the following report on tax collection for the month of February, 2013:

INCOME:

Balance Forward from January	\$3,265,830.41
Tax Collection Principal (payments received or postmarked 2/1 to 2/28):	\$ 199,919.67
Tax Collection Penalties	\$ 1,939.23
Interest on checking (Feb)	\$ 137.87
Total Income:	\$3,467,827.18

DISBURSEMENTS:

Paid to Supervisor for 2013 Abstract:	\$ 0.00
Paid to Supervisor for interest on checking account (Dec+Feb)	\$ 137.88
Paid to Supervisor for penalties	\$ 1,939.23
Paid to Livingston County Treasurer:	\$2,000,000.00
Total Disbursements:	\$2,002,077.11

Balance Forward:	\$1,465,750.07
Total Disbursements plus Balance Forward:	\$3,467,827.18

RESOLUTION 49-2013

APPROVE TAX COLLECTION REPORT

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

ADOPTED	Ayes -	5 (Gott, English, Gascon, Grouse, Seelos)
	Nays -	0

Resolved to approve the February 2013 Tax Collection Report.

A resident asked what the total arrears were for this year. Clerk West stated that she did not have the figures in front of her, but about 350 second notices were sent out at the beginning of March, and additional payments are slowly coming in. Supervisor Gott added that the County makes us whole at the end of the collection period, so we are never

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short. The county then takes over collection on all delinquent accounts.

VITALE PARK RETAINING WALL

Councilmember Seelos asked about the Vitale Park retaining wall. Supervisor Gott stated that he spoke with Dave Coty and the plan is to fix it in the late fall, but he has not applied for the permit yet. It is an emergency, so hopefully they will act quickly on the permit once he applies.

AMBULANCE COMMISSIONER UPDATE

Councilmember Seelos stated that he has advertised for candidates to fill the vacancy for Ambulance Commissioner. He and Councilmember Gascon are screening the applications. The deadline is tomorrow and they hope to have a recommendation at the next meeting.

RESOLUTION 50-2013

AUDIT OF CLAIMS

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)
Nays – 0

Resolved to pay claims numbered 49-90 in the amount of \$46,271.34 from the 2013 Abstract dated March 21, 2013.

RESOLUTION 51-2013

OPPOSING THE PROCESS OF ENACTION AND CERTAIN PROVISIONS CONTAINED WITHIN THE NEW YORK SAFE ACT

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)
Nays – 0

WHEREAS, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution; and

WHEREAS, the right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right of the people of the Town of Livonia; and

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in the Town of Livonia, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of its residents; and

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WHEREAS, the people of the Town of Livonia derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting, while utilizing all types of firearms which are protected under the Constitution of the United States; and

WHEREAS, members of the Livonia Town Board, being elected to represent the people of the Town of Livonia, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, the enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS, since its enactment, more than 75% of the Counties in New York State, dozens of towns and many highly regarded organizations, including the New York State Sheriffs' Association, New York State Association of County Clerk, and New York State Association of Counties have approved or are working to approve resolutions opposing provisions of the NY SAFE Act and asking for its repeal; and

WHEREAS, it is our understanding that many State Legislators had very little time (in some instances less than an hour) to review the proposed legislation, which contained approximately twenty-five thousand words, before being required to vote on it; and

WHEREAS, having reviewed the legislation and the reported time constraints, it is our conclusion that it is very unlikely that any individual could have read the entire bill and understood its full implications prior to voting on it; and

WHEREAS, our State Legislators most certainly could not have had the time and opportunity to request and receive input from their constituents regarding this matter; and

WHEREAS, seeking and considering such public input is an absolute standard to which we hold ourselves on the Livonia Town Board; and

WHEREAS, the legislation has approximately 60 sections, of which only a handful take effect immediately; and

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WHEREAS, there appears to be no legitimate reason for the Governor to have used a message of necessity to bring this bill to vote immediately, bypassing the standard three day maturing process applied to all non-emergency related legislation; and

WHEREAS, the reactionary and poorly conceived process of crafting the NY SAFE Act resulted in complex policy changes, many of which are confusing to the State Legislators who voted on them and the law enforcement officials who are required to enforce and explain them; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to County governments and the law abiding residents of New York State; and

WHEREAS, there will be a significant and negative financial impact to Livingston County due to the large number of pistol permits that will have to be renewed on a regular basis, requiring additional manpower and other resources; and

WHEREAS, this legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

WHEREAS, those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus constituting a seizure of legally owned personal property with no provision for compensation; and

WHEREAS, few or no low capacity (7 rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of the Town of Livonia; and

WHEREAS, limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS, the only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

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WHEREAS, requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is a significant unfunded mandate on business; and

WHEREAS, the New York State Combined Ballistic Identification System, which wasted \$44 million in taxpayer money and resulted in zero convictions, illustrates the propensity of government to waste taxpayer resources when legislation is not properly reviewed; and

WHEREAS, Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive budget for the implementation of the NY SAFE Act at a time when New York State is suffering from significant financial challenges; and

WHEREAS, this legislation severely impacts the possession and use of firearms now employed by the residents of Livonia for defense of life, liberty, and property; and

WHEREAS, this legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to, hunting and target shooting; and

WHEREAS, while there are some areas of the legislation that the Livonia Town Board finds encouraging, such as addressing glaring shortcomings in the mental health system, the strengthening of Kendra's Law and Mark's law, as well as privacy protections for certain pistol permit holders, by-and-large, we find the legislation does little more than negatively impact lawful gun ownership; and

WHEREAS, this legislation fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding citizens; and

WHEREAS, this legislation effectively turns countless New York State law-abiding gun owners into criminals; and

WHEREAS, the manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Livonia Town Board; now therefore

BE IT RESOLVED, that the Livonia Town Board does hereby oppose, and request the repeal of, any legislation, including the sections within the NY SAFE Act (Chapter 1 of the Laws of 2013), which infringe upon the right of the people to keep and bear arms; and be it

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FURTHER RESOLVED, that the Livonia Town Board considers such laws to be an egregious violation of 2nd Amendment Constitutional Rights, as well as onerous, and burdensome to the citizens and County governments throughout the State, and beyond lawful legislative authority granted to our State representatives; and be it

FURTHER RESOLVED, that the Livonia Town Board strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and be it

FURTHER RESOLVED, that the Livonia Town Board requests the members of the New York State Senate and Assembly who represent the Town of Livonia and Livingston County to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NYSAFE Act; and be it

FURTHER RESOLVED, that a copy of this resolution be sent to Governor Andrew Cuomo, Lt. Governor Robert Duffy, Senator Patrick Gallivan, Assemblyman William Nojay and the New York State Association of Towns.

With no further business, on a motion of Councilmember English seconded by Councilmember Gascon the meeting was adjourned at 7:20 PM. Carried unanimously.

Respectfully Submitted,

Colleen M. West, Town Clerk