

REGULAR MEETING, TOWN OF LIVONIA

September 19, 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 the Town Hall, 35 Commercial Street, Livonia, NY on September 19, 2013.

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

OTHERS PRESENT: Mike Lawton, Bookkeeper; Heidi Caton from Bonadio & Co., LLP; Mark Whitford, Livonia Ambulance District Commissioner; Several Residents.

The meeting was called to order by Supervisor Gott at 7:04 PM.

Mike Lawton led the pledge.

PRIVILEGE OF THE FLOOR

Drainage Problem on Pebble Beach Road

Kevin Swallow addressed the board regarding drainage problems on Pebble Beach Road. He stated that in the three years he has lived on Pebble Beach Road, they have had runoff from storms that has flooded the homes three times. He shared photos that he took of several properties on Pebble Beach that show the flooding. He asked if something could be done to improve drainage in the area.

Councilmember Gascon asked if this is a new problem that began after the new homes were built on top of the hill, or has this been an ongoing problem. Joe Eberwein commented that the new owners of the property on the hill removed hedgerows and trees and re-graded the property. Now the land does not support the run-off. He stated that Dave Coty has said that a ditch is required and there are easements there.

Several more residents of Pebble Beach Road commented about the amount of run-off and the speed at which it flows down the hill. They did not mean to blame the problem on the new owners of the property on the hill; they just wondered if something could be done to slow the flow of water and allow it to percolate gradually.

Supervisor Gott stated that he will talk with Kevin Masterson and Adam Backus as well as Dave Coty about the problem. Attorney Campbell will go back to the planning board

REGULAR MEETING, TOWN OF LIVONIA

September 19, 2013

minutes to see what discussion or decisions might have taken place regarding the project on the hill.

Supervisor Gott promised to get back to Mr. Swallow after gathering more information.

Hydrilla Survey

Gene Bolster reported that a hydrilla survey was conducted last Sunday in the area of the boat launch on Conesus Lake. No hydrilla was found.

TOWN AUDIT DISCUSSION

Heidi Cato from Bonadio & Co., LLP discussed the findings of the Town audit. She reported that no mis-statements were noted and the Town's financial records are in very good shape. There were no disagreements with Town management and no deficiencies found. She observed that our reserve is on the low end for municipalities, and the Town could consider setting aside some of our fund balance into legally established reserves.

Supervisor Gott indicated that the board will consider establishing some reserve funds. She thanked Heidi and her team for providing a quality product at a reasonable cost. He also commended Mike and the Town Board for the work they do to keep the town in shape financially.

RESOLUTION 115-2013

APPROVE MEETING MINUTES FROM 9/5/13

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

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

Resolved to approve the meeting minutes from 9/5/2013.

AMBULANCE DISTRICT UPDATE

Livonia Ambulance Commissioner Mark Whitford addressed the board regarding the Ambulance District. He stated that

- He feels they are being pushed back in terms of demands.
- He thinks they provide good care to the community while trying to keep expenses down.
- Ed (Sparks) is a great asset and he has a concise and accurate account of 3rd party billing.
- There are many times that they have had all three ambulances out at the same time.
- Neighboring towns have difficulty putting a crew together weekdays, let alone for mutual aid.

REGULAR MEETING, TOWN OF LIVONIA

September 19, 2013

- They are still looking at options for more room, including researching the legality of adding onto the fire house, exploring the idea of using the town owned building in Livonia Center, or possibly reducing their equipment inventory. They feel that building their own building separate from the fire house would be too costly.
- They feel that the three ambulances are needed as are the fly cars. They use one of the fly cars at fire scenes as a rehab vehicle. It costs very little to keep the extra fly car because it is stored outside and adds little to the cost of insurance. He feels it is worth more to the ambulance district than they could get for selling it.
- Councilmember Seelos attends many of the Ambulance District meetings, and Mr. Whitford hopes that he is conveying the information to the Town Board.
- He takes issue with how the Town Board filled the vacancy on the Ambulance Commissioner Board. Mr. Whitford felt that the Ambulance District should have made that appointment. Councilmember Seelos stated that by Town Law, that is a Town Board appointment. Mr. Whitford felt that they should have been part of the process.
- He also did not like how the secretary was hired. Councilmember Seelos shared that he brought up his suggestion for the secretary at an Ambulance District meeting and the response was, "See if she is interested," which he did. Mr. Whitford thought that Councilmember Seelos should have let the commissioners know that she was interested and allowed them to decide whether or not to appoint her, while Councilmember Seelos took that to mean that the Commissioners wanted to hire her.

Councilmember Gascon asked how the Ambulance District determines the charge for a run. Mr. Whitford responded that they take into account the costs of fuel, supplies, maintenance, etc. and also look at what others charge. Mr. Whitford explained that they charge \$500 for BLS (Basic Life Support, or a regular ambulance run) and \$600 for ALS (Advanced Life Support). The county dictates whether or not ALS is dispatched. Mr. Whitford added that many times ALS responds to a call but they do not end up transporting the patient. He gave the example of a person in a diabetic coma, where they start an IV and bring the person around but the person refuses to go to the hospital. Insurance companies are getting so they will not reimburse for the call if the person is not transported.

Councilmember Grouse asked if it was possible for them to send the profit and loss statements electronically to the Supervisor twice a year so that the Town Board can review them. Mr. Whitford replied that he could send the January through June information in August and the July through December information in February.

Councilmember English stated that the Livonia Ambulance Volunteers receive a stipend, and he wondered if other towns do that as well. Mark answered yes, they do, although

REGULAR MEETING, TOWN OF LIVONIA

September 19, 2013

some volunteers choose not to accept the stipend. He said that many people hesitate to volunteer because they have to pay a babysitter or incur other expenses. The stipend helps to offset those expenses. He added that it would cost a lot more money if we had to pay staff for 24/7 coverage.

It was suggested that the Ambulance District use the same auditors as the Town to save money. Mr. Whitford stated that it took Wagar Associates three quarters of a year to audit the Ambulance District. It was a challenge because they still have money coming in for 2011 receivables. It was a learning curve for Wagar, and if the Ambulance District changed auditors now, they would be starting all over again with another firm. He felt that the best way to keep the cost down was to use Wagar again next year, not to use the same auditors as the Town. Councilmember Grouse stated that she thinks over the long term it would save money to use the same auditors for both audits due to economies of scale. Mr. Whitford stated that he could share the Wagar audit with the Town Board. They could then share it with Bonadio to see if they think they can do it at a lower cost.

Councilmember Gascon remarked that the Ambulance District pays the Fire District \$35,000 a year for rent, and if they add onto the building the rent would be even higher. He wondered if it would be more cost effective for the Ambulance District to build a separate building. Mr. Whitford answered that it would cost \$2.5 million for a basic brick and mortar building. He would like more room for volunteers to have a place to eat and sleep, and they would like to add two more bays. Councilmember Gascon added that he thinks the Ambulance District does a great job; he would just like to see if there are ways that we can do it more economically.

Supervisor Gott agreed that the Ambulance District does a fantastic job and he does not question that. He would just like to see the numbers so that when people ask him questions or have a complaint he can answer them. He thought it would be a great benefit to the Ambulance District to have an audit every year and be able to show that to people. Mr. Whitford said that the Ambulance District will need have an audit for Medicare and Medicaid and maybe they could use Bonadio for that.

Supervisor Gott thanked Mr. Whitford for coming to the meeting. Mr. Whitford offered to provide any other documents that the Town Board would like to see. Supervisor Gott asked what the assistant makes. Mr. Whitford answered that his salary is \$42,000. Supervisor Gott commented that it is more than that when you take into consideration his car, phone, etc. Mr. Whitford replied that the assistant is paid for a 30 hour week but he puts in closer to 60 hours. He saves the District hundreds of thousands of dollars by catching billing mistakes, and he goes on 50% of the ALS calls. He added that most medics have day jobs, so coverage during the weekday can be a problem.

REGULAR MEETING, TOWN OF LIVONIA
September 19, 2013

RESOLUTION 116-2013

APPROVE 2014 ASSESSMENT UPDATE

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

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

WHEREAS, the Town of Livonia has undergone the data collection of real properties within the Town; the Town feels that it is necessary to conduct a revaluation project of all properties for the 2014 assessment roll to maintain a uniform standard of assessment for the Town, and

WHEREAS, the State of New York may provide financial assistance to the Town for the implementation of a system of real property tax administration which conforms to the standards established pursuant to Subdivision 1 of #1570 of the Real Property Tax Law; now be it therefore

RESOLVED, by the Town Board of the Town of Livonia, New York, hereby approves a revaluation project to achieve and maintain a uniform standard of assessment in accordance with Section 305 of the Real Property Tax Law; and it is further

RESOLVED, that the Supervisor is hereby authorized and directed to expend the necessary funds for the preparation of said plan and the establishment and maintenance of the Real Property Improvement Program and to make application to the Office of Real Property Tax Services for financial assistance therefore pursuant to the #1572 of the New York State Real Property Tax Law.

RESOLUTION 117-2013

RE-APPOINT BARRY SHAPIRO TO THE BOARD OF ASSESSMENT REVIEW

Supervisor Gott stated that Lisa Bennett has requested that Barry Shapiro be re-appointed to the Board of Assessment Review.

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 re-appoint Barry Shapiro to the Board of Assessment Review for a 5-year term: October 1, 2013 to September 30, 2018.

REGULAR MEETING, TOWN OF LIVONIA
September 19, 2013

RESOLUTION 118-2013

DESIGNATE ROUTE 15A AS “VETERANS MEMORIAL HIGHWAY”

Supervisor Gott reported that the Town of Rush and the Town of Lima have designated the portion of Route 15A that runs through their municipalities as a “Veterans Memorial Highway.” The Towns of Henrietta and Springwater have it on their agendas to discuss. There would be no cost to the Town of Livonia to make such a designation, and the resolution is supported by the American Legion.

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 designate the portion of Route 15A that runs through the Town of Livonia as a Veterans Memorial Highway.

RESOLUTION 119-2013

AUTHORIZE SUPERVISOR TO SIGN MEMORANDUM OF AGREEMENT WITH THE COUNTY FOR THE STREAMBANK REMEDIATION GRANT

Attorney Campbell stated that this Agreement is in keeping with what has been discussed regarding the Streambank Remediation Grant. Although much of the work is being done through the County, the Town of Livonia is the lead agency. In order to comply with the grant requirements, the Town Board must authorize the Supervisor to sign the Memorandum of Agreement.

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

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

WHEREAS, the Town of Livonia submitted two applications to the NYS Department of State under the Environmental Protection Fund to protect Conesus Lake water quality through streambank remediation on five streams in the Conesus Lake watershed, and

WHEREAS, the applications were submitted on behalf of the Towns of Conesus, Geneseo and Livonia and the Village of Livonia, and

WHEREAS, the NYS Department of State approved the 2008 application (Phase I) and allocated \$382,869 for streambank remediation activities, and

REGULAR MEETING, TOWN OF LIVONIA

September 19, 2013

WHEREAS, the NYS Department of State approved the 2009 application (Phase II) and allocated \$358,132 for streambank remediation activities, and

WHEREAS, the NYS Department of State established Contract Nos. C006937 (Phase I) and C007034 (Phase II) with the Town of Livonia authorizing responsibility for maintaining and processing all fiscal records associated with the program to the Town of Livonia, and

WHEREAS, Contract Nos. C006937 (Phase I) and C007034 (Phase II) authorize the Livingston County Planning Department to oversee completion of the program and all the project components including executing necessary contractual arrangements to complete the project, as outlined in the scope of services contained in the grant agreements, and

WHEREAS, the Livingston County Planning Department is actively progressing with administration and implementation of the project components on behalf of and in partnership with the participants listed above,

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

The Livingston County Planning Department

- Will be responsible for conducting all project work in conformance with the Work Plan included in the executed contract with the New York State Department of State.
- Will be responsible for all project activities including drafting request for proposals and managing subcontracts with consultants and subconsultants.
- Will certify to the Town of Livonia that the procurement record for the County of Livingston complies with the applicable provisions of the General Municipal Law.
- Will receive approval from the Town of Livonia and the New York State Department of State for any and all consultant subcontracts before beginning project work.
- Will be responsible for coordinating the submission of all products and payment requests.
- Will be responsible for coordinating participation and soliciting comments from local government personnel.
- Will keep the Town of Livonia and the New York State Department of State informed of all important meetings for the duration of Contracts #C006937 (Phase I) and #C007034 (Phase II).

REGULAR MEETING, TOWN OF LIVONIA

September 19, 2013

- Will receive approval from the Town of Livonia and the New York State Department of State before purchase of any equipment.
- Will secure any necessary permits and perform all required environmental reviews.
- Will be responsible for coordinating contact with participating landowners for access to and easements on parcels included in the project area.
- Will ensure that all materials printed, constructed, and/or produced reflect the New York State Department of State logo, feature the Secretary of State and the Governor, and acknowledge the contributions of the Department of State to the project.
- Will ensure that all products prepared as a part of this agreement shall include the NYS Comptroller's Contract Number for each applicable contract.
- Will ensure the project objectives are being achieved.
- Will ensure that comments received from the Town of Livonia, the New York State Department of State and the Project Advisory Committee are satisfactorily responded to and reflected in subsequent work.
- Will recognize that payments made to consultants or subcontractors covering work carried out or products produced prior to receiving approval from the Department will not be reimbursed unless and until the New York State Department of State finds the work or products to be acceptable.
- Will participate, if requested by the New York State Department of State, in a training session or sessions focused on developing and implementing revitalization strategies.

The Town of Livonia

- Highway Department will complete streambank remediation projects on Wilkins Creek between Pennemite Road and the Village line, on Densmore Stream off of Cleary Road, and on North Gully Stream east of East Lake Road, as defined in the scope of services contained in the grant agreements. The scope of services may be revised after the engineering phase of the project, as determined by available funding.
- Will review and approve, upon satisfaction of legal requirements, all easements and legal documents submitted as part of this project for property in the Town of Livonia.
- Will be responsible for retaining copies of payment requests on file and for the final review, signing and submission of payment requests to the NYS Department of State and subsequent disbursement of funds to the Livingston County Planning Department, which will in turn disburse funds to contractors being paid under the project. Any interest accrued on funds received from the

REGULAR MEETING, TOWN OF LIVONIA
September 19, 2013

NYS Department of State and held by the Town of Livonia for the project will be used in the project and apply toward the Town of Livonia's local match.

RESOLUTION 120-2013

APPROVE LEASE AGREEMENT WITH LIVONIA FIRE DISTRICT FOR USE OF BUILDING IN LIVONIA CENTER

Supervisor Gott presented a lease agreement between the Town of Livonia and the Livonia Joint Fire District for the use of the building in Livonia Center. He indicated that the term of the lease is one year, and it does not automatically renew.

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 approve the Lease Agreement between the Town of Livonia and the Livonia Joint Fire District for the period of October 1, 2013 through September 30, 2014.

STREAMBANK GRANT

Councilmember Seelos asked when the work will start on the streambanks. Supervisor Gott indicated that we have been issued an extension and that is not likely that work will start this fall.

AMBULANCE DISTRICT DISCUSSION, CONTINUED

Supervisor Gott asked the board to review the resolution that formed the Ambulance District to refresh their memory of their responsibilities and the responsibilities of the District Commissioners. He appreciates the job they do, but he feels that it is our responsibility to ask questions.

Attorney Campbell added that he feels some pressure to investigate the legality of adding onto the fire house to benefit the Ambulance. He feels that they first need to establish that there is a documented need to do so. He feels that that threshold has not been met.

Supervisor Gott stated that Mr. Campbell is the attorney for the Town, not the Ambulance District. It is his opinion that we should size the equipment to do the job and not size the building to accommodate the equipment.

Attorney Campbell explained that the County can provide a lot of information regarding the number of times all three ambulances have been dispatched at the same time. Supervisor Gott will ask for that information and he would also like to know the amount paid to volunteers for stipends and the total amount paid to the administrative assistant.

REGULAR MEETING, TOWN OF LIVONIA
September 19, 2013

RESOLUTION 121-2013

AUDIT OF CLAIMS DATED 9/19/13

Councilmember Gascon had a question about the amount paid for MVP healthcare under the DB Highway Fund. Supervisor Gott answered that if you look at the DA Highway Fund you will see that they are under budget. We used to split the expense 70/30 but it is now split 50/50 between the DA and DB Funds.

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 pay claims 591-633 in the amount of \$41,451.47 from the Abstract dated September 19, 2013.

RECREATION

Councilmember Seelos informed the board that he picked up information regarding the Town of Pittsford Recreation Program and gave that information to Councilmember Grouse. He thought there might be ideas for programs for the Jack Evans Building.

With no further business, on a motion of Councilmember English seconded by Councilmember Seelos the meeting was adjourned at 8:30 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, Town Clerk