

## REGULAR MEETING, TOWN OF LIVONIA

October 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 the Town Hall, 35 Commercial Street, Livonia, NY on October 3, 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:** Several Residents.

The meeting was called to order by Supervisor Gott at 7:00 PM.

Dawn Woodburn led the pledge.

### **PRIVILEGE OF THE FLOOR**

Steve Muscato explained that his family owns a ten acre, land-locked parcel between Richmond Mills Rd. and Big Tree Road in Livonia Center. He would like to use it someday as a small farm. Right now, the family has a limited access through the town-owned Kinney Creek Trail via an agreement made when Tim Wahl was Town Supervisor. Mr. Muscato had a copy of the paperwork and gave it to Attorney Campbell at this meeting. Mr. Muscato wanted to know if he can purchase the property or get a right-of-way so that he can build a house there someday. He shared that the property is currently in his dad's name. Supervisor Gott stated that we will keep the paperwork, research it, and get back to him.

### **TOWN CLERK'S REPORT**

Clerk Hay gave the following financial report for September 2013:

<i>Paid To</i>	<i>Amount Remitted</i>
Supervisor (General Fund)	\$3,508.89
County Treasurer for Dog Licenses	\$266.00
NYS Ag & Mkts for Spay/neuter Program	\$96.00
NYS DECALS	\$6,303.76
State Health Department (Marriage Licenses)	\$45.00
<b>Total Disbursements</b>	<b>\$10,219.65</b>

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**DECALS**

Clerk Hay reported that the lottery for Deer Management Permits ended on October 1st. If any permits are left, they will go on sale on a first come, first serve basis November 1st.

**EMAILS**

Clerk Hay reported that all the new emails have been set up. There are twelve addresses, so the cost is \$12 a month. Everyone's old email address will point to the new address indefinitely. Employees were asked to notify their contacts of their new address.

RESOLUTION 122-2013

**APPROVE TOWN CLERK'S REPORT**

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

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

Resolved to approve the September 2013 Town Clerk's Report.

RESOLUTION 123-2013

**APPROVE MEETING MINUTES FROM 9/19/2013**

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 approve the meeting minutes from 9/19/2013.

**BUDGET HIGHLIGHTS**

Supervisor Gott reported that work has begun on the 2014 budget. He is not able to predict the tax rate because we do not have assessment finals yet. He is proposing a 1% raise across the board for everyone. The budget also includes the purchase of a 6-wheel dump truck, along with replacing the loader and pickup. The budget will be fine-tuned at the budget workshop, but he is confident that it will be a very conservative budget.

RESOLUTION 124-2013

**APPROVE 2014 SALARIES FOR ELECTED OFFICIALS**

Supervisor Gott reminded the board that the 2014 salaries for elected officials must be included in the legal notice advertising the public hearing. He is suggesting a 1% raise for all employees.

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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 following 2014 salaries for elected officials, which represents a 1% raise from 2013: Councilperson: \$6,995; Supervisor: \$36,830; Highway Superintendent: \$61,212; Town Clerk: \$39,673; Town Justice:\$12,426.

**BUDGET DISCUSSION CONT'D**

Mike Lawton explained that he does not have a proposed tax rate because he was out last week due to a family matter, and the Assessor, Lisa Bennett, is out this week due to a family matter. Mike said that the format of the budget worksheets look different because we are using a new software package.

Supervisor Gott thanked the department heads and Mike for their work on the budget.

RESOLUTION 125-2013

**SET BUDGET WORKSHOP**

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

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

Resolved to set the Budget Workshop on 10/10/13 at 7 PM at the Town Hall for the 2014 Budget.

RESOLUTION 126-2013

**SET PUBLIC HEARING FOR 2014 BUDGET**

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

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

Resolved to set the Public Hearing on the proposed 2014 Budget for 10/17/2013 at 7 PM at the Town Hall.

RESOLUTION 127-2013

**PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT  
CONCERNING THE DETERMINATION OF SIGNIFICANCE FOR  
CONESUS STREAMBANK REMEDIATION PROJECT**

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

ADOPTED by ROLL CALL VOTE

Supervisor Gott	Aye
Councilmember English	Aye
Councilmember Seelos	Aye
Councilmember Grouse	Aye
Councilmember Gascon	Aye

WHEREAS, pursuant to Article 8 of the New York State Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, et. Seq., as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Town, as the lead agency, must satisfy the requirements contained in SEQRA for such action or project; and

WHEREAS, prior to an agency undertaking or approving an action, it must consider the potential environmental impacts of the proposed action. As such, no governmental agency can issue any permits or approvals for the Project until a SEQRA process has been completed; and

WHEREAS, an agency initiates coordinated review by issuing a Notice of Intent to act as lead agency (“NOI”) to all interested and involved agencies, which formally begins the coordinated review process. Interested and involved agencies then have 30 days to contest lead agency status; and

WHEREAS, the Town issued the NOI for the project on August 21, 2013; and

WHEREAS, none of the interested and involved agencies objected to the Town acting as lead agency; and

WHEREAS, the Town is charged with making the SEQRA determination of significance for all interested and involved agencies; and

WHEREAS, the Town prepared a Full Environmental Assessment Form (FEAF)

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to evaluate the potential environmental impacts associated with the Project; and

WHEREAS, no potentially adverse, significant environmental impacts were identified; and

WHEREAS, it is appropriate that the Town issue a negative declaration pursuant to SEQRA for the Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF LIVONIA TOWN BOARD AS FOLLOWS:

Section 1. Based upon a review and examination of the EAF and the Town's knowledge of the Project Areas, the Town makes the following findings with respect to the Project:

- A. The Town has undertaken a coordinated review of the proposed action in conformity with the requirements of SEQRA; and
- B. Prior to making a recommendation about the potential environmental significance of the Project, the Town has consulted several information sources, and has considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations, and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and
- C. The Town determined that the Project is Type I Action pursuant to SEQRA.

Section 2. No potentially adverse significant impacts on the environment are noted or have been identified in the EAF, and none are known to the Town.

Section 3. Based upon the foregoing investigations of possible potential adverse environmental impacts of the Project, the Town finds that there will be no significant environmental impacts as a result of this action. The Town bases this determination upon the following findings with respect to the Project:

- A. There are no impacts anticipated to unique or unusual land forms, protected water bodies, surface or groundwater quality or quantity, air quality, threatened and endangered species, other wildlife and vegetation species,

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agricultural resources, aesthetic resources, open space and recreation resources, critical environmental areas, transportation systems, energy, noise and odor, public health, or growth and community character; and there is no public controversy associated with the proposed action.

- B. The proposed action would have a potentially large and positive impact to drainage and flooding by improving flood water flows and drainage patterns in the five stream reaches identified, for which no mitigation is required.
- C. The proposed action would have small to moderate impacts to land, including construction on greater than 15% slopes and phased construction spanning more than one year. However, these impacts do not require mitigation. The proposed action would occur in an area designated as sensitive for archaeological sites on the New York State Site Inventory but no impacts are anticipated.

Section 4. The Town Supervisor and the Town Clerk are hereby authorized and directed to distribute copies of this Resolution to interested and involved agencies including filing a copy of this negative declaration with the Town and Livingston County pursuant to 6 NYCRR 617.12(b).

Section 5. This Resolution, which was adopted by the Town on October 3, shall serve as the Negative Declaration (as defined in 6 NYCRR 617.2(y)) for the Project, and is issued by the Town, acting as lead agency in a coordinated environmental impact review pursuant to SEQRA, and shall take effect immediately.

Section 6. The following supporting documentation, which is attached hereto, was relied on by the Town:

- 1. The FEAF, dated August 21, 2013 (Part 1) and September 30, 2013 (Parts 2 and 3).
- 2. The Notice of Intent to Act as Lead Agency, dated August 21, 2013

Section 7. For further information on this Determination of Environmental

**Significance contact:**

Town of Livonia  
Eric Gott, Town Supervisor  
35 Commercial Street

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PO Box 43  
Livonia, NY 14487  
Phone: 585-346-2157  
Fax: 585-346-9122

RESOLUTION 128-2013

**AUTHORIZE SUPERVISOR TO SIGN NOTICE OF DETERMINATION OF  
NON-SIGNIFICANCE**

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

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

Resolved to authorize Supervisor Gott to sign the Notice of Determination of Non-Significance pursuant to the State Environmental Quality Review Act for the Streambank Restoration and Remediation project.

**HIGHWAY REPORT**

Councilmember Seelos reported that he spoke with Highway Superintendent Dave Coty after the last Town Board Meeting regarding the 6-wheel dump truck. It is in really bad shape, although it does not have many miles. It is not useful in the summer, but was used for fifteen winters. He distributed photos of the truck. Supervisor Gott stated that it is extremely rusty. Councilmember Seelos asked, if we purchase a new 6-wheel dump truck that could be used year-round, can we put off the replacement of the other truck? Mr. Coty said yes. Councilmember English asked about the cost of new one. They run about \$185,000-\$200,000. Lot of towns use 6-wheelers all year-round. Mr. Coty feels that they are easier to get in and out of the tight spots in Hemlock, and they could also use it for chipping in the summer.

The vendor that handles the two-year loader buy-back program has a customer who wants to buy our loader. The vendor would like to buy ours this year. Supervisor Gott gave the approval for that.

**CHIP HOLT CENTER**

Councilmember Grouse stated that the programming at the Chip Holt Nature Center has been operating through a Memorandum of Understanding (MOU) with Cornell Cooperative Extension. The town pays \$3,500 and the “Friends of the Chip Holt Center” pays \$3,500. The Friends group also pays for advertising, salaries, etc., while Cornell oversees the staffing, the building reservations, and the Nature Center’s web site.

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The Friends group is concerned that they are expending more money than they are taking in. They are exploring ways that they can continue to provide quality programming at an affordable cost. One option would be to discontinue the MOU with Cornell Cooperative Extension and staff the program through the Town’s recreation program. Our fees would decrease and the Friends group’s contribution would decrease significantly.

Supervisor Gott stated that people in the community are frustrated that the building is not available for community groups. Cornell has control over the use of the building, but if the town took that over, we would have control over the building’s usage. The current MOU expires at the end of December.

Attorney Campbell remarked that he will have to think about how this will affect the 501(3) status of the Friends group.

**AMBULANCE MINUTES**

Clerk Hay emailed the most recent Ambulance District minutes and P&L statement to the board members. Some people were not able to open the attachments. Clerk Hay will provide hard copies to anyone who would like them. She will work with Deputy Clerk Holt to try and save the minutes in a format that people can open. Supervisor Gott commented that Deputy Clerk Holt did a good job on the minutes.

RESOLUTION 129-2013

**AUDIT OF CLAIMS DATED 10/3/2013**

On motion of Councilmember English seconded by Councilmember Seelos

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

Resolved to pay claims 634-653 in the amount of \$43,184.11 from the Abstract dated October 3, 2013.

**FIRE DISTRICT BUDGETS**

Councilmember Seelos asked Clerk Hay if she received the budgets from the Fire Districts. She answered that she only received Hemlock’s. He will follow up with Livonia and Lakeville.

With no further business, on a motion of Councilmember English seconded by Councilmember Grouse the meeting was adjourned at 7:30 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, Town Clerk