**REGULAR MEETING, TOWN OF LIVONIA**
November 5, 2015

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 Livonia Town Hall, 35 Commercial Street, on November 5, 2015.

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

**ABSENT**: Matt Gascon, Councilmember

**OTHERS PRESENT**: Several residents.

The meeting was called to order by Supervisor Gott at 7:00 PM.
Gene Bolster the pledge.

**SEQRA IS FIRST STEP FOR UNDEDICATING SWEETENERS BLVD**
Supervisor Gott reported that Attorney Campbell has information for the board regarding the next steps to return Sweeteners Blvd. to Sweeteners Plus.

Attorney Campbell informed the board that before the Town can return Sweeteners Blvd. to Sweeteners Plus, we must first establish an easement for Livingston County Water & Sewer Authority (LCWSA) for the water and sewer infrastructure. The easement is subject to State Environmental Quality Review Act (SEQRA) and is considered an unlisted type action.

Since it was the board's pleasure to pursue granting the easement, Attorney Campbell and the Board reviewed and completed the short form.

RESOLUTION 129-2015
**SEQRA RESOLUTION – ADOPT FINDINGS AND DECLARE NEGATIVE DECLARATION**
On motion of Councilmember Grouse, seconded by Councilmember Seelos, the following resolution was

| | | |
|---|---|---|
| ADOPTED | Ayes – | 4 (Gott, English, Grouse, Seelos) |
| | Absent - | 1 (Gascon) |
| | Nays – | 0 |

**REGULAR MEETING, TOWN OF LIVONIA**
November 5, 2015

**WHEREAS**, the Town Board of the Town of Livonia has determined that it is in the best interest of the public for the Town of Livonia to grant a perpetual easement (hereafter "Easement") to and for the benefit of the Livingston County Water and Sewer Authority to lay, relay, construct, reconstruct, maintain, repair, enlarge, replace or remove existing or future water transmission mains or sewer transmission mains in the area commonly known as Sweeteners Boulevard, located in the Town of Livonia, County of Livingston and State of New York; and

**WHEREAS**, the Town Board has authority to undertake such actions pursuant to New York State Town Law §64; and

**WHEREAS**, the Town Board of Livonia has conducted a full and comprehensive single agency review of the proposed action pursuant to 6 New York Code Rules and Regulations §617, the New York State Environmental Quality Review Act (hereafter "SEQRA") and on November 5, 2015 duly issued a Negative Declaration pursuant thereto; and

**WHEREAS**, the Town Board specifically identified the following relevant information with regard to the proposed application for which the SEQRA review was being conducted:

Lead Agency: Livonia Town Board Project # (if any) none
Address: Livonia Town Hall
35 Commercial Street
Livonia, New York 14487

**Title of Action:** **Granting of easement to Livingston County Water and Sewer Authority over and across the roadway commonly known as "Sweeteners Boulevard" located in the Town of Livonia, County of Livingston and State of New York**

**SEQR Status:** Type 1 ____
Unlisted X

**Description of Action:**

The action involves the granting of an easement to and for the benefit of the Livingston County Water and Sewer Authority to lay, relay, construct, reconstruct, maintain, repair, enlarge, replace or remove existing or future water transmission mains or sewer transmission mains in the area commonly known as Sweeteners Boulevard, located in the Town of Livonia, County of Livingston and State of New York, and

**NOW THEREFORE BE IT RESOLVED**, after due deliberation and consideration of all information received concerning the proposed project and after a thorough review of the regulations contained in 6 New York Code Rules and Regulations §617.4(b)(9) and after completing the Short Environmental Assessment Form, the Town Board of the Town of Livonia hereby RESOLVES:

**FIRST:** The Livonia Town Board designates itself as lead agency for purposes of reviewing the project/action in accordance with SEQRA;

**SECOND:** The Livonia Town Board finds and determines that the project/action is an unlisted action pursuant to 6 New York Code Rules and Regulations §617.4(b)(9);

**THIRD:** The Livonia Town Board finds and determines that the project/action will not have a significant effect on the environment for the following reasons:

1. The action authorizes the Town of Livonia to grant a perpetual easement to and for the benefit of the Livingston County Water and Sewer Authority to lay, relay, construct, reconstruct, maintain, repair, enlarge, replace or remove existing or future water transmission mains or sewer transmission mains in the area commonly known as Sweeteners Boulevard, located in the Town of Livonia, County of Livingston and State of New York in such a way that will be in harmony with the area in the immediate vicinity and which will not cause any negative impact on the environment; and

2. The action will help preserve and enhance the health, safety and welfare of the public by preserving and increasing the ability of the Livingston County Water and Sewer Authority to provide public water and sewer to certain businesses and/or inhabitants of the Town; and

**FOURTH:** The Livonia Town Board directs that a negative declaration be prepared consistent with this resolution and in accordance with the requirements of SEQRA.

**COUNCILMEMBER ENTERS MEETING**
Councilmember Gascon entered the meeting at 7:03 PM.

**DISCUSSION REGARDING PROPOSED EASEMENT**
Attorney Campbell introduced the draft easement and explained that it is pretty straightforward. It allows Livingston County Water & Sewer Authority (LCWSA) to operate within the area of the Sweeteners Blvd. to repair, add, etc. water and sewer facilities.

Attorney Campbell added that if the board approves the easement, it will then be subject to the thirty day period for permissive referendum. After the thirty days is up, and if there has been no petition for a referendum, then the Supervisor is able to sign the documents.

Councilmember English asked if this action returns the road to Sweeteners Plus. Attorney Campbell answered no, this is just for the LCWSA to maintain what they have in that area. This needs to be done before the road can be returned to Sweeteners Plus. He pointed out that an easement is not needed now, because the Town owns the road. But if it goes back to a private party, we don't want the LCWSA to be cut off.

Councilmember Seelos asked when the road was dedicated to the Town. Attorney Campbell replied that it was in 1991.

Supervisor Gott remarked that once the road goes back to Sweeteners Plus, they will take on the responsibility of maintenance and repair of that road. The road services Sweeteners Plus and the railroad. Homeland Security has been pressing Sweeteners Plus to take ownership of the road back and in order to provide more security for the facility.

Attorney Campbell explained that we will get releases from the Livingston County Industrial Development Agency (LCIDA) because they own most of the property. We will also need a release from Carl Myer Enterprises, and a release from the railroad. If everyone is not all on board, then we will need to have another discussion.

RESOLUTION 130-2015
**APPROVE EASEMENT SUBJECT TO PERMISSIVE REFERENDUM**
On motion of Councilmember Gascon, seconded by Councilmember Grouse, the following resolution was

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

**WHEREAS**, the Town Board of the Town of Livonia has determined that it is in the best interest of the public for the Town of Livonia to grant a perpetual easement (hereafter "Easement") to and for the benefit of the Livingston County Water and Sewer Authority to lay, relay, construct, reconstruct, maintain, repair, enlarge, replace or remove existing or future water transmission mains or sewer transmission mains in the area commonly known as Sweeteners Boulevard, located in the Town of Livonia, County of Livingston and State of New York; and

**WHEREAS**, the Town Board has authority to undertake such actions pursuant to New York State Town Law §64; and

**WHEREAS**, the Town Board of Livonia has conducted a full and comprehensive single agency review of the proposed action pursuant to 6 New York Code Rules and Regulations §617, the New York State Environmental Quality Review Act (hereafter "SEQRA") and on November 5, 2015 duly issued a Negative Declaration pursuant thereto; and

**WHEREAS,** the Town Board has reviewed the proposed Easement and all other materials prepared in connection therewith; and

**WHEREAS,** the Town Board met on November 5, 2015 to consider the Easement; and

**WHEREAS**, resolutions approving granting of an Easement by a Town Board are subject to a permissive referendum, in accordance with Article 4 and Article 7 of the New York State Town Law.

**NOW, THEREFORE BE IT RESOLVED** that the proposed Easement to the Livingston County Water and Sewer Authority as aforesaid described, a copy of which is on file in the Town Clerk's Office and available for public inspection during normal business hours, be, and the same hereby is, approved subject to permissive referendum; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to execute the proposed Easement benefitting the Livingston County Water and Sewer Authority and all other necessary documentation required in order to give effect to the intent of said Easement after expiration of the time period for filing of petitions demanding a referendum if good and sufficient petitions are not duly filed, or, if so filed, after approval of the qualified voters upon due presentation of a proposition for approval at a duly noticed election therefore; and be it further

**RESOLVED**, that the Town Clerk is authorized and directed to publish notice of such permissive referendum, within ten (10) days from the date hereof, in accordance with Article 7 of the New York State Town Law; and be it further

**RESOLVED**, that this Resolution shall take effect immediately.

**ATTORNEY LEAVES MEETING**
Attorney Campbell left the meeting at 7:15 PM.

**OPEN SESSION**
**Request for Water on Pennemite Road**
Jim Stefano of 3855 Pennemite Road addressed the board asking for public water for Pennemite Road. He said that there have been public developments in Avon in the last ten years and they have public water, yet they don't pay taxes. He said he doesn't think it

is fair that he pays taxes yet can't get public water.
Supervisor Gott explained that those developments do, in fact, pay taxes. They also bring jobs to the area, and sales tax growth. He advised that there was a study done just last year and Pennemite Road did not meet the requirements.

Councilmember Gascon mentioned that he understands how Mr. Stefano feels, because he is not able to get municipal water where he lives either. He expressed frustration at plans by the LCWSA to push water to the jail in Groveland, but he can't get it at his home.

**Request for Speed Limit Reduction on Pennemite Road**
Mr. Stefano also requested a speed limit reduction for Pennemite Road. Supervisor Gott reminded Mr. Stefano that the Town does not dictate speed limits, but he can take the request to the Traffic Safety Board if the Town Board wishes. The Traffic Safety Board could then petition the state Department of Transportation. The Board agreed to this.

Supervisor Gott added that the Sheriff's Department had the speed trailer on Pennemite within the last month. He will see if he can get that information.

**TOWN CLERK'S REPORT AND UPDATES**
**Workplace Violence**
Clerk Hay mentioned that Supervisor Gott asked her to follow up on the requirement for Towns to have a Workplace Violence Policy. She reported that she and Deputy Clerk Holt did some research and discovered that it involves much more than just adopting a policy. In addition to adopting a policy, the Town must conduct a risk evaluation and determine what risk factors are present. Ways to mitigate the risks must be identified and a reporting system must be developed. Finally, information and training must be provided to employees. Clerk Hay expressed that she did not feel qualified to complete all of this by herself.

Supervisor Gott suggested that Clerk Hay assemble a committee to work on this and he offered to serve on the committee. Clerk Hay will try to assemble a committee and set up a first meeting.

**Value Payment Solutions (VPS)**
Clerk Hay informed the board that since she received the Point of Sale credit card terminal, she has not been able to process debit cards. VPS thought at first that the problem was the terminal, and they have replaced it three times. Now they are saying that it must be a problem with the software coding. She is trying to work with them to get this resolved before tax payments start, because the flat rate to use a VISA debit is $3.95, which can be a substantial savings over the 2.45% convenience fee for using that same

card as a credit card.

**October 2015 Financial Report**
Clerk Hay gave the following financial report for October 2015:

| *Paid To* | *Amount Remitted* |
|---|---|
| Supervisor (General Fund) | $2,543.55 |
| County Treasurer for Dog Licenses | $273.00 |
| NYS Comptroller's Office | $0 |
| NYS Ag & Mkts for Spay/neuter Program | $88.00 |
| NYS Environmental Conservation (Hunting/Fishing) | $2,410.28 |
| State Health Department (Marriage Licenses) | $90.00 |
| **Total Disbursements** | **$5,404.83** |

RESOLUTION 131-2015
**APPROVE CLERK'S REPORT**
On motion of Councilmember English seconded by Councilmember Seelos the following resolution was
ADOPTED Ayes – 5 (Gott, English, Gascon, Grouse, Seelos)
Nays – 0

Resolved to approve the October 2015 Town Clerk's Report.

RESOLUTION 132-2015
**APPROVE RECORDS DESTRUCTION**
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 destruction of Town Clerk records per the Records Destruction Authorization Form dated November 2015.

RESOLUTION 133-2015
**APPROVE MEETING MINUTES FROM 10/15/2015**
On motion of Councilmember Grouse 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 October 15, 2015.

RESOLUTION 134-2015
**AUTHORIZE RELEVY OF UNPAID 2015 WATER AND SEWER TO THE 2016 TOWN AND COUNTY TAX BILLS**
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 authorize Livingston County Water and Sewer Authority to relevy all unpaid 2015 special assessments (serial bond debt service) and applicable penalties in the amount of $12,644.06 on the 2016 Town and County Tax Bills.

**STREAMBANK UPDATE**
Supervisor Gott reported that the county has been working on the streambank project on North Gully since Tuesday, and it looks great. They think they will be out of there this coming week. He feels that this work will help the lake in the long run. The County Highway Department stepped up and changed their entire schedule to help us. Supervisor Gott expressed his appreciation.

**NEW YORK MUNICIPAL INSURANCE RECIPROCAL (NYMIR) RATE**
Supervisor Gott stated that NYMIR's rates are going to go up a little bit in 2016. He reminded everyone that for several years, the rate has gone down. He feels that NYMIR does a good job for the Towns.

**GRANT FOR ENGINEERING STUDY FOR GATEWAY ROAD**
Supervisor Gott revealed that the county was awarded a grant to complete engineering and a study on the proposed Gateway Road in the Town of Livonia. The County has hired Clark Patterson Lee. Sweeteners Plus is in favor of the road, and the County will be scheduling a meeting with the railroad. He shared that for twenty years, the Gateway Road was just a line drawn on a map, but now things are finally looking up.

**GENESEE TRANSPORTATION COUNCIL**
Supervisor Gott mentioned that he has been named interim Vice Chair of the Genesee Transportation Council. The Council serves Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, and Yates Counties. He is filling in now, but has been elected to the position permanently starting January 1. He is honored to participate because rural counties don't usually get this opportunity.

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November 5, 2015

RESOLUTION 135-2015
**DUTY POSITION STATEMENT FOR LIBRARY**
Councilmember Grouse reported that the Livingston County Personnel Department is requiring that a new position duty statement be filed for library clerk. This will apply to the two current clerks as well as to the new clerk, Amanda.

On motion of Councilmember Grouse, seconded by Councilmember English, the following resolution was
ADOPTED Ayes - 5 (Gott, English, Gascon, Grouse, Seelos)
Nays - 0
Resolved to approve the new position duty statement for the position of clerk at the Livonia Public Library. Further resolved that this new position duty statement applies not only to the new clerk, Amanda, but also to Marian Coger (hired 4/20/2012) and Eileen Peters (hired 8/20/2010).

**CONGRATULATIONS**
Supervisor Gott congratulated Councilmembers English and Seelos on their re-elections.

RESOLUTION 136-2015
**AUDIT OF CLAIMS 11/5/2015**
Supervisor Gott mentioned that Five Star Equipment cannot provide a loader right away. They have invoiced us for an extended warranty on the current loader. He feels that it is not our fault that they don't have a new loader for us, which would include a warranty. He wants to hold the check to them while he asks Highway Superintendent Dave Coty about it. He asked if the board would approve the bills with exception of that.

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 pay claims 2714-2757 in the amount of $53,391.41 from the Abstract dated 11/5/2015, with the voucher for Five Star Equipment subject to Supervisor Gott's discretion after consulting with the Highway Superintendent.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember English the meeting was adjourned at 7:34 PM. Carried unanimously.

Respectfully Submitted,

_____
Colleen West Hay, Town Clerk