

## **REGULAR MEETING, TOWN OF LIVONIA**

March 19, 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 Livonia Town Hall, 35 Commercial Street, Livonia on March 19, 2015.

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

**ABSENT:** Andy English, Councilmember

**OTHERS PRESENT:** Several Residents.

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

### **PRIVILEGE OF THE FLOOR**

Supervisor Gott declared Open Session. No one wished to speak and Supervisor Gott reminded everyone that the meeting would remain open for comment.

RESOLUTION 35-2015

### **APPROVE MEETING MINUTES FROM 3/5/15**

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

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

Resolved to approve the meeting minutes from March 5, 2015.

### **MARY ANNE THOMPSON DISCUSSES SUSTAINED LIFE AT JACK EVANS COMMUNITY CENTER**

Supervisor Gott introduced Mary Anne Thompson to talk about her ideas for the Jack Evans Community Center (JECC). Ms. Thompson thinks the JECC is a great location, with a lot of potential. The concern is getting people to stop there. She would like to work on making it a destination. Her vision is to work with others to open several businesses in the JECC. The businesses could be run with a mixture of paid staff and volunteers, and eventually they may be able to donate proceeds to a not-for-profit, or even partner with a not-for-profit to provide work for their constituents.

Supervisor Gott reminded the board that at first, Ms. Thompson was asking to be hired to oversee this program, but he indicated to her that the Town was not in a position to hire or pay someone. He told her that they might be able to accept reduced rent for a period of time, and that he would ask Jim Campbell about the legality of that.

Mr. Campbell explained that we have to be careful about allocating public resources for for-profit ventures. In his view, an agreement for reduced rent is better than leaving the space vacant. Even sub-market rent might be okay, or reduced rent for a period of time to allow the venture time to grow. He thinks it depends on what kind of proposals we get. They should bring a proposal to the Town Board for

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consideration. The Board has wanted to make use of the JECC and feel it is under-utilized. This might be a way to increase utilization of that space.

Ms. Thompson asked if it would be helpful to have those businesses come up with a business plan and present that to the Board. Attorney Campbell said yes and the reason is that the board is not in a position to negotiate with unknown quantities. This could be done for any business or a group of businesses.

Ms. Thompson asked if the property in back of the JECC building could be for a community garden or a CSA. Supervisor Gott answered that we would have to see what the proposal is. We have some CSAs in the town already. He thinks it is a good idea to have several different businesses there to create a destination spot, though. He urged them to come up with a business plan that the Board could discuss.

### **CHRISTOPHER COLWELL ADDRESSES TOWN BOARD RE: DOCK LAW**

Mr. Colwell again addressed the Board regarding the dock law. He specifically wanted to know who the people were that were referenced in the Dock Law as “Wilkins Tract Docking Association.”

Mr. Campbell recounted to the Board that this question was answered and the intent was discussed at a previous Town Board meeting. Mr. Campbell is not concerned with whether the Colwells understand or agree with it, but he is concerned whether the Town Board is understanding and ok with his response. He agreed that the Colwells are in a bad situation, but we did not put them there. He is still not comfortable giving interpretations or advice to anyone. In fact, in his opinion, it would be unethical to do so.

Mr. Colwell asked why the Town was reluctant to tell him what the “Wilkins Tract Docking Association” referenced in the Dock Law means. Mr. Campbell reiterated for the Board the remarks he made at the last meeting where this was discussed. Councilmember Grouse expressed that it is not the board’s purview to decide membership of any organization or group of people.

Mr. Colwell again asked how to identify the people referred to in the Dock Law as “Wilkins Tract Association.” Mr. Campbell reminded the board that we cannot do that with any degree of certainty, and unfortunately, there is not a remedy that we can provide to Mr. Colwell.

Supervisor Gott asked Mr. Campbell if this information would be contained in Mr. Colwell’s deed. Attorney Campbell replied that when property is transferred, each transaction is one link in a chain and each link explains various aspects of the property. Those types of rights would find their way to the deed and there would be legal records. He went on to explain that the history of their parcel would be contained in an Abstract of Title, and the information they are looking for might not be in their current deed. There are attorneys that specialize in this aspect of law, and they would be able to do a search to discover what rights Mr. Colwell might have.

Supervisor Gott recommended that Mr. Colwell have his attorney look at his deed and Abstract of Title. Mr. Colwell answered that he has done that and he thinks he has those rights.

### **SWEETENERS BOULEVARD**

Supervisor Gott drew the attention of the Board to a letter we had received some time ago regarding Sweeteners Boulevard. He explained that Attorney Campbell is going to work to make sure that the Livingston County Water & Sewer Authority is satisfied so we can move forward on that.

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### **VITALE PARK RULES**

Supervisor Gott explained that Mo, Shirlee Holler, and Councilmember English got together to review the Vitale Park rules.

- They decided to leave the language regarding bicycles in the rules. If an adult comes in with an expensive bike, Mo will ensure that it is safe. But we will not let people walk their bikes in the park because next thing you know they will be riding them in the park.
- Mrs. Holler asked to limit the number of guests for a reservation to 100.
- Mrs. Holler will continue to take reservations and will work with Mike Lawton on the appropriate level of pay.

Councilmember Grouse pointed out the section that states children should be accompanied by an adult in the rest rooms. She asked if there should be an age listed. After brief discussion, the Board decided not to specify an age.

Councilmember Gascon asked about reservations for the Hemlock Park pavilion. Supervisor Gott stated that we still need to look at it. It would certainly be more convenient for people. The pavilion is quite large and we might be able to rent it as one unit or as two. For now it is still first come, first serve.

Councilmember Seelos asked if it should be in the park rules that only not-for-profits can sell things at the park. Supervisor Gott stated that it has always been a policy, not a park rule.

RESOLUTION 36-2015

### **ADOPT REVISED VITALE PARK RULES**

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

ADOPTED Ayes - 4 (Gott, Gascon, Grouse, Seelos)

Nays - 0

Resolved to adopt the attached revision of the Vitale Park Rules.

RESOLUTION 37-2015

### **ACCEPT RETIREMENT REPORTING FOR SOME TOWN EMPLOYEES**

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

ADOPTED Ayes - 4 (Gott, Gascon, Grouse, Seelos)

Nays - 0

Resolved that the Town of Livonia hereby establishes the standard work days for Library Director, Library Clerks, Assessor, and Recreation Director as 6 hours and will report the officials to the NYS and Local Retirement System based on time keeping system records or their record of activities.

RESOLUTION 38-2015

### **DISCUSS MOWING AND TRIMMING PROPOSALS FOR TOWN PROPERTIES**

Supervisor Gott spoke with Don Wheeler from Double D and found out Don is selling his company.

Supervisor Gott asked for Board approval to advertise for proposals for 2015 using the same specifications as last year.

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On motion of Councilmember Grouse seconded by Councilmember Seelos the following resolution was ADOPTED Ayes - 4 (Gott, Gascon, Grouse, Seelos)  
Nays - 0

Resolved to authorize Supervisor Gott to advertise for proposals for lawn maintenance for 2015 using the same specifications as last year.

**TOWN CLERK TO DISCUSS TAX COLLECTION SOFTWARE PROPOSAL**

Clerk Hay reminded the Board of the discussion at the last meeting regarding tax collection software. She indicated that she followed up with Williamson Law Book regarding their software, however they still have not provided a proposal. She requested that the Board consider moving forward with the purchase of the BAS software for tax collection and online payments. Supervisor Gott mentioned that he was in favor of the purchase.

RESOLUTION 39-2015

**APPROVE PURCHASE OF TAX COLLECTION SOFTWARE AND INTERNET TAX SYSTEM FROM BAS**

On motion of Councilmember Seelos seconded by Councilmember Gascon the following resolution was ADOPTED Ayes - 4 (Gott, Gascon, Grouse, Seelos)  
Nays - 0

Resolved to approve the purchase of tax collection software and internet tax system software from BAS at a cost of \$7,040.

Supervisor Gott reminded the Board that this expense would be listed in the Town Clerk Equipment line and would be transferred at the end of the year so that the expense would come out of Fund Balance.

**REMOTE DEPOSIT CAPTURE**

Clerk Hay also mentioned that Councilmember Gascon brought to her attention someone who was using Remote Deposit Capture through Five Star Bank and was not happy with it. Clerk Hay spoke with the individual, who cited concerns over the time it takes to scan the checks and to deal with occasional errors.

Clerk Hay also spoke with the Livingston County Treasurer and the Caledonia Town Clerk regarding the Remote Deposit Capture that they use. One used Key Bank and one used Bank of Castile, and both were very happy with the time it saves them.

Clerk Hay shared that none of the three people she spoke with are charged a monthly fee for their Remote Deposit Capture. She requested more time to make a decision regarding whether to move forward with this technology or not. She added that she is still considering requesting to change banks to minimize time out of the office for banking duties.

**TOWN HALL SECURITY**

Supervisor Gott shared that he, Clerk Hay, and Building & Zoning Director Adam Backus met with the Sheriff, the undersheriff, and Deputy Yasso concerning employee safety and safeguarding cash.

- Supervisor Gott will be looking at proposals for panic buttons and cameras.
- In addition, Mr. Backus requested that we look at installing a door in the hallway to direct traffic



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Zumba class at Hemlock School. The woman had sent out emails and was making negative comments on social media. Supervisor Gott told the woman that the current instructor pays rent and has provided a certificate of insurance. He added that if the first instructor had been willing to pay rent and provide a certificate of insurance, she could still be in there, but she had not wanted to do that. After speaking with Supervisor Gott, the woman deleted her messages on social media, and sent out an email retraction.

RESOLUTION 41-2015

### **AUDIT OF CLAIMS 3/19/2015**

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

ADOPTED Ayes - 4 (Gott, Gascon, Grouse, Seelos)

Nays - 0

Resolved to pay claims 2090-2128 in the amount of \$47,670.62 from the Abstract dated 3/19/2015.

### **QUESTION ABOUT DONATIONS TO LIBRARY AND PREVAILING WAGE**

Councilmember Grouse reported that at the fund raising committee meeting at the library last night, there was a discussion regarding donations and pledges and gifts-in-kind. Councilmember Grouse asked if there was anything that would have to be addressed with that as far as prevailing wage. She wanted to know if a vendor provides a statement, can we treat that as the value of the donation? Supervisor Gott answered that he thinks if they are working on a municipal project the owner can donate his time, but the employees have to be paid prevailing wage. Attorney Campbell will look at it and get back to Councilmember Grouse. Supervisor Gott added that Mike Lawton might have the answer to that.

### **HIGHWAY DEPARTMENT INVENTORY**

Councilmember Seelos updated the Highway Department Inventory List with the Highway Superintendent. He reported that the GMC is due to be replaced this year, along with the Mack and the front end loader. Supervisor Gott reported that the Highway Superintendent sees some more repairs coming on the Mack. He would like to start looking at used equipment. There is fund balance, and Supervisor Gott said we will have to wait and see at the end of the year.

### **LIBRARY GRANT**

Councilmember Grouse and Library Director Frank Sykes met with the County Grant Writer, Rich Cunningham. They were very pleased with his input regarding looking for funding for the library.

With no further business, on a motion of Councilmember Grouse seconded by Councilmember Gascon the meeting was adjourned at 8:17 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, Town Clerk

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### Town Supervisor

Eric Gott

(585) 746-0620

### Rental Contact

Shirlee Holler

(585) 346-3898

### Park Director

Mo Watson

(585) 261-4285

# Vitale Park Rules

**REMEMBER THAT VITALE PARK IS A PUBLIC PARK  
PLEASE BE RESPECTFUL TO ALL WHO USE THE PARK AND PARK FACILITIES**

1. The park has a carry in – carry out policy. No trash or garbage is to be left in the park.
2. Household pets are allowed, provided that they are in a carrier or on a leash no longer than 6 feet, they are under the control of their owner at all times, the owner has with them proof of current rabies vaccination, and all pet waste is picked up and disposed of in the pet waste receptacle.
3. Driving vehicles on park grounds is prohibited. This includes caterers and supply deliveries.
4. No bicycles, skateboards, roller blades, scooters or acrobatic equipment will be allowed at any time.
5. All children must be supervised by an adult in the rest rooms and on the playground. **THIS IS FOR THEIR SAFETY.** The park or Town is not responsible for un-supervised children.
6. The person that made the reservation for the gazebo or pavilion is responsible for damages and guest behavior. (Limit 100 guests per reservation.)
7. Inappropriate or vulgar language, lewd or immoral behavior **WILL NOT BE TOLERATED.**
8. No tents allowed. Only one (1) free standing canopy no larger than 10' X 20' can be used. No stakes are to be driven.
9. With the rental of a pavilion, the user is allowed six (6) 8' picnic tables. If more tables are needed, renter may bring their own tables (refer to rule #3) or contact the park director prior to the function at 261-4285. Remainder of tables in area are **NOT TO BE MOVED INTO PAVILION AREA.**
10. Sporting activities (football, baseball, Frisbee toss, etc.) are allowed as long as they do not interfere with others using the park.
11. No smoking will be permitted anywhere on the grounds.
12. There will be no rental fee refunds due to inclement weather or cancellations unless a minimum of thirty (30) days notice is received.

**IF PARK RULES ARE NOT FOLLOWED, THE OFFENDERS MAY BE ASKED TO LEAVE THE PARK AREA BY EITHER THE PARK STAFF OR LAW ENFORCEMENT.**