

REGULAR MEETING, TOWN OF LIVONIA

April 2, 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 April 2, 2015.

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

ABSENT: Andy English, Councilmember
Angela Grouse, Councilmember

OTHERS PRESENT: Several Residents.

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

PRIVILEGE OF THE FLOOR

A resident reported that there is a fire hydrant just outside the village lying on the ground by Cavalier’s house (Poplar Hill Rd.). Councilmember Gascon responded that plows have hit a number of hydrants and the parts to fix them are on back order. The resident suggested that painting the hydrants would be a good Eagle Scout project, as many of them are rusty. Supervisor Gott mentioned that Eagle Scouts have done that as a project before.

The resident asked if there are any plans to do something with South Lima Road. Supervisor Gott informed him that South Lima Road is a county road. He will check and get back to the resident.

RESOLUTION 42-2015

APPROVE MEETING MINUTES FROM 3/19/15

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

ADOPTED Ayes - 3 (Gott, Gascon, Seelos)
Nays – 0

Resolved to approve the meeting minutes from March 19, 2015.

TOWN CLERK’S REPORT – MARCH 2015

Clerk Hay gave the following financial report for March 2015:

<i>Paid To</i>	<i>Amount Remitted</i>
Supervisor (General Fund)	\$1,925.51
NYS Comptroller’s Office (Bingo and Games of Chance)	\$0

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County Treasurer for Dog Licenses	\$196.00
NYS Ag & Mkts for Spay/neuter Program	\$132.00
NYS DECALS	\$0
State Health Department (Marriage Licenses)	\$22.50
Total Disbursements	\$2,276.01

TAX COLLECTION REPORT FOR MARCH 2015

Clerk Hay informed the Board that she will have the March Tax Collection Report at the next meeting.

RESOLUTION 43-2015

APPROVE TOWN CLERK'S REPORT

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

ADOPTED Ayes - 3 (Gott, Gascon, Seelos)
Nays - 0

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

RESOLUTION 44-2015

APPROVE BAS CONTRACT

Clerk Hay presented the BAS contract for approval. Attorney Campbell stated that he has reviewed the contract. He wanted to make the Board aware that the contract is for a two-year term and it has an automatic renewal. The termination clause is only for cause. He would prefer a termination ability on either side with 30-90 days' notice, however he thinks it is unlikely that BAS will modify the contract for the Town.

Clerk Hay commented that she has checked with other clerks who have the program and they really like it. The company has been around for a number of years, and they currently supply the Town with the Clerk program. The Councilmembers Gascon and Seelos stated that they are okay with the terms of the contract as long as Clerk Hay is okay with it.

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

ADOPTED Ayes - 3 (Gott, Gascon, Seelos)
Nays - 0

Resolved to authorize Clerk Hay to sign the contract with BAS for Tax Collection System and Value Payment Systems for credit card processing.

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RESOLUTION 45-2015

AUTHORIZE DESTRUCTION OF TOWN CLERK RECORDS

Clerk Hay presented the Records Destruction Authorization Form for the Town Clerk Department dated April 2015.

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

ADOPTED Ayes - 3 (Gott, Gascon, Seelos)
Nays - 0

Resolved to authorize Clerk Hay to destroy Town Clerk Records per the Destruction Authorization Form dated April 2015.

RESOLUTION 46-2015

LITTLE LAKES YOUTH TRIATHLON

Supervisor Gott informed the Board that the Village Mayor is willing to once again share a \$500 sponsorship for the Little Lakes Youth Triathlon. Each municipality would contribute \$250.

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

ADOPTED Ayes - 3 (Gott, Gascon, Seelos)
Nays - 0

Resolved to contribute \$250 to share a sponsorship of the Little Lakes Youth Triathlon with the Village of Livonia.

FIBER FESTIVAL

Supervisor Gott reported that the Annual Fiber Festival would like to use the Jack Evans Community Center once again. The Board approved.

BOARD OF ASSESSMENT REVIEW

Supervisor Gott shared that Peter Dougherty has decided not to be appointed to the Board of Assessment Review (BOAR). Councilmember Seelos will work with the Conesus Lake Association (CLA) to try to recruit someone who lives on the lake. Barry Shapiro resigned because he is moving out of town. He was a lake resident, and the Town Board would like to continue to have representation on the BOAR from that area.

UPDATE REGARDING PERMIT FOR BREAKWALL PROJECT

Attorney Campbell updated the Board that the Building & Zoning Department is dealing with an issue regarding permitting for a breakwall project on Conesus Lake. Josh Lawncare and Landscape is doing the work and they are refusing to get a flood plain permit.

Attorney Campbell revealed that there have been a number of these issues in the past few years involving Josh Lawncare and Landscape. The permit is only \$35, however the owner of the business thinks it is a DEC issue and that the Town has no say.

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The DEC permit does say that it does not negate any local regulations, and according to our code, a Flood Plain Permit is required.

The Town of Livonia recognizes that Conesus Lake is an environmentally sensitive area. Part of the Building & Zoning Director's job is to ensure that those jobs are done responsibly. Because Josh Lawncare and Landscape refuses to obtain the Flood Plain Permit, Mr. Backus issued a stop work order today.

Mr. Campbell wanted the Board to be informed in case they hear any complaints. He explained that the business owner's opinion that the Town has no jurisdiction is not true. The Town regulates docks and other matters on the lake and also has the power to regulate this matter. Other contractors are complying by obtaining permits, but this one company is not.

Attorney Campbell advised Mr. Backus that his only recourse at this point is to issue a Stop Work Order or to issue a citation to the property owner. We might have to issue the citation to the homeowner, but we would rather deal with the contractor. The contractor's non-compliance is not the homeowner's fault.

Mr. Campbell advised that this is a reasonable requirement to our code. The contractor has been complaining that other towns on the lake do not require a Flood Plain Permit, and he feels that Mr. Backus is picking on him. Mr. Campbell pointed out that Livonia has always been a leader on the lake and has led the way regarding much of what has been done in regards to the lake. Mr. Campbell doesn't think there is any issue about our right to have that requirement in the code. Mr. Backus is trying very hard to be diplomatic and needs the support of the Board.

RESOLUTION 47-2015

AUDIT OF CLAIMS 4/2/2015

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

ADOPTED Ayes - 3 (Gott, Gascon, Seelos)
Nays - 0

Resolved to pay claims 2129-2161 in the amount of \$49,870.47 from the Abstract dated 4/2/2015.

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

Respectfully Submitted,

Colleen West Hay, Town Clerk