

REGULAR MEETING, TOWN OF LIVONIA

September 3, 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 September 3, 2015.

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

ABSENT: Angela Grouse, Councilmember

OTHERS PRESENT: Several residents.

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

OPEN SESSION

A resident asked about an article that was in the Livingston County News regarding storm water overwhelming the sanitary sewer system. He stated that he thought when they redid the streets in the village they checked for illegal connections. Supervisor Gott replied that the headline of the article was misleading, because it is the Livingston County Water and Sewer Authority (LCWSA) that is investigating illegal connections, not the Town of Livonia. The LCWSA reports that there is three times the normal volume of sewage when it rains, and they have found that much of that water enters the system from the Village of Livonia. They will continue to work on this issue.

RESOLUTION 98-2015

APPROVE MEETING MINUTES FROM 8/20/2015

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

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

Resolved to approve the meeting minutes from August 20, 2015.

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TOWN CLERK'S REPORT AND UPDATES

Financial Report – August 2015

Clerk Hay stated that she has the monthly financial report, however Supervisor Gott has not received the bank statements yet. She will bring them to the next meeting for the board to review.

Newsletter

- September newsletter has been posted.
- There are currently 27 subscribers to the newsletter.

Credit Cards

- Credit card receipts totaled \$1,355.50 for the month of August 2015.

Licensing Dogs Via Web Site

Clerk Hay reported that there was an online dog renewal in August, and the person learned about renewing her dog's license online through the Town Newsletter. Information about how to renew online was included with the September renewal notices.

DECALS

Many clerks in Livingston County have reported log-in issues with the new system. As president of the Livingston County Town Clerks Association, they asked Clerk Hay to reach out to the DEC with concerns and suggestions, which she has done.

Records Management

Clerk Hay asked the board if they were planning on moving forward with Laserfiche in the next year or not, so that she could prioritize Deputy Clerk Holt's work load. Supervisor Gott asked Clerk Hay to talk to Robin Carll at the school about data back-up and get firm numbers for Laserfiche to have at the next meeting. This will help the board consider this at budget time.

August 2015 Financial Report

Clerk Hay gave the following financial report for August 2015:

<i>Paid To</i>	<i>Amount Remitted</i>
Supervisor (General Fund)	\$2,919.45
County Treasurer for Dog Licenses	\$392.00
NYS Ag & Mkts for Spay/neuter Program	\$146.00
NYS DECALS	\$4,600.52
State Health Department (Marriage Licenses)	\$247.50
Total Disbursements	\$8,305.47

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RESOLUTION 99-2015

APPROVE CLERK'S REPORT

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

ADOPTED Ayes – 4 (Gott, English, Gascon, Seelos)
Nays – 0

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

LIBRARY PROJECT

Supervisor Gott announced that people were overwhelmingly in favor of the library expansion and renovation project according to the public opinion poll. He asked Attorney Campbell to update the board on next steps.

Attorney Campbell explained that the most critical component from the Town's perspective is financing the project. Borrowing for public works has a higher degree of complexity. The Town will need a bond resolution and hire a bond counsel, which is an attorney licensed and insured to do bond work in New York State. Attorney Campbell recommended Charles Schachter from Harris Beach to work in that capacity.

Attorney Campbell explained that if hired, Mr. Schachter will prepare a bond resolution, and adoption of that resolution is what will trigger the clock to start for the permissive referendum, which is required for all borrowing.

RESOLUTION 100-2015

AUTHORIZE ATTORNEY CAMPBELL TO ENGAGE THE SERVICES OF CHARLES SCHACHTER AS BOND COUNSEL

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

ADOPTED Ayes – 4 (Gott, English, Gascon, Seelos)
Nays – 0

Resolved to authorize Attorney Campbell to engage the services of Charles Schachter from Harris Beach as bond counsel and to prepare a bond resolution.

Supervisor Gott added that in two weeks we can have that resolution. Given the results of the public opinion poll, he does not expect any issue with the referendum.

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CONTINUED DISCUSSION REGARDING LIBRARY FINANCING

Attorney Campbell advised that in order for Mr. Schachter to create the bond resolution, he will need to know the maximum cost for construction and how much of that the Town plans to borrow. He cautioned that the board should give careful consideration to those amounts, because the process to amend the amounts upward is significant. Supervisor Gott replied that the amount that was discussed at the library information meetings and that was published on the presentation materials was \$2.1 million maximum for construction, with the Town to borrow \$1.7 million. We will also need to spend another \$200,000 for circulation materials. Grants and fundraising are to fill in the gap between the amount borrowed and the maximum construction.

Mae Sharman explained that the Library Board had hoped that if they raised more money than they need, they could make some upgrades to the design, such as siding the building with brick. Attorney Campbell revealed that even if they raise more money, they cannot use it to add to the cost of construction. The resolution needs to specify the maximum project cost and the maximum borrowing. If the fundraising committee raises more money than they originally planned, then those funds would reduce the borrowing, not allow them to spend more. He added that you have to be careful, because some people might feel that a certain cost is appropriate, and to spend more is not, even if we don't borrow more to do it.

Ms. Sharman asked: if we are not increasing borrowing, then why would people object? Attorney Campbell responded that some people might think that those dollars should be used to defray debt, or used elsewhere. He asked the Town Board if this is not the project that we might be able to end up with; do we want to slow down the process? He cautioned that legally we would be moving in a way that is strictly defined, so we need to be sure about the figures we are using.

Town Board members discussed this and they all expressed that they feel that because the maximum was announced as \$2.1 million, then we should stick with that. Ms. Sharman asked: what if a donor asked if they could pay for the façade so that it can be brick? Mr. Campbell replied that it would still be a legal problem that would require additional paperwork.

Ms. Sharman stated that she doesn't think that anyone wants to slow this project down. Attorney Campbell mentioned that the actual cost might be more or less, just depending on what you run into. If we state \$2.1 million is the maximum cost, and we exceed it for something that is not a necessity, then that is a problem.

Attorney Campbell offered to talk with Mr. Schachter about contingency issues and get information about what kind of latitude we might have if something unexpected comes

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up. He explained that changes due to necessity are easier to deal with than change of idea. He added that if we were doing this out of strictly donations or fund balance, there would be legal flexibility, but not when we have to borrow money.

RESOLUTION 101-2015

SET MAXIMUM PROJECT COST AND MAXIMUM BORROWING FOR BOND RESOLUTION

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

ADOPTED Ayes – 4 (Gott, English, Gascon, Seelos)
Nays – 0

RESOLVED to set the maximum cost of the Library project at \$2.1 million and the maximum borrowing at \$1.7 million for the bond resolution.

RESOLUTION 102-2015

APPROVE 2015/2016 SNOW AND ICE CONTROL CONTRACT

Supervisor Gott informed the Board that we have received the 2015/2016 Snow and Ice Control Contract and it does include a \$500 increase in the per mile reimbursement.

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

ADOPTED Ayes – 4 (Gott, English, Gascon, Seelos)
Nays – 0

RESOLVED that pursuant to Highway Law Section 135-a providing for snow and ice control on County Roads within the Town, the Supervisor and the Town Highway Superintendent be and they are directed to execute a contract with the County Highway Superintendent of the County of Livingston for the Town to undertake and perform snow and ice control on county Roads located in the Town for the period beginning October 15, 2015 and ending October 14, 2016 at the rates therein provided.

RESOLUTION 103-2015

PAY OFF HEMLOCK SEWER DISTRICT B.A.N.

Supervisor Gott directed the board to an email from Bookkeeper Mike Lawton regarding paying off the Hemlock Sewer District B.A.N. He stated that paying off the Hemlock Sewer B.A.N. early would lower the overall payment and lower the debt. It would also save us the cost of the bond counsel. Councilmember Gascon asked if the auditors would

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like this. Supervisor Gott stated that the auditors don't like interfund transfers. Attorney Campbell added that the Comptroller and the Attorney General like you to pay off debt, and reduce fund balances, but interfund transfers are required by law to be paid back in same year they are made. In practice that almost never happens.

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

ADOPTED Ayes – 4 (Gott, English, Gascon, Seelos)

Nays – 0

RESOLVED to pay off the Hemlock Sewer District B.A.N. with an interfund loan in the amount of \$276,000.

RESOLUTION 104-2015

ESTABLISH TEAM TO NEGOTIATE UNION CONTRACT

Supervisor Gott stated that it is time to negotiate the union contract with the Highway Department. He suggested that he and Councilmember English negotiate for the Town. Attorney Campbell is going to look at the contract to see if he is interested in negotiating. The attorney who used to do this for the Town, David Lippit, has retired. The current contract expires December 31, 2015.

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

ADOPTED Ayes – 4 (Gott, English, Gascon, Seelos)

Nays – 0

RESOLVED to authorize Supervisor Gott and Councilmember English to negotiate the Union contract with the Highway Department on behalf of the Town of Livonia.

SALT STORAGE BARN

Supervisor Gott announced that the back wall of the salt storage barn started to tip over three weeks ago. He made a call to Chanler Agency. Mike Barnard and Larry VanNorman pulled the wall back and replaced trusses for about \$6,500. We are hoping that insurance will offset some of that cost. The building is secure and safe now.

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RESOLUTION 105-2015

**SET BUDGET WORKSHOP MEETING AND PUBLIC HEARING ON
PROPOSED BUDGET**

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

ADOPTED Ayes – 4 (Gott, English, Gascon, Seelos)
Nays – 0

RESOLVED to conduct the Budget Workshop meeting on October 8 at 7 PM at the Town Hall; and further

Resolved to set the Public Hearing on the 2016 Proposed Budget on October 15 at 7 PM at the Town Hall.

RESOLUTION 106-2015

AUDIT OF CLAIMS 9/3/2015

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

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

Resolved to pay claims 2579-2610 in the amount of \$33,969.69 from the Abstract dated 9/3/2015.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Seelos the meeting was adjourned at 7:45 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, Town Clerk