

REGULAR MEETING, TOWN OF LIVONIA
December 1, 2016

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 December 1, 2016.

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 Town Board meeting was called to order by Supervisor Gott at 7:00 PM. Councilmember Seelos led the pledge.

OPEN SESSION

Hogan Property: Shane Treuthart, from 4676 East Lake Rd. addressed the Board regarding a neighboring property, 4682 East Lake Rd., previously owned by Reginald Hogan. Mr. Treuthart stated that he and his wife, Jennifer, are concerned about the property, and they believe that it is a safety hazard. The house used to be owned by Reginald Hogan, who has since passed away. The structure partially burned in a fire on March 8, 2015. The home is now vacant and continues to fall down. Mr. Treuthart asked how we can make the property safe.

Attorney Campbell replied that dealing with this property has been a challenge because Mr. Hogan did not have fire insurance. Therefore, there is no financial mechanism to clean the property up, dispose of the debris and make the property useable. Mr. Campbell reported that he has been in touch with Mr. Hogan's son, Jason Hogan. Jason thought that he had the property sold, but then he found out that there are liens on the house, so the deal fell through. It doesn't look likely that someone will buy it at this point. Mr. Campbell went on to explain that he doesn't know how the liens were placed – whether they were judgments or mortgage liens. If the liens are judgments, they will go away eventually, but if there are mortgage liens on the property it will be more complicated.

Mr. Campbell shared that there is an untried mechanism in the Town of Livonia's Code to deal with property maintenance issues, but he feels that this is going to be an expensive fix.

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Mr. Treuthart added that when he checked into it, the expense to clean it up was going to be about \$8-10,000, plus at least \$6,500 in back taxes.

Mr. Campbell reported that he and the prior Code Enforcement Officer, Kevin Masterson, wrote the local law with the Swalbach property in mind. He reminded everyone that the Swalbach property is right on the water on Hartson Point and is in severe disrepair. The law was created to allow us as a Town to clean it up, and with the approval of a Supreme Court judge, to recoup the costs by relevyng them onto the tax bill. The law has never been tested, however.

Mr. Campbell advised that even if the Town cleaned up the Hogan property and was able to relevy the expenses, there are already people in line to receive money if there is any money to be had. He stated that these are very unusual circumstances.

Supervisor Gott mentioned that if no one is going to pay the taxes on the property, the County could foreclose on it, which would likely wipe out the liens. The County cannot foreclose until the taxes have not been paid for three years. He offered to check on that tomorrow and get back to Mr. Treuthart. Attorney Campbell explained that that might be the best avenue, because the County is the only entity with the ability to cut off those liens.

Mr. and Mrs. Treuthart asked if the Town could do anything in the meantime to secure the property. Even though the front door is boarded and there is a sign on the garage door, they have seen kids getting curious and wandering in to look around. Supervisor Gott asked Attorney Campbell if the Town could spend some money to secure the property better. Mr. Campbell answered yes, and he suggested that the Treutharts show us where people are getting in so those entryways can be better secured. Mrs. Treuthart cautioned Supervisor Gott to be careful if he visits the property because glass continues to fall out of windows and the building continues to fall down.

RESOLUTION 155-2016

APPROVE MEETING MINUTES

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

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

Resolved to approve the meeting minutes from November 17, 2016.

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TOWN CLERK'S UPDATES – 12/1/2016

Financial Report

- Clerk Hay reported that November's financial report is not completed because the bank statements are not ready. She will have the report at the next meeting.

Dog Census

- Clerk Hay reported that her office continues to work with Livingston County Dog Control to follow up on licensing dogs that were discovered through the census. There are still over 60 unlicensed dogs whose owners have not licensed them.
- Deputy Clerk Liesegang is working with the property managers/homeowners association for Old Meadow Court to ensure that all the dogs in that neighborhood are licensed.

Local Government Records Management Improvement Fund Grant

- Image Data reports that they are half way through scanning the SBL files that were sent to them. They have not started the Planning files or Minutes. They report that the scanning is going well.
- Building & Zoning Assistant Jim Kier has finished preparing the maps that Code Enforcement Officer Adam Backus wants scanned.
- We are still working on the SBLs and additional Planning records that were in the vault.
- We have not received an invoice for the scanning that has been done to date, but Clerk Hay will monitor the scanning expense to ensure that we have as many Building and Planning records scanned as possible without going over budget.
- Hurricane Technologies came and installed a 1 Gig switch, which will help our records access speed. Their quote was \$470 for the part and labor, while CMIT's quote was \$860. We will not be able to recoup this cost from the grant, but it was a needed project expense. Supervisor Gott approved purchasing the switch from Hurricane Technologies and having them install it.
- Laserfiche installation is scheduled for December 12 and training on December 13.

RESOLUTION 156-2016

APPROVE TOWN CLERK REPORT

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

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

Resolved to approve the Town Clerk report.

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RESOLUTION 157-2016

AUTHORIZING THE TOWN OF LIVONIA TO ENTER INTO CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF STATE TO COMPLETE THE WILKINS CREEK SUBWATERSHED STORMWATER STUDY

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

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

WHEREAS, the Town of Livonia submitted an application to the NYS Department of State under the Local Waterfront Revitalization Program to protect Conesus Lake water quality through a stormwater study of the Wilkins Creek Sub-watershed, a tributary to Conesus Lake, and

WHEREAS, application was submitted on behalf of the Town of Livonia and the Village of Livonia, and

WHEREAS, the New York State Department of State approved the 2015 application for \$28,000, which includes \$3,000 cash match from the Town of Livonia, \$3,000 cash match from the Village of Livonia, and \$8,000 in-kind match from the Livingston County Planning Department and project partners, and

WHEREAS, the NYS Department of State established contract number T1000682 with the Town of Livonia authorizing responsibility for maintaining for maintaining and processing all fiscal records associated with the program to the Town of Livonia, now therefore be it

RESOLVED, that the Town of Livonia does hereby authorize the execution of the contract with the New York State Department of State for the project, and be it further

RESOLVED, that the Supervisor of the Town of Livonia is hereby authorized to sign necessary contract documents, and any amendments thereto, with the New York State Department of State.

RESOLUTION 158-2016

RE-APPOINT COUNTY PLANNING BOARD MEMBERS

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

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

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Resolved to re-appoint Bill Weber and Jack Sparling (Alternate) to the County Planning Board.

SUPERVISOR REPORT

Decorations: Supervisor Gott recognized Clerk Hay's office for decorating the lobby and Councilmember Seelos for decorating the tree outside.

Highway Department Staffing: Supervisor Gott informed the Board that Highway Superintendent Dave Coty approached him to see if there is any interest in keeping PJ Dwyer on to learn plow routes. He added that Dan Fox will be back to work for the Highway Department on Monday. After brief discussion, the Board decided not to keep Mr. Dwyer on.

UTV Gator for Vitale Park: Supervisor Gott reported that he sent out an "Intent to Purchase" communication the other day regarding the Gator for Vitale Park. We should have it next week.

Highway Department Equipment Purchases: Supervisor Gott said that we do not have any word from John Deere on the loader, Dave Coty has not had an opportunity to order a pickup truck, the 10-wheeler is ordered from Peterbilt, and we are scheduled to have the plow from Tenco installed in March.

Education Building at Vitale Park: Supervisor Gott revealed that he hopes that the old Conesus Lake Association (CLA) building at Vitale Park will be demolished before the end of the year and that the foundation for the new education center will be in the ground by first of year. We have the stone, and Highway Superintendent Coty will haul it down there when it is time. Councilmember Gascon talked to the park manager about taking the light off the CLA Building to put on the Chip Holt Nature Center.

Library Roof: Supervisor Gott expressed that the Library project continues to go well. He added that the roof on the library needs to be replaced, but it does not have to be done immediately. Library Manager Frank Sykes would like the roof to be replaced now, while they are doing the addition/renovation project so that it all matches. The cost will be about \$16,000. Senator Young has committed \$8,000 to be used at the Library's discretion. The remaining expense will have to come out of the Library's fund balance and operating budget.

Hemlock Park: Supervisor Gott mentioned that Brian Diehl forgot to shut the water off at Hemlock Park because it has been so nice, but it is shut off now.

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Jack Evans Community Center (JECC): Supervisor Gott informed the Board that Mike Barnard has stated that the Little Lakes group is not sure that they are interested in the JECC. Councilmember English interjected that Bob Nilsson says the group is still pursuing their 501(c)3 status. Supervisor Gott expressed that he does not want to do anything with the building if they are interested in it, but if they are not interested, he doesn't want to wait.

RESOLUTION 159-2016

AUDIT OF CLAIMS

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

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

Resolved to pay claims 894 to 926 in the amount of \$274,177.80 from the Abstract dated 12/1/2016.

Joint Meeting with Village: Councilmember Seelos reminded everyone that the next meeting will be a joint meeting with the Village on December 14th at 7 PM at the Village Hall to appoint a Livonia Joint Fire District Commissioner.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember English the meeting was adjourned at 7:28 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, Town Clerk