

REGULAR MEETING, TOWN OF LIVONIA
April 21, 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 April 21, 2016.

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

OTHERS PRESENT: Several Residents.

The Town Board meeting was called to order by Supervisor Gott at 7:03 PM. Alicia Gascon led the pledge.

PUBLIC HEARING ON PROPOSED LOCAL LAW #1-2016 – TO AMEND CHAPTER 150 OF THE CODE OF THE TOWN OF LIVONIA, LIVINGSTON COUNTY, NEW YORK TO MODIFY SECTION 150-40D TO ALLOW A NEW PERMITTED USE UPON APPROVAL OF A CONDITIONAL USE PERMIT

Following distribution of the proposed Local Law to the Town Board members on March 3, 2016, Notice of said Public Hearing was duly published in the Livingston County News on April 7, 2016 with same being posted on same date at the Town Hall, Livonia Post Office and on the web site at www.livonianyny.org.

A Zoning Referral Form was submitted to the Livingston County Planning Board.

In addition, the following interested parties were notified of the public hearing: Towns of Geneseo, Avon, Conesus, Lima, Richmond, and Canadice.

Clerk Hay read the Notice of Hearing for the record.

Attorney Campbell briefly reviewed the proposed local law with the Board.

Supervisor Gott declared the Public Hearing open at 7:06 PM and asked for comments from the Board and those in attendance. No one wished to speak.

PRIVILEGE OF THE FLOOR/OPEN SESSION

Councilmember English reported that he has a price of \$1,160 for striping and sealing the basketball court at Vitale Park. The Board was in favor of moving forward with that.

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RESOLUTION 56-2016

APPROVE MEETING MINUTES FROM 4/7/2016

On motion of Councilmember Grouse 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 April 7, 2016

DISCUSSION: SWEETENERS BLVD

Attorney Campbell reminded the Board that Sweeteners Plus has requested that Sweeteners Blvd. be transferred back to them for purpose of meeting their obligation for security, as requested by Homeland Security. Highway Superintendent Dave Coty has approved the request. Attorney Campbell remarked that the road functions to serve Sweeteners Plus and the railroad, but it is not really a public thoroughfare.

Attorney Campbell advised the Town Board that Highway Law allows the Town to declare a road unneeded and enables the Town to discontinue maintenance and responsibility of that road, at the written request of an applicant (Sweeteners Plus), when endorsed by the Highway Superintendent. We are also required to get releases/easements from adjacent property owners.

Attorney Campbell asked if the Board had any questions. Councilmember Seelos asked for the history of when and why the Town took dedication of that road. Attorney Campbell answered that it was in December of 1991, but he did not know the rationale that was posed at the time.

Councilmember English stated that he understands why Mr. Hooker wants to do this, and shared that he feels we should have given it back to them years ago. He said he was upset that the Town has spent thousands of dollars maintaining the road, and if he could charge them back for it, he would. He added that there is not much community involvement from Sweeteners Plus and he is upset about that as well.

Attorney Campbell advised that the lesson to be learned is that when the Town takes something in dedication there should be a public purpose for it.

RESOLUTION 57-2016

A RESOLUTION CONSENTING TO THE HIGHWAY SUPERINTENDENT'S ORDER DISCONTINUING THE HIGHWAY/DEDICATED ROAD KNOWN AS "SWEETENERS BOULEVARD" PURSUANT TO NEW YORK STATE

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HIGHWAY LAW §171 SUBSECTION 2.

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

ADOPTED by ROLL CALL VOTE

- Supervisor Gott – Aye
- Councilmember Seelos – Aye
- Councilmember English – Nay
- Councilmember Grouse – Aye
- Councilmember Gascon - Aye

WHEREAS, the Town Highway Superintendent and the Town have received a written application from the contiguous owners of the dedicated highway/roadway known as “Sweeteners Boulevard” requesting such highway/roadway to be discontinued pursuant to New York State Highway Law §171, subsection 2; and

WHEREAS, the Town Highway Superintendent and the Town have received written releases from all damages from the owners of lands taken or affected by such discontinuance and the consideration for such releases has been agreed upon by the owners and the Highway Superintendent pursuant to Highway Law §171, subsection 2; and

WHEREAS, the Town Highway Superintendent believes that the subject highway/roadway has become useless for public purposes since it was laid out and accepted for dedication and that it would be in the best interest of the Town of Livonia to discontinue such highway/roadway and is requesting that the Town Board provide its written consent by way of the within Resolution; and

WHEREAS, the Town Board of the Town of Livonia desires to memorialize its consent to discontinue the highway/roadway known as “Sweeteners Boulevard” as it has become useless for public purposes since it was laid out and accepted for dedication;

NOW, THEREFORE BE IT RESOLVED as follows:

1. That the Town Board of the Town of Livonia acknowledges receipt of a written application from the contiguous owners of the dedicated highway/roadway known as “Sweeteners Boulevard” requesting such highway/roadway to be discontinued pursuant to New York State Highway Law §171, subsection 2; and
2. That the Town Board of the Town of Livonia acknowledges receipt of written

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- releases from all damages from the owners of lands taken or affected by such discontinuance and the consideration for such releases has been agreed upon by the owners and the Highway Superintendent pursuant to Highway Law §171, subsection 2; and
3. That the Town Board believes that the subject highway/roadway has become useless for public purposes since it was laid out and accepted for dedication and that it would be in the best interest of the Town of Livonia to discontinue such highway/roadway; and
 4. That the Town of Livonia hereby consents to the Town Highway Superintendent making an Order pursuant to New York State Highway Law §171 subsection 2 to discontinue the entirety of the formerly dedicated highway/roadway currently known as “Sweeteners Boulevard” and authorizes the Town Clerk to file and record at the Office of the Livingston County Clerk such Application, Order, written Consent of the Town Board and Releases as required by Highway Law §171.

RESOLUTION 58-2016
AUTHORIZE ADVERTISEMENT FOR LIBRARY BIDS

The Board discussed advertising for bids for four contracts for the Library project. Bid packets will be available from Passero for a fee of \$25. One print copy of the bid packet will be available at the Town Hall for viewing. Supervisor Gott suggested running the advertisement for two weeks in the Livingston County News.

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 authorize Clerk Hay to place an advertisement in the Livingston County News for two weeks to request sealed bids for four contracts for the Livonia Public Library Addition & Renovation Project: Contract A – General Trades; Contract B – Plumbing & Fire Protection; Contract C – HVAC; and Contract D – Electrical.

DISCUSSION: HEMLOCK LAKE PARK PROJECTS

Supervisor Gott reported that he and Councilmember Gascon went to Hemlock Lake Park and made a list of needs. He reviewed the list with the Town Board:

- The pavilion and bathroom both need a new roof. Larry VanNorman gave a price of \$18,250 for labor and materials if doing a steel roof for both. Supervisor Gott stated that the pavilion must be done soon, but the bathroom could possibly wait.

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Supervisor Gott shared that he prefers a steel roof because it will last much longer than shingles. If the board decided to go forward, we would not have to bid it out.

- Two new grills are needed at the pavilion. Supervisor Gott found prices online for 48” grill tops at \$424.95 each. He would like to see the Town purchase two.
- The pavilion needs scraping, painting and repair of trim on the pillars. There is an individual who needs 100 community service hours, and Chief Yasso could send the trustees to help too. All the Town would have to pay for is the supplies. Supervisor Gott would like to ask Larry VanNorman to replace the trim pieces on the pillars when/if he does the roof.
- There were potholes in the driveway, and Dave Coty has already fixed them.
- Additional picnic tables are needed. Smith Lumber has picnic tables with a steel frame and pressure treated wood for \$130.59 each. Supervisor Gott would like to purchase six new tables. In addition, someone from Conesus donated a picnic bench in memory of their brother. Supervisor Gott shared that that will be installed at Hemlock Lake Park as well.
- Small grills for throughout the park: Supervisor Gott found grills online for \$154.95 each and he would like to purchase six.
- More parking is needed at the park. He would like to add two sixty-foot parking areas off Rix Hill Road, and add parking on the left side of access road, across from the existing parking. Dave Coty is working on that now.
- We need a flag pole for the park. Councilmember Gascon is working on getting proposals. He would like to get the American Legion involved in dedicating the flag pole.
- The pine trees need mulching. Supervisor Gott is asking Dave Coty to drop off bulk chips, and Supervisor Gott can ask Chief Yasso’s men to spread them out.
- Dave Coty plans to redo Boat Launch Road this year.

Discussion followed. The Board was in favor of the improvements and repairs. They agreed that a metal roof would be better than asphalt shingles. Supervisor Gott reported that there is money in the park maintenance budget line, and we have contingencies and fund balance to draw from if needed. He added that the new sign for the park created by an Eagle Scout candidate looks good.

Councilmember Gascon suggested that the Town add another pavilion to the park eventually.

RESOLUTION 59-2016
HEMLOCK LAKE PARK REPAIRS/PURCHASES

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

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

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Nays – 0

RESOLVED to authorize the above listed repairs and purchases for Hemlock Lake Park not to exceed \$25,000.

RESOLUTION 60-2016

APPOINT COUNCILMEMBER GASCON LIAISON TO CHNC

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

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

Nays – 0

RESOLVED to appoint Councilmember Gascon as liaison to the Chip Holt Nature Center.

RESOLUTION 61-2016

SPONSOR LITTLE LAKES YOUTH TRIATHLON

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 sponsor the Little Lakes Triathlon, along with the Village of Livonia, for a cost of \$250.

UPDATE ON CHIEF YASSO'S WORK CREW

Councilmember Grouse recounted that Chief Yasso's work crew did outstanding job at Bowen Park. Supervisor Gott added that the Sheriff's department has increased patrols of the Rix Hill Road area and cleaned up the garbage.

TENTATIVE BULK CLEAN-UP DATE

Supervisor Gott suggested that the Bulk Clean-up be held June 11, 2016 from 7 to 10 AM. The Board was in favor of the date, provided that Shanks is available. Supervisor Gott will communicate with Lee Shanks about having everything set up the night before, confirm that the price will be the same as last year, and confirm their availability on that date. He informed the board that we will need a new list of items that are not accepted, and he will get that to Clerk Hay.

UPDATE - DRAINAGE ISSUE IN LAKEVILLE

Building & Zoning Director Adam Backus asked Supervisor Gott to talk to the Board

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regarding the drainage issue affecting Pizza Paul's new parking lot and the adjacent entrance to Vitale Park in Lakeville. Supervisor Gott reported that Highway Superintendent Dave Coty is not sure how to drain the area. Clark Patterson estimates that a drainage plan will cost four to five thousand dollars. Supervisor Gott would like Clark Patterson to contract directly with Pizza Paul's for their part of the project, and the Town will do the same. It needs to be a coordinated effort, however each entity needs to be responsible for their own costs.

JACK EVANS COMMUNITY CENTER UPDATES

Councilmember Grouse asked if Supervisor Gott received the list of not-for-profits from Mary Grace Krest that was promised at the last meeting. Supervisor Gott indicated that he has not received any such list.

Councilmember Grouse asked if Clerk Hay would scan and email the proposal from Mary Grace Krest that was submitted at the last meeting. Clerk Hay indicated that she would do so.

Supervisor Gott informed the Board that Sheila Staley has always kept the schedule for the Jack Evans Community Center and provided security and cleanup services. Supervisor Gott was recently made aware, however that Mary Ann Thompson is scheduling events without going through Ms. Staley. He also heard that Ms. Thompson has a key to the building. He wanted to assure the Board that he has not authorized Ms. Thompson to have a key or schedule events without going through Ms. Staley.

In addition, Supervisor Gott found a web site that refers to the Jack Evans Community Center as the "Hemlock Community Center." The web site instructs people to call Ms. Thompson to schedule events.

Supervisor Gott clarified that it is fine if people contact Ms. Thompson, provided that she immediately contact Ms. Staley for availability, and to unlock the building, etc.

Councilmember Grouse suggested that a letter go out to the tenants informing them that it is not okay to give their key to another party.

Supervisor Gott also was alarmed to hear that donations were being accepted at the square dance last week. He is not sure what the donations are for, but he indicated that they cannot be soliciting donations on Town property. Attorney Campbell advised the Board to discourage that behavior.

RESOLUTION 62-2016
AUDIT OF CLAIMS

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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 pay claims 285-314 in the amount of \$94,439.55 from the Abstract dated 4/21/2016.

INVASIVE SPECIES – HEMLOCK WOOLLY ADELGID

Gene Bolster informed the Board that they are going to be hearing more about a new invasive species called the Hemlock Woolly Adelgid. It is an insect that affects Hemlock trees and can kill the tree. He shared that it is a particular problem for lakes, because Hemlock trees can grow where a lot of trees cannot, and they are good soil stabilizers. If they die, banks can erode faster. He mentioned that if you see white specs on the bottom side of the leaves, that means it is there. It has been found in at least two places on Conesus Lake. A response plan will be enacted.

Supervisor Gott asked if there were any treatments. Mr. Bolster answered that there is a biological treatment, which involves planting companion trees that serve as hosts for insects who attack the adelgid.

CLOSE PUBLIC HEARING FOR PROPOSED LOCAL LAW #1-2016

Supervisor Gott again asked if anyone wished to speak either for or against the proposed local law. No one wished to comment.

With all persons desiring to be heard, having been heard, Supervisor Gott declared the public hearing closed at 8 PM.

Attorney Campbell asked the Board if it was their intention to move forward with the adoption of the proposed law. They replied yes. Attorney Campbell explained that changes to zoning are Type 1 actions for the purpose of SEQR, and the next step is to complete the Full Environmental Assessment form. He reviewed the form and gave the Board opportunity to answer the questions on Part 2 – Identification of Potential Project Impacts.

RESOLUTION 63-2016

DECLARE TOWN OF LIVONIA LEAD AGENCY

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

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

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RESOLVED that the Town Board of the Town of Livonia designates itself as lead agency for the purpose of conducting a SEQRA review for proposed Local Law #1-2016.

RESOLUTION 64-2016

ADOPT FINDINGS OF LONG FORM EAF

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

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

RESOLVED that the Livonia Town Board finds and determines that proposed Local Law #1-2016 will not have a significant effect on the environment; and therefore adopts the findings of Part 2 of the Full Environmental Assessment Form in regards to proposed Local Law #1-2016.

RESOLUTION 65-2016

NEGATIVE DECLARATION

On motion of Councilmember Seelos 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 completed the Full Environmental Review of proposed Local Law #1-2016 in accordance with SEQRA, and has adopted the findings of Part 2; now be it therefore

RESOLVED that the Town Board of the Town of Livonia directs that a negative declaration be prepared regarding such action in accordance with the requirements of SEQRA.

RESOLUTION 66-2016

DIRECT SUPERVISOR TO SIGN SEQRA FORMS

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 authorize and direct the Supervisor of the Town of Livonia to sign the Full Environmental Assessment Forms regarding proposed Local Law #1-2016; and further

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RESOLVED to instruct the Town Clerk to file the negative declaration in the Environmental News Bulletin.

RESOLUTION 67-2016

ADOPT LOCAL LAW #1-2016 - TO AMEND CHAPTER 150 OF THE CODE OF THE TOWN OF LIVONIA, LIVINGSTON COUNTY, NEW YORK TO MODIFY SECTION 150-40D TO ALLOW A NEW PERMITTED USE UPON APPROVAL OF A CONDITIONAL USE PERMIT

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

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

RESOLVED that the Town Board of the Town of Livonia does hereby adopt to adopt Local Law #1-2016 as follows:

A local law to amend Chapter 150 of the Code of the Town of Livonia, Livingston County, New York to modify section 150-40. D.

Be it enacted by the Town Board of the Town of Livonia as follows:

SECTION 1. TITLE AND SCOPE

This local law shall be known as “A LOCAL LAW TO AMEND CHAPTER 150 OF THE CODE OF THE TOWN OF LIVONIA, LIVINGSTON COUNTY, NEW YORK TO MODIFY SECTION 150-40. D. of Chapter 150.”

SECTION 2. PURPOSE.

A. Authority. This Local Law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, convenience, order, aesthetics, prosperity and general welfare of the Town of Livonia in a fashion that is not inconsistent with the Comprehensive Plan of the Town of Livonia. This Local Law regulates the use of buildings and structures and the development and use of land within the Town of Livonia.

B. To these ends, this local law and the Chapter that it amends is designed to:

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1. Enhance and regulate the orderly growth, development and redevelopment of the Town in accordance with a well-considered plan so that the Town may realize its potential as a place to live and work, with the most beneficial and convenient relationships among the agricultural, business, and residential areas within the Town and with due consideration to the character of each district and its suitability for particular uses;
2. Protect and manage the character of the Town; and
3. Provide for appropriate security measures for certain properties that are used for Commercial or Limited Industrial uses within the Town of Livonia.

SECTION 3. CHANGES TO SECTION 150-40. C/LI COMMERCIAL/ LIMITED INDUSTRIAL DISTRICTS

The current Section 150-40. D. of the Livonia Town Code is hereby modified and amended to include a new use permitted upon approval of a conditional use permit which such section is designated as “§150- 40. D. (15)” and shall read as follows:

§150- 40. D. (15)

Accessory residential occupation (other than in an Accessory Dwelling Unit) of not more than 250 square feet of habitable space, which is subordinate to the primary Commercial or Limited Industrial Use and which contains no more than one bedroom to be used for purposes of housing one person to provide on-site security and/or property monitoring presence.

SECTION 4. EFFECTIVE DATE.

This local law shall be effective thirty (30) days after its filing with the Office of the Secretary of State.

And further

RESOLVED that a copy of this resolution be forwarded to General Code Publishers, the Town of Livonia Building & Zoning Department, and the Secretary of State; and further

RESOLVED that notice of passage of this local law shall be duly published in the Livingston County News.

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RESOLUTION 68-2016

ENTER INTO EXECUTIVE SESSION

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

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

RESOLVED that this Board enter into Executive Session with Attorney Campbell at 8:08 PM to discuss the employment history of a particular person.

RESOLUTION 69-2016

RETURN TO REGULAR SESSION

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

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

RESOLVED that this Board come out of Executive Session and return to Regular Session at 8:22 PM.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Seelos the meeting was adjourned at 8:22 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, Town Clerk