

**REGULAR MEETING, TOWN OF LIVONIA**  
May 5, 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 May 5, 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:** Building & Zoning Director Adam Backus; Several Residents.

The Town Board meeting was called to order by Supervisor Gott at 7:00 PM. Adam Backus led the pledge.

**TOWN CLERK’S REPORT – APRIL 2016**

Clerk Hay gave the following financial report for April 2016:

<i>Paid To</i>	<i>Amount Remitted</i>
Supervisor (General Fund)	\$2,288.45
NYS Comptroller’s Office (Bingo and Games of Chance)	\$0
County Treasurer for Dog Licenses	\$213.50
NYS Ag & Mkts for Spay/neuter Program	\$108.00
NYS DECALS	\$1,548.07
State Health Department (Marriage Licenses)	\$22.50
<b>Total Disbursements</b>	<b>\$4,180.52</b>

**TOWN CLERK UPDATES**

Clerk Hay presented the following updates:

**Dog Census**

Clerk Hay explained that it has been four years since the last dog census, and she asked the board if they were in support of conducting a dog census this year. She reported that she did not include this in her 2016 Budget Request. The cost for envelopes, postage, mailing labels and advertisements would be about \$1,818. She expects that about \$500 in enumeration fees could be expected.

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Board members asked if the dog census could be conducted next year. Clerk Hay answered that if we are successful with our Records Management Grant Application, then we will not have the staff time to conduct the census next year.

RESOLUTION 70-2016

**AUTHORIZE DOG CENSUS AND DIRECT CLERK TO COLLECT  
ENUMERATION FEE**

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 authorize the Town Clerk to expend funds necessary to conduct a dog census by mail from June 1, 2016 through September 30, 2016; and further

Resolved to authorize the Town Clerk to collect a \$5 enumeration fee for each new dog license issued during the census.

**Social Media Policy**

Clerk Hay shared that one of the trainings she attended at conference was presented by NYMIR on the topic of social media and other forms of electronic communication. She described policies that NYMIR recommends municipalities consider putting in place to protect them from liability and to keep them in compliance with New York State laws. Attorney Campbell commented that NYMIR provides insurance for the Town of Livonia, and therefore it would be a good idea for the Town Board to enact policies they recommend.

RESOLUTION 71-2016

**AUTHORIZE TOWN CLERK TO RESEARCH SOCIAL MEDIA POLICIES**

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

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

Resolved to authorize the Town Clerk to research NYMIR policies regarding social media and other electronic communications for the Board to consider.

Supervisor Gott added that Livingston County recently adopted a social media policy and he will have Clerk of the Board Michelle Rees forward a copy to Clerk Hay.

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**International Institute of Municipal Clerks (IIMC)**

Clerk Hay informed the Board that the next IIMC class is taking place at Cornell University July 10-14. She would like to attend the three-year institute in order to qualify for the Certified Municipal Clerk (CMC) designation. Core curriculum requirements include classes in public administration and organization (50%), social and interpersonal issues (30%), and electives covering other clerk related topics (20%).

The New York State Town Clerks Association is offering a \$400 scholarship to help offset the costs, but in order for Clerk Hay to be eligible for the scholarship, the Board would have to pass a resolution agreeing to assume all costs over and above the scholarship. Clerk Hay offered to pay for membership to the IIMC and admission into the program.

Supervisor Gott advised that he is in favor of education and whenever any Town employee attends training, he feels that the whole Town benefits. He added that he is in favor of the Town covering the entire cost of membership, admission, tuition, room and board, whether or not Clerk Hay receives a scholarship.

RESOLUTION 72-2016

**APPROVE COSTS OF IIMC TRAINING FOR TOWN CLERK**

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 cover the entire cost of membership, admission, tuition, and room and board, for Clerk Hay to attend IIMC training July 10-14, 2016, regardless of whether Clerk Hay receives a scholarship or not.

RESOLUTION 73-2016

**APPROVE TOWN CLERK'S REPORT FOR APRIL 2016**

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

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

Resolved to approve the April 2016 Town Clerk's Report.

RESOLUTION 74-2016

**APPROVE MEETING MINUTES FROM 4/21/2016**

On motion of Councilmember Grouse seconded by Councilmember English the

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following resolution was

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

Resolved to approve the meeting minutes from April 21, 2016

**DISCUSS DRAINAGE FOR LAKEVILLE PARK**

Supervisor Gott introduced Building & Zoning Director Adam Backus. Mr. Backus stated that he is seeking guidance from the Board as to how to proceed regarding a drainage issue in Lakeville near Pizza Paul's.

Mr. Backus reminded the Board that Paul Miller purchased a dilapidated building located next to his pizza shop and tore it down with the intention of creating additional parking for his store. When Mr. Miller sought Site Plan Approval for the parking lot, he was informed that before approval could be granted, drainage issues would need to be addressed. The dilemma Mr. Miller faces is that he cannot drain the property to a state highway, nor can he drain it to a Town Right of Way. Mr. Backus added that there is very little fall, only ½ inch, on the Town Right of Way. He thinks it makes sense to have the Town and Mr. Miller coordinate their efforts to address the drainage in the area.

Supervisor Gott shared that Clark Patterson Lee (CPL) quoted \$4,000 for engineering work for the area. Mr. Miller has agreed to contract with CPL directly for his portion of land at a cost of \$1,500. This would leave the Town with a cost of about \$2,500 for the engineering costs for their portion of land.

Mr. Backus also raised concerns about the traffic light at that intersection. He stated that people heading south on Rochester Road and making a left turn are confused by it. Once the parking area is completed at Pizza Paul's there is likely to be more traffic in and out of that intersection. Mr. Backus reached out to the New York State Department of Transportation who responded that the light is there for a reason. Mr. Backus has also reached out to the Sheriff's Department for comment, but he has not heard back.

RESOLUTION 75-2016

**MOVE FORWARD WITH DRAINAGE STUDY**

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

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

Resolved to move forward with the drainage study by Clark Patterson Lee for the area of the Town's Right-of-Way in Lakeville, adjacent to Pizza Paul's parking lot.

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**VEHICLE PURCHASE DISCUSSION**

Supervisor Gott reminded the Board that the Town has budgeted for a new vehicle to replace the 2008 Ford Escape. Mr. Backus recommends an all-wheel drive vehicle. He has obtained three quotes, and Simmons Rockwell was the most competitive, even beating OGS pricing.

Councilmember English asked if the pricing includes trading in the Ford Escape. Mr. Backus replied yes, they are giving us a \$5,000 trade-in value. Supervisor Gott stated that if the Board approves the purchase tonight, we can write a check for \$18,000 and have the vehicle delivered tomorrow.

RESOLUTION 76-2016

**APPROVE VEHICLE PURCHASE**

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

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

Resolved to approve the purchase of a new Chevy Equinox and the trade-in of the 2008 Ford Escape.

**HEMLOCK PARK UPDATES**

Supervisor Gott updated the Board on Hemlock Park projects:

- The parking is completed with the exception of a top coat.
- The pavilion and bathroom roofs are underway
- Picnic tables are at the store and will be picked up and installed soon
- Government students will stain this weekend

Councilmember Gascon reported that Ace Flag will install the flag pole. Total cost with installation will be \$2,225. He is still not sure where to install it. He hopes to have it installed by the time the Board meets there in July. He is still working with CeeCee Nelson regarding the dedication.

**COMMUNITY SERVICE AWARDS**

Councilmember Grouse announced that the Community Service Awards information is on the Town web site. There are three categories: High Impact, Lifetime Achievement, and Student. Awards will be presented in July at Vitale Park. Completed nominations can be dropped off at or mailed to the Town Hall.

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### **BASKETBALL COURT AT VITALE PARK**

Councilmember English shared that the sealing and striping of the basketball court at Vitale Park has been completed. He is working on a plan for flowers and a sign to recognize the Tobins, who donated the money for the basketball court.

### **OPEN SESSION**

#### **Hemlock Lake Park**

- A resident asked when the bathrooms will be opened at Hemlock Lake Park. Supervisor Gott replied that they will be opened at the end of next week.
- A resident asked about the big blue bridge at Hemlock Lake Park. Supervisor Gott answered that it is on the Historic Preservation List and, it is owned by the City of Rochester. We have offered to take it, restore it, add signage regarding history and move it to Vitale Park, but the state is unwilling for that to happen
- A resident mentioned that there is also a Hemlock-Honeoye Legion, and they might like to take part in any flag pole installation ceremony we may have at Hemlock Lake Park.

#### **Jack Evans Community Center**

A number of people spoke at length about the Jack Evans Community Center. They are opposed to the center closing on June 1, 2016 and shared how the building has been utilized over the past few weeks for dances, presentations, meetings, workshops, game nights, etc. The group shared that they have reached out to several not-for-profits who might be interested in assuming ownership of the building, and they believe that keeping the building open until June 1, 2017 will give them a better chance for success.

The group shared their ideas for reducing/offsetting expenses:

- They received \$833 in donations so far and are willing to give a portion of that to the Town to offset costs of keeping the building open. They would like to use some of that money for fliers and advertisements for events.
- They state that they have a verbal quote of \$38,000 for replacing the roof and compared that to the estimate of \$60,000 that the Town Board received. Attorney Campbell cautioned that if the Town owns the building, then replacing the roof is a Public Works Project and the Town must pay prevailing wage. This would not apply if a not-for-profit owned the building.
- The group would like to schedule an Energy Audit to see if there can be utility savings.
- They suggest putting storm windows on.
- They want to investigate solar energy options.
- They suggest a carry in/carry out policy for garbage, or having a volunteer take the garbage to the CLEAN Recycling Center on Saturdays.

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- They suggest volunteers to mow grass and plow/shovel.

Councilmember Grouse asked that a written plan be submitted to Clerk Hay, who can then forward it to the Board. Mary Ann Thompson said she would do that.

The group discussed additional ideas for events including dances, music, bands, choruses, and numerous ideas that have been discussed at previous Town Board meetings.

RESOLUTION 77-2016

**AUDIT OF CLAIMS**

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 pay claims 315-351 in the amount of \$70,198.21 from the Abstract dated 5/5/2016.

**Jack Evans Discussion Continued**

Meeting attendees expressed a desire to discuss the Jack Evans Community Center further. The Town Board shared that they would like time to absorb and digest the materials, comments and suggestions presented before making any decisions. Board members shared that they are still concerned about the expense of keeping the building open and feel that they need to act in a way that is fiscally responsible and not be swayed by emotion.

Several attendees again asked to keep the building open past June 1, 2016 so that they do not lose momentum. They also wanted to know specifically what the Town Board is looking for in terms of a written plan.

Supervisor Gott stated that the plan should include a business plan and a community use plan. Right now, it costs nearly \$50,000 to keep the building open, so one part of the plan needs to include ways to reduce or cover those costs. The Board would also like to see the gym used three to four nights a week for community use. Supervisor Gott stated that we never said we would not rent rooms, but the building must be used primarily as a community center, and secondarily as rental property. He also reminded everyone that the Town must comply with the 2% tax cap.

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Additional discussion followed:

- Councilmember English asked if donations could be accepted to offset costs. Attorney Campbell answered that the Town can accept donations for certain things.
- A resident asked about the process to declare property surplus. Attorney Campbell explained that the first step is for the Board to determine that the property no longer serves any useful purpose to the Town and pass a resolution declaring the property surplus. The next steps would depend on whether they decide to dispose of it by sale, auction or donation. Selling the property is subject to permissive referendum, which means that people would have to obtain signatures on a petition to force a vote on the sale. The process is not triggered until the Town begins moving forward with conveyance of the property. The Town Board CAN conduct Public Hearings, but they are not mandatory. He pointed out that by law, the Board cannot choose to make it a vote. He stated that the thought behind this law is that people have a say when they vote people into office to make these decisions.
- Councilmember Grouse mentioned that in looking at the April calendar, she counted eighteen non-renter events in a 30-day period, which puts usage within the three to four events/week parameter. She shared that a business plan would demonstrate how to lower costs to taxpayers and provide quality to the community. It should include a list partnering groups and individuals, a list of social events calendared out over a year that can show the usage, and a rental component to offset costs.
- Attorney Campbell voiced that another important component of any plan for the JECC would be to address sustainability into the future. There is a lot of energy and activity now, but interest naturally ebbs and flows. Once a problem seemingly gets resolved, people move on to something different. Costs will do nothing but go up. He has pointed out a number of times that the town should not be in the business of subsidizing rental use. The focus must be community use.
- A resident pointed out that there is a war memorial in front of the JECC, and he wanted to know if the Town would be responsible for maintaining the memorial if the property was taken over by someone else. Attorney Campbell stated that he would have to look into it.
- A resident wanted to know who a not-for-profit should contact if they were interested in the property. Supervisor Gott stated that he is the contact person.

RESOLUTION

78-2016

**KEEP JACK EVANS COMMUNITY CENTER OPEN UNTIL NOVEMBER 1, 2016**

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

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ADOPTED Ayes - 4 (English, Gascon, Grouse, Seelos)  
Nays – 1 (Gott)

Resolved to keep the Jack Evans Community Center open until November 1, 2016, and allow the renters to stay until that time.

Board discussion followed. Consensus of the Town Board:

- Keep Ms. Staley on, if she is willing, and continue to have Ms. Staley schedule reservations and appointments, and keep the keys for the building.
- Have Clerk Hay set up a phone at the Town Hall for Ms. Staley to retrieve messages and post that number on the Town's web site.
- Discontinue Paul Marshall's services and have his duties taken over by volunteers.
- Purchases must still come through the Town Board for approval.

RESOLUTION 79-2016

**TERMINATE SERVICES OF PAUL MARSHALL**

On motion of Councilmember English, second by Councilmember Grouse, the following resolution was

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

Resolved to terminate the services of Paul Marshall.

A resident asked what the costs of the building would be going forward. Supervisor Gott replied that the building needs a new roof, windows and a boiler. If the Town were to keep it, those costs would total more than \$100,000. If an entity did not have to pay prevailing wage, they could get things done for less. Fuel oil usage depends on how severe the winter is. In 2015, it was around \$19,315, while the year before it was over \$30,000.

With no further business, on a motion of Councilmember Grouse seconded by Councilmember Seelos the meeting was adjourned at 9:33 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, Town Clerk