

## **REGULAR MEETING, TOWN OF LIVONIA**

October 5, 2017

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, Livonia on October 5, 2017.

**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. Adam Backus led the pledge.

### **PRIVILEGE OF THE FLOOR**

- Jack Evans Community Center: A resident asked if the Town is done with the Jack Evans Community Center. Supervisor Gott answered no, but the eventual takeover is moving forward. Attorney Campbell is working with the attorney for the Little Lakes Association, and will probably finalize the transaction in the first quarter of 2018. Supervisor Gott added that the biggest hurdle was obtaining special legislation to enable the Town to sell the property for less than market value to the Little Lakes Association. The legislation was passed and the Governor signed it in August. The Little Lakes Association will winterize the building, and they have been making repairs and improvements.
- Town Hall: A resident remarked that the flowers planted in front of the Town Hall look good. Supervisor Gott remarked that permanent plantings will be added in the spring.
- Streambank: Supervisor Gott reported that streambank work has been completed behind Neitz's and Magin's houses.
- Livonia Secures Spot in List of Top Places to Live in NY State: Supervisor Gott announced that the Town of Livonia is being recognized as one of the top places to live in New York State. Out of 450 towns, a list is published of the top 250, Livonia is #88 on the list. We are the only town in Livingston County to make the list. Supervisor Gott congratulated everyone in the community.
- Preliminary 2018 Budget: Supervisor Gott shared that the Preliminary 2018 Budget fully funds our obligations, and that we continue to pay as we go for major expenditures. He added that the board will work on the budget at the

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workshop, and he believes that the tax rate will end up flat, or maybe a little lower than last year. He urged people to pick up a copy of the Preliminary Budget at this meeting, and to let him know if there are any questions. He reminded everyone that the Public Hearing for the 2018 Budget is November 2 at 7 PM.

- Intersection of VanZandt and Pennemite: Councilmember Gascon remarked that there was another serious accident at the intersection of VanZandt and Pennemite Roads. He requested that the town petition the state to make the intersection a 4-way stop. Supervisor Gott shared that he requested an accident report for that intersection. He reminded everyone that we requested a 4-way stop there at the same time as we requested the 4-way stop at Cleary and Pennemite. The NYS Department of Transportation authorized the one at Cleary Road, but not VanZandt. He will go back to Traffic Safety to request new study. Councilmember Gascon added that between the hedgerow, fence, and building on the corner, it is hard to see. Supervisor Gott shared that the Town can take down some of the vegetation around the fence, but we cannot remove the fence.

RESOLUTION 125-2017  
**APPROVE MINUTES FROM 9/7/2017**

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

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

Resolved to approve the minutes from the 9/7/2017 regular meeting of the Town Board.

RESOLUTION 126-2017  
**APPROVE TOWN CLERK’S REPORT – SEPTEMBER 2017**

Clerk Hay gave the following financial report for September 2017:

|   |                   |
|---|-------------------|
| Paid to Supervisor for the General Fund                             | \$3,172.39        |
| Paid to County Treasurer for Dog Licenses                           | \$378.00          |
| Paid to NYS Ag & Markets for the Spay/Neuter Program                | \$144.00          |
| Paid to NYS Environmental Conservation for Hunting/Fishing Licenses | \$5,303.55        |
| Paid to State Health Department for Marriage Licenses               | \$247.50          |
| <b>TOTAL DISBURSEMENTS</b>  | <b>\$9,245.44</b> |

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

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

Resolved to approve the September 2017 Town Clerk’s Report.

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**Town Clerk Updates**

- Records Management Award – Clerk Hay announced that the Town of Livonia has been selected to receive the 2017 Cheryl Steinbach Annual Archives Award for Excellence in Local Government and Records Management. This award is presented by the State Archives and Archives Partnership Trust to a local government in New York State that has demonstrated leadership in managing records economically and effectively. Clerk Hay and Supervisor Gott will attend the awards ceremony in Albany on October 24 to accept the award on behalf of the town.
- Tax Bill Printing: Livingston County Tax Collectors met with the County IT Department and Real Property yesterday regarding the plan to outsource the printing of tax bills. The meeting went well, and although Clerk Hay was not able to attend, she shared the following feedback from Avon Town Clerk Sharon Knight:
  - The company that will be printing the 2018 bills is able to provide the envelopes and postage, and can stuff and mail the bills at no cost to the towns.
  - Clerks will be able to enter their own bank codes, or have the company enter them based on files they receive from the Tax Service Organizations.
  - Supervisor Gott shared that the County has been considering outsourcing the printing for a number of years. The company will be able to bar code the bills, which is something Five Star Bank has been requesting to reduce costs. The County received three bids, and ABS out of Batavia was the one chosen. ARC was approached, but they could not handle the job.

RESOLUTION            127-2017

**APPROVE BONADIO AND LAYER3 TECHNOLOGIES TO CONDUCT A CYBER SECURITY AUDIT**

Supervisor Gott indicated that he took some time to review the proposal from Layer3 Technologies and Bonadio to perform a security audit and he is in favor of moving forward.

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

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

Resolved to approve the proposal in the amount of \$2,500 from Bonadio and Layer3 Technologies for conducting a Cyber Security Audit.

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RESOLUTION 128-2017

**APPROVE SNOW AND ICE CONTRACT WITH LIVINGSTON COUNTY**

On motion of Councilmember Gascon seconded by Councilmember English 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, 2017 and ending October 14, 2018 at the rates therein provided.

RESOLUTION 129-2017

**SET 2018 SALARIES FOR ELECTED OFFICIALS**

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

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

Resolved to adopt the following 2018 salary schedule for elected officials:

Councilperson (4) - \$7,278  
Supervisor (1) - \$37,567  
Highway Superintendent (1) - \$64,962  
Justice (2) - \$13,450  
Town Clerk (1) - \$42,942

RESOLUTION 130-2017

**APPROVE EAGLE SCOUT PROJECT FOR ZACH DAVIS**

Supervisor Gott introduced Zach Davis, a senior at Livonia High School. Mr. Davis plans on making two “Little Free Libraries” as his Eagle Scout project. The idea of the Little Free Libraries is to take a book, and/or leave a book. He would like to place one at the old school in Hemlock and one at the Town Hall by the end of November. Supervisor Gott shared that he thinks this is a great idea. Livonia already has one at Vitale Park, and one on North Street. They are used frequently.

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

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

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Nays – 0

Resolved to approve Zach Davis' Eagle Scout Project, consisting of making and installing two Little Free Libraries.

RESOLUTION 131-2017

**HIRE DAN DONALS AS PART-TIME ZONING INSPECTOR**

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

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

Resolved to hire Dan Donals as part-time zoning inspector at a rate of pay of \$14.00/hour effective 9/12/2017.

**JECC LEASE UPDATE**

Supervisor Gott asked Attorney Campbell to explain the potential lease agreement with the Little Lakes Association for the Jack Evans Community Center. Attorney Campbell stated that he is working on a short-term "triple net" lease, to be in effect until the transfer of title takes place. The lease would be a written document that would state that Little Lakes Association can use the building, and they are responsible for its management, utilities, etc. For now, it will still be on our assets list, and we will insure it. It does not cost the Town any more money to have it on our inventory.

**ASH TREE UPDATE**

Supervisor Gott reported that we had 35 ash trees evaluated for Emerald Ash Borer disease at Vitale Park. We had 28 of them treated at a cost of \$3,294. The other 7 were too big and starting to die at the top. A study was also done at Hemlock Lake Park. There 5-6 trees, but it was determined that they were not worth treating. We will be working on a replacement program, and the ones that cannot be saved at both parks will be taken down at some point. The trees need to be treated every few years, and that will be part of the Budget.

**VITALE PARK UPDATE**

Supervisor Gott reported that the new building at Vitale Park continues to move forward. The Town Board needs to approve contractors tonight.

RESOLUTION 132-2017

**APPROVE GUTTERS VENDOR**

Supervisor Gott shared the quotes for gutters: Stagecoach quoted \$2,399 for 5" gutters, downspouts on all 4 corners, and micro-guard covers. MIG Building Systems quoted \$2,285 for 6" gutters, run all to one end, with no covers. Supervisor Gott reminded

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everyone that we received a grant for rain barrels, which requires the downspouts at all 4 corners of the building.

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

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

Resolved to approve the quote for gutters from Stagecoach in the amount of \$2,399.

RESOLUTION                    133-2017

**APPROVE INSULATION VENDOR**

Supervisor Gott shared the following quotes for insulation: Energy Insulation Systems \$8,800. MIG \$5,190. Supervisor Gott added that MIG quoted for a better product as well.

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

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

Resolved to approve the insulation quote from MIG in the amount of \$5,190.

RESOLUTION                    134-2017

**APPROVE DRYWALL VENDOR**

Supervisor Gott shared the following quotes for drywall, to include ½” drywall for the ceiling and walls, purple drywall in the bathrooms: Genesee Valley Drywall - \$13,396, Sam Price Drywall - \$13,500.

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

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

Resolved to approve the drywall quote from Genesee Valley Drywall in the amount of \$13,396.

RESOLUTION                    135-2017

**APPROVE STAIN VENDOR**

Supervisor Gott shared the following quotes to stain the outside of building with semi-transparent stain, to be done by hand, not watered down: Albright (Livonia) \$4,480 for one coat. Carone Painting (Dansville) \$4,750 for 2 coats. Supervisor Gott stated that Carone has been around for a long time and has done work in Livonia. Discussion



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RESOLUTION

138-2017

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LIVONIA,  
LIVINGSTON COUNTY, NEW YORK (THE “TOWN”) AUTHORIZING  
AND ADOPTING POST ISSUANCE COMPLIANCE POLICIES AND  
PROCEDURES RELATED TO THE TOWN’S TAX-EXEMPT  
OBLIGATIONS, SUCH POLICIES AND PROCEDURES INTENDED TO  
ENSURE THAT THE REQUIREMENTS IMPOSED UPON THE TOWN  
PURSUANT TO THE INTERNAL REVENUE CODE OF 1986, AS  
AMENDED, WILL BE SATISFIED**

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

ADOPTED by ROLL CALL VOTE  
Supervisor Gott – Aye  
Councilmember English - Aye  
Councilmember Gascon - Aye  
Councilmember Grouse - ABSENT  
Councilmember Seelos - Aye

**WHEREAS**, the Town of Livonia, Livingston County, New York (the “Town”) previously has issued bond and notes (the “Tax-Exempt Obligations”), the interest on which is excluded from gross income of the owners thereof pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”); and

**WHEREAS**, the Town intends to issue additional series of Tax-Exempt Obligations in the future; and

**WHEREAS**, in order to ensure that the interest on Town’s Tax-Exempt Obligations will continue to be excluded from gross income of the owners thereof for purposes of federal income taxation, and that the Town complies with its tax certifications relating to the Tax-Exempt Obligations, the Town Board has determined, based on the advice of the Town’s Bond Counsel, to adopt certain written Post-Issuance Compliance Policies and Procedures in the form attached hereto as Exhibit A and made a part hereof (the “Post-Issuance Compliance Procedures”).

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Livonia, Livingston County, New York (the “Board”), as follows:

**Section 1.** The Board hereby approves and adopts the Post-Issuance Compliance Procedures.

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**Section 2.** The Board hereby appoints the Supervisor of the Town to serve as the “Designated Tax Compliance Official” under the Post-Issuance Compliance Procedures and hereby authorizes and directs the Supervisor, acting in such capacity, to take such actions, after appropriate consultation with Bond Counsel to the Town, as the Supervisor deems necessary, appropriate or desirable to effect the implementation of the Post Issuance Compliance Procedures, and hereby further authorizes the Supervisor, as such Designated Tax Compliance Official, to delegate to such other Town officials or employees as the Supervisor shall determine is necessary or appropriate, the responsibility to take certain specific actions called for by the Post-Issuance Compliance Procedures.

**Section 3.** This Resolution shall take effect immediately.

RESOLUTION 139-2017

**AUTHORIZE SUPERVISOR TO SIGN LEASE WITH DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) FOR THE PARKING LOT AT VITALE PARK**

Supervisor Gott explained that the east end of the parking lot at Vitale Park is owned by the DEC. We have a long-term lease with them, and it is time to renew it. Attorney Campbell shared that it is a 25-year Management Use and Occupancy Agreement, which gives us permission to use the property for parking, provide access to the park by the public for fishing, and to support policing officials. We continue to indemnify them through our insurance for our use of it. No monetary exchange is required, but the agreement documents their willingness to allow us to use it. We cannot build on the property without their permission. There are no restrictions about placing non-permanent structures however.

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 Supervisor Gott to sign the 25-year Management Use and Occupancy Agreement with the DEC for the use of the east end of the parking lot at Vitale Park.

**VITALE PARK UPDATES**

- Councilmember English announced that he is getting prices for purchasing a small trailer for the Gator for leaf season at Vitale Park. He will get back to everyone with pricing.
- The Education Outreach Committee is having a FEMA event in the Chip Holt

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Center at Vitale Park on November 15 and they would like to show the new building. The Town Board was in favor as long as it fits with the construction schedule. Supervisor Gott will make sure that things are picked up and safe.

**COMPLAINT ABOUT BREAKWALL**

A resident complained about the break-wall at 3525 Pebble Beach Road. The resident said that it sticks out from other break-walls, and they put stones in the water. The resident thinks the break-wall looks terrible and she wanted to know who was in charge of looking at that. Building & Zoning Director Adam Backus explained that he issues the flood plain permit and the homeowner must also obtain a permit from the Department of Environmental Conservation.

RESOLUTION 140-2017  
**APPROVE ABSTRACT FROM 9/22/2017**

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

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

Resolved to approve payment of claims #828-861 in the amount of \$63,341.37 from the Abstract dated 9/22/2017.

RESOLUTION 141-2017  
**APPROVE ABSTRACT FROM 10/5/2017**

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

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

Resolved to approve payment of claims #862-910 in the amount of \$89,432.34 from the Abstract dated 10/5/2017.

Supervisor Gott reminded everyone that there will be a Budget Workshop for the Board on October 19, and the Public Hearing on the Budget will be held November 2. Both meetings begin at 7 PM at the Town Hall.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Seelos the meeting was adjourned at 7:49 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, RMC  
Town Clerk