

**REGULAR MEETING, TOWN OF LIVONIA**  
March 2, 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 Livonia Town Hall, 35 Commercial Street, Livonia on March 2, 2017.

**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 7:00 PM. Councilmember Grouse led the pledge.

**PRIVILEGE OF THE FLOOR**

- Supervisor Gott reported that several small pieces of equipment need to be replaced at Vitale Park – a chainsaw, backpack blower, and weed-whacking trimmer. It will cost \$735 to replace all three, and approval is not needed from the board.
- Supervisor Gott also mentioned that the Gator (utility vehicle) at Vitale Park was utilized throughout the search for and recovery of the two men who went through the ice on Conesus Lake recently.

RESOLUTION 27-2017

**APPROVE MEETING MINUTES FROM 2/2/2017**

On motion of Councilmember Seelos 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 February 2, 2017.

**INTRODUCTION OF COLE ZONING REQUEST**

The Coles requested rezoning of a single 36.5 acre tax parcel located at 3186 Bronson Hill Rd. from Mixed Use to Industrial. The parcel is located in the future Gateway Park Road area, and they think it makes sense to go through the rezoning process now, so that it will be changed by the time the road is developed. The rest of the land along the proposed Gateway Park Road is already zoned Industrial, and there will still be a

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substantial buffer of Mixed Use zoning between the Industrial area and the Residential area. They indicated that there is no proposed project at this time, but changing the zoning would be consistent with the Town of Livonia Comprehensive Plan.

Supervisor Gott asked Attorney Campbell to walk the Board through the rezoning process. Attorney Campbell outlined the process:

- A proposed Local Law is presented to the Town Board for consideration.
- The Town Board must then wait ten days before taking any action.
- The Town Board submits the proposed law to the County Planning Board and our own Planning Board for review/recommendations.
- The Town Board sets a Public Hearing on the proposed law schedule such that comments can be considered from the Planning Boards along with comments from the public. Surrounding municipalities must be notified of the Public Hearing, and notice must be posted/published.
- The Town Board conducts the Public Hearing.
- If the Town Board decides to move forward with the proposed local law (depending on the responses received from the Planning Boards and from Public Hearing) the Town Board would then go through the State Environmental Quality Review (SEQR) process.
- The SEQR process could result in either a negative declaration or a positive declaration. Because no project is proposed at this time, it is likely to be a negative declaration. A more significant environmental review would take place when an application is made for a particular development.
- After the SEQR process, the Town Board deliberates and decides whether to take action or not. It is purely at the discretion of the Town Board, however the Town Board can seek input from other boards as previously stated.

Attorney Campbell advised the Board that he has prepared a proposed local law format adjusting the boundaries of the Industrial and Mixed Use districts. The actual legal description of that boundary needs to be determined, but the document he prepared can get the process going.

Attorney Campbell addressed a question about spot zoning. He indicated that this is not a spot zoning situation. It is adjusting a boundary, not making an isolated change in the middle of another zoning district.

Attorney Campbell stated that the County Planning Board meeting is next Thursday, and we have missed the deadline for them to consider this local law at that meeting. The soonest they could consider it would be April. Then they will send back advisory comments and recommend approval or disapproval. Given the nature and duration of the discussion on the Gateway Park Road, and the years of county involvement, he thinks

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they will give a substantive opinion one way or the other.

Supervisor Gott stated that he is in favor of responsible development.

RESOLUTION 28-2017

**INTRODUCTION OF LOCAL LAW #1-2017: TO AMEND BOUNDARIES OF A CERTAIN ZONING DISTRICT**

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 introduce Local Law #1-2017 to amend the boundaries of a certain zoning district currently known as Mixed Used District (MUD) within the Town of Livonia, Livingston County, New York, changing such certain specified area to Industrial District (ID); and further

Resolved to direct Attorney Campbell to refine the legal description of the modified area once an official survey has been completed; and further

Resolved to forward said proposed local law to the Livonia Joint Planning Board and the Livingston County Planning Board for review and comments.

**COMMENTS REGARDING PROPOSED LOCAL LAW #1-2017**

A resident asked if the sole purpose of the Gateway Road was to develop industrial sites all along it on both sides. Supervisor Gott answered yes, for this phase of the road (from Rochester Road to Bronson Hill Rd). Attorney Campbell explained that there is another phase that would bring the Gateway Road from Bronson Hill Road to the village, and that phase is for other uses.

A resident asked if any of this property is located in the (Conesus Lake) watershed. Supervisor Gott was unsure, but said that he will check on it.

A resident asked if the land is rezoned, would the Gateway Road be complete before any building is done. Supervisor Gott answered yes, we will not put more traffic on Bronson Hill Road.

**DISCUSSION OF VITALE PARK USE FOR BASS TOURNAMENT**

Supervisor Gott introduced Fred Blum, who requested the use of Vitale Park for a bass tournament on May 6. He explained that the event is a fundraiser to pay for activities for the kids. He estimated that the tournament would draw 40-48 boats at a cost of \$250 per

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team. The way the tournament works, is that teams fish for half a day. The teams are then put in brackets and scored. Those winners then fish for prizes in afternoon. He added that this is a catch, weigh, and release type tournament, and they are fully insured.

Supervisor Gott mentioned that the Town has two docks and the sheriff's office has one dock. We can make sure that the docks are in prior to the date of the tournament.

RESOLUTION 29-2017  
**ALLOW NY BASS NATION TO USE VITALE PARK FOR BASS TOURNAMENT**

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

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

Resolved to allow NY Bass Nation to use Vitale Park on May 6, for a Bass Tournament, provided they supply the Town with a Certificate of Insurance.

**TOWN CLERK'S REPORT – FEBRUARY 2017**

Clerk Hay gave the following Financial Report:

<i>Paid To</i>	<i>Amount Remitted</i>
Supervisor (General Fund)	\$1,625.03
NYS Comptroller's Office (Bingo and Games of Chance)	\$0.00
County Treasurer for Dog Licenses	\$231.00
NYS Ag & Mkts for Spay/neuter Program	\$90.00
NYS DECALS	\$156.85
State Health Department (Marriage Licenses)	\$45.00
<b>Total Disbursements</b>	<b>\$2,147.88</b>

**TAX COLLECTION REPORT JANUARY 2017**

Clerk Hay gave the following Tax Collection Report for February 2017:

Total Taxes Collected	\$6,671,491.65	
Total Duplicates and Overpayments	\$6,362.13	
Total Penalties Collected	\$2,563.47	
<b>TOTAL</b>		<b>\$6,680,417.25</b>
Total Bounced Checks	\$4,970.11	

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Total Refunded/Applied Overpayments	\$6,359.98	
Disbursements to Supervisor	\$3,043,032.00	
Disbursements to County Treasurer	\$2,500,000.00	
<b>TOTAL</b>		<b>\$5,554,362.09</b>
Other Adjustments		\$50.00
<b>BANK BALANCE</b>		<b>\$1,126,105.16</b>

**Town Clerk Updates**

- **Taxes**
  - Second notices for unpaid taxes will go out tomorrow. About 300 notices will be sent, which is on par with previous years.
- **Letterhead**
  - It is time to order letterhead. Penny Lane Printing has suggested a change to the layout. Clerk Hay asked the board which version they would like to order. They preferred the one with the Town contact information at the top of the page.
- **Dog Census**
  - Dog Control continues to follow up on unlicensed dogs. Thanks to their help, we have been able to license 45 more dogs. They continue to follow up with 13 dog owners who have unlicensed dogs.
- **Records Management Grant**
  - Image Data has completed scanning all the records they have. We have 10 more boxes that can go, if someone can take them. There is money left in the scanning budget, so we are looking to see if any more records can be prepared and sent. Clerk Hay also asked the state Records Advisory Officer if we could do a budget amendment to allocate leftover funds for a large format scanner. She advised that it is unlikely that that would be approved.
  - We received the second draw on the grant funds in the amount of \$33,434.
  - The following Budget Summary shows where we are to date. The remaining funds are for image scanning (about \$25,721), salaries for image verification/grant administration, and the Employee Benefits associated with those salaries.

SUMMARY

	Budget	Actual
15 Professional Salaries	\$ 3,112.00	\$ 1,203.09
16 Non-professional Salaries	\$ 20,708.00	\$ 9,204.99
40 Purchased Services	\$ 73,829.00	\$ 48,107.59

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45	Supplies and Materials	\$ 9,390.00	\$ 9,386.90
80	Employee Benefits	\$ 2,543.33	\$ 1,244.45
20	Equipment	\$ 9,725.00	\$ 9,725.00
<b>TOTALS</b>		<b>\$ 119,307.33</b>	<b>\$ 78,872.02</b>

RESOLUTION 30-2017

**APPROVE TOWN CLERK’S REPORT FOR FEBRUARY 2017**

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 February 2017 Town Clerk’s Report.

RESOLUTION 31-2017

**APPROVE TAX COLLECTION REPORT FOR FEBRUARY 2017**

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 February 2017 Tax Collection Report.

RESOLUTION 32-2017

**AUTHORIZE ADVERTISEMENT FOR MOWING PROPOSALS**

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 advertise a request for proposals for lawn care services for Town properties.

RESOLUTION 33-2017

**GRANT WAIVER OF 30-DAY NOTIFICATION REQUIREMENT**

Supervisor Gott stated that the Town Board has received two requests to waive the 30-day notification requirement for liquor licenses for Shoreless Acres and Hamlet Grill. He explained that Laurie Nielsen of Meme LaFountain, Inc. in the process of purchasing Shoreless Acres, and Andrea O’Brien of NYS ABC Law Consulting Group is requesting a waiver on behalf of Hamlet Grill in Hemlock. In both cases they are eager to get their paperwork going and open their businesses.

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

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

Resolved to grant the requests for waivers of the 30-day Notice to Municipality as part of the NYS Liquor License applications for Shoreless Acres (new owner Laurie Nielsen of Meme LaFountain, Inc.) and Hamlet Grill.

**JACK EVANS COMMUNITY CENTER (JECC)**

Supervisor Gott stated that there have been some questions raised about next steps for the Jack Evans Community Center. He asked Attorney Campbell to talk about the process.

Attorney Campbell advised that any time the Town wishes to dispossess itself of any property, it first has to be declared surplus by resolution of the Town Board. The language of the resolution would dictate what the Town intends to do with the property, whether they intend to sell it, donate it, etc. The next step involves the actual dispossession.

Attorney Campbell went on to say that dispossessing real property is subject to permissive referendum. What this means is that starting with the day the Town Board passes the resolution, there is a 30-day window during which time petitions can be submitted to force a vote on the matter. The decision is not binding until that period of time is up without a petition being submitted, or if a valid petition is submitted, then the decision is not binding until after a vote.

The Town Board hopes to transfer ownership of the JECC to Little Lakes Community Association, Inc. to be used for not-for-profit purposes to benefit the community. If the Town Board is not able to do that, then they hope to put the building up for auction at the county.

As for the timeline, Attorney Campbell proposed that the Town Board consider a resolution at the next meeting (April 6) to declare the JECC as surplus and authorize donation to a non-profit for community minded purposes, or if it cannot be donated, then to be sold at county auction. The transaction, whatever it is going to be, has to be done by May 4, to allow time for the property to be entered into the municipal auction if it cannot be donated. That means that the Little Lake Community Association has between now and May 4 to finalize their formation and be in the position to take possession as a 501(c)3.

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There will need to be a Purchase Offer between the group and the town, which is simply a formalized contract requesting title be transferred to them. Attorney Campbell added that in the contract, there must be language to the effect that the group commits to use the JECC for community purposes.

Attorney Campbell went on to explain that the purchase offer will need to be made to the Town Board on May 4, and they can act to accept it by resolution, subject to permissive referendum at that meeting. This way, if the organization is not able to do this, we can still get in on the county sale. The Town Board does not want to keep the property any longer than that because of safety concerns, expenses, the possibility of deterioration, etc.

Attorney Campbell stated that he would like to work with the group's attorney to put together a framework for the Purchase Offer. The deed from the Town to the organization would mirror the language in the Purchase Offer, basically establishing a deed restriction. Without that, it would not be legal for the Town to transfer title to the group unless they were paying for it. He needs to have discussions with the group's attorney about what that language would be to make sure it accomplishes what they need.

Councilmember Seelos asked about the criteria for a referendum. Attorney Campbell explained that it is incumbent on the petitioners to get proper legal advice. If a petition is presented, then Attorney Campbell would have to see if it met the requirements to force a vote. He added that it is not at the discretion of the Town Board.

A resident asked what conditions Little Lakes Community Association needs to meet in order to receive the building. Attorney Campbell reiterated that they must be a 501(c)3, and present a contract including community use. The resident asked for clarification on the deadline. Supervisor Gott answered that the question he received earlier, and answered at the last meeting, was: is the building going to be sold in May? The answer is no. Councilmember Grouse added that the building could go to auction in June (if it was not able to be transferred to Little Lakes Community Association).

Attorney Campbell stressed that on May 4, the Town Board will either pass a resolution to accept a purchase offer from Little Lakes Community Association and transfer ownership, or if that can't be done, then they will pass a resolution for the property to go to the County Auction.

A resident asked if the 501(c)3 needs to be final first, or if the group can act on provisional status? Attorney Campbell answered that there is no reason to believe that their 501(c)3 won't go through. He mentioned that he would like to be able to discuss it with the group's attorney and with our accountants, but he would see that as being adequate.

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Several residents spoke to praise the Little Lakes Community Association for all the work they have done to get to this point.

**VITALE PARK UPDATE**

Supervisor Gott announced that they had a kick-off meeting two days ago regarding the new building at Vitale Park. Highway Superintendent Dave Coty had to remove small amount of concrete where the bathrooms are going. He said the State owns a small part in the parking lot and also owns the entire east side of park. We know where the easement is for sewer and where the state property is. These will not impact the building.

RESOLUTION 34-2017

**ALLOW SIGNATURE OF LEASE FOR LIBRARY TO USE HAGARTY HALL**

Construction moves swiftly on the Livonia Public Library. They will need temporary quarters for programming starting immediately, and part of the collection will need to be moved, probably starting around April 1 and continuing until completion of construction. Attorney Campbell is working on a lease arrangement with St. Matthew Catholic Church for the use of Hagarty Hall for these purposes.

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 signature of a lease and hold harmless agreement with St. Matthew Catholic Church to enable the Library to use Hagarty Hall.

RESOLUTION 35-2017

**BUDGET AMENDMENTS**

Bookkeeper Mike Lawton explained that in 2016 Frank Sykes, Kolleen Redman, Colleen Hay and Betty Miles successfully secured state aid/grants for various projects. The amounts were significant and necessitate amendments and board resolutions to approve them.

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 approve the following budget amendments:

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## Budget Amendments

### Library Fund

During 2016, expenditures totaling \$508,087 were made for the building expansion & renovation project. Of this amount, \$169,304 was paid for directly from the Library Fund Budget.

Resolved to increase the Library Fund budget in the amount of \$169,304

L510/Estimated Revenues		132,670	
L3840/State Aid	132,670		
L511/Appropriated Reserves		36,634	
L960/Appropriations			169,304
L9950.9/Capital Fund Transfers	169,304		

### General Fund

Resolved to increase the General Fund (A) budget in the amount of \$160,060

A510/Estimated Revenues		160,060	
A2705/Donations-Historical Soc.	20,250		
A3060/St Aid-Records Mngmnt	59,653		
A3089/St Aid-JCAP Grant	8,875		
A3989/St Aid-Streambank Rem.	71,282		
A960/Appropriations			160,060
A1460/Records Mngmnt Contr & Wages	59,653		
A1620/Bldgs-Security System	8,875		
A7520/Historical Property	20,250		
A8745/Flood & Erosion Control	71,282		

RESOLUTION 36-2017

### **BUDGET TRANSFERS**

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 approve the following transfers:

### Interfund Transfers

\$125,000 from the General Fund (A) to the Capital Projects Fund. This is a memo entry

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only to pay down the costs of the Town Hall Building Expansion & Renovation Project. The final transfer amount of \$64,105 has been budgeted for 2017 and will close the Due To/From Other Funds balance to zero.

\$169,303.56 from the Library Fund to the Capital Projects Fund. This includes the final balance in the building reserve account (\$36,634).

**BULK CLEANUP DAY**

Supervisor Gott mentioned that it is time to think about scheduling this year's Bulk Cleanup Day. The Board decided after brief discussion to contract with Shanks again this year. Supervisor Gott will check to see when Shanks is available and will email board members to see if that date works for them.

**CORRESPONDENCE**

- Letter from William Loftus regarding neighbor concerns. Supervisor Gott reported that Mr. Loftus has been referred to our Code Enforcement Officer Adam Backus, the Health Department and Social Services regarding his concerns.

RESOLUTION 37-2017

**MORATORIUM ON SOLAR DEVELOPMENT**

Attorney Campbell passed on a request from Code Enforcement Officer Adam Backus to see if the Board is in favor of a moratorium on solar development until such time as the Town can update our code with the appropriate regulations. Attorney Campbell pointed out that a moratorium could be worded in such a way that it would not apply in situations where a homeowner wanted solar panels for personal use. Mr. Backus feels that changes need to be made to the code so that large-scale projects can be handled appropriately. Attorney Campbell added that we do not want to discourage large scale solar development, but we need to give careful consideration as to how to site them properly. He mentioned that some things to consider would be how we would address where they will be allowed, providing buffers between them, reflection, visual impacts near homes and roads, safety concerns, etc. He offered to prepare a moratorium for board consideration if they would like.

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 direct Attorney Campbell to prepare a one year moratorium on large scale solar development for the Board's consideration.

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RESOLUTION 38-2017

**AUDIT OF CLAIMS**

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

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

Resolved to pay claims 116-171 in the amount of \$199,038.61 from the Abstract dated 2/20/2017.

RESOLUTION 39-2017

**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 172-198 in the amount of \$92,958.65 from the Abstract dated 3/2/2017.

With no further business, on a motion of Councilmember Seelos seconded by Councilmember Grouse the meeting was adjourned at 8:40 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, Town Clerk