

REGULAR MEETING, TOWN OF LIVONIA
April 6, 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 April 6, 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. John VanDerKamp led the pledge.

PRIVILEGE OF THE FLOOR

- A resident asked whatever happened to the soccer program in Lakeville. Supervisor Gott replied that the facility has been sold, and the new owner is working with the club to keep them stationed there.
- A resident asked if the newsletter will be starting up again. Clerk Hay responded that she has been busy with taxes and the records management grant, but hopes to start it back up once the grant is completed in June.
- Supervisor Gott reported that he has requested pricing for gas and diesel fuel. He received a quote from Valley, and even though they are not on state bid, they have the best price. He has one more thing to look at, but thinks Valley will be the preferred vendor.
- Supervisor Gott mentioned that there is an interesting program being offered by National Grid where the Town could potentially purchase the street lights from National Grid and convert them to LED lights. He is looking into it with David Zorn and Charlie Braun. This is a huge item in the budget, and this could potentially save the Town some money.

RESOLUTION 40-2017

APPROVE MEETING MINUTES FROM 3/2/2017

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

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

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Resolved to approve the meeting minutes from March 2, 2017.

TOWN CLERK'S REPORT – MARCH 2017

Clerk Hay gave the following Financial Report:

<i>Paid To</i>	<i>Amount Remitted</i>
Supervisor (General Fund)	\$1,883.82
NYS Comptroller's Office (Bingo and Games of Chance)	\$0.00
County Treasurer for Dog Licenses	\$213.50
NYS Ag & Mkts for Spay/neuter Program	\$97.00
NYS DECALS	\$37.78
State Health Department (Marriage Licenses)	\$22.50
Total Disbursements	\$2,254.60

TAX COLLECTION REPORT MARCH/FINAL 2017

Clerk Hay gave the following Tax Collection Report:

Total Taxes Collected	\$7,165,089.29	
Total Duplicates and Overpayments	\$6,374.95	
Total Penalties Collected	\$7,707.53	
Total Second Notice Fees Collected	\$244.00	
TOTAL		\$7,179,415.77
Total Direct Payments (to Treasurer)	\$228,833.82	
Total Bounced Checks	\$4,970.11	
Total Refunded/Applied Overpayments	\$6,372.80	
Disbursements to Supervisor	\$3,045,595.47	
Disbursements to County Treasurer	\$3,887,921.36	
TOTAL		\$7,173,693.56
Other Adjustments (Start bank balance)		\$50.00
BANK BALANCE		\$5,772.21
Due to Supervisor (balance of penalties)	\$5,720.06	
Ending Bank Balance (start bank balance plus un-refunded overpayments of less than or equal to \$1.00)		\$52.15

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Town Clerk Updates

- **Taxes**
 - Clerk Hay reported that she settled taxes with the Treasurer yesterday.
 - She will remit the final payment owed to the Supervisor later this month, after she is sure the last checks have cleared.
 - She returned 166 unpaid tax bills to the Treasurer.
- **Dog Census**
 - Dog Control continues to follow up on unlicensed dogs. There are only a handful of owners who are not in compliance. Dog control will issue tickets this weekend for the remaining unlicensed dogs.
- **Records Management Grant**
 - Clerk Hay reported that Betty and Rhonda continue to work to put the Building and Zoning records back together.
 - We are still waiting to receive the electronic records from Image Data.
 - Next steps are to develop a plan for scanning records from now forward.
- **Other Updates:**
 - Clerk Hay presented a Records Destruction Authorization Form for approval.
 - Clerk Hay would like Deputy Clerk Liesegang to attend NYALGRO school June 4-7 in Geneva. She is applying for a scholarship, and the application needs to be signed by the Supervisor verifying that the Town will not be paying for it. The Board agreed that this would be a worthwhile training opportunity, and if the deputy clerk is not successful in her scholarship application, they would still like her to attend.
 - New York Municipal Clerk Institute will be held July 10-12 in Albany. Registration is at 8 AM on Monday the 10th. Clerk Hay would like to leave on Sunday and stay Sunday night at the hotel. This year's cost for the program is \$805, and does not include meals. The extra night (Sunday) an additional \$170. Clerk Hay plans to carpool with other clerks that are going to help reduce mileage costs. There is \$850 in the Clerk's budget for the training.
 - Deputy Clerk Liesegang will complete her 6 month probationary period on April 17. Clerk Hay asked the board to pass a resolution to approve a 2% raise for her effective that date.

RESOLUTION 41-2017

AUTHORIZE RECORDS DESTRUCTION

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

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

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Nays – 0

Resolved to authorize the destruction of records per the Records Destruction Authorization Form dated 4/6/2017.

RESOLUTION 42-2017

APPROVE TOWN CLERK TO STAY EXTRA NIGHT FOR NYMCI TRAINING

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 the additional expense for a Sunday night hotel reservation so that Clerk Hay can attend the New York Municipal Clerks training in Albany starting on Monday morning, July 10.

RESOLUTION 43-2017

APPROVE EXPENSE FOR RECORDS MANAGEMENT TRAINING FOR DEPUTY CLERK LIESEGANG

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 expense for the 2017 New York Association of Local Government Records Officers (NYALGRO) Training for Deputy Clerk Liesegang, provided she is not approved for the scholarship.

RESOLUTION 44-2017

APPROVE EXPENSE FOR RECORDS MANAGEMENT TRAINING FOR DEPUTY CLERK LIESEGANG

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 a 2% raise for Deputy Clerk Liesegang effective April 17, 2017.

RESOLUTION 45-2017

APPROVE TOWN CLERK'S REPORT FOR MARCH 2017

On motion of Councilmember Seelos seconded by Councilmember Grouse the following

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resolution was

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

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

RESOLUTION 46-2017

APPROVE 2017 MARCH/FINAL TAX COLLECTION REPORT

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 approve the 2017 March/Final Tax Collection Report.

VITALE PARK UPDATE

Supervisor Gott reported that the building at Vitale Park is moving along. Monday they will dig and pour the footers.

Councilmember Grouse asked if we could buy lunch for the kids who will be volunteering in Livonia as part of Day of Caring because United Way will no longer be taking care of that expense. Supervisor Gott said yes, we appreciate their help.

RESOLUTION 47-2017

SET DATE FOR BULK CLEANUP

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 set Bulk Clean-up Day for June 3, 2017 from 7-10 AM with the same rules and price as last year.

AUTUMN IN THE VILLAGE

Supervisor Gott shared that Village Trustee Chris Genthner approached him regarding Autumn in the Village. The Village is looking for ways to save on their budget, and Autumn in the Village is one of the items on the chopping block. Supervisor Gott shared that he would like the festival to be more of a partnership between the Village and the Town, with the Town contributing money and in-kind support while also participating on the planning committee. The Town’s budget is already approved for 2017, so we may not be able to increase our monetary support this year, but could look at it for the future if it

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was more of a partnership. He asked board members for input. The board was in favor of more active participation in the event.

LIBRARY UPDATE

Supervisor Gott reported that the roof is on the library. The project is on target and on budget.

Councilmember Grouse added that she is very grateful to the diocese of Rochester for the use of Hagarty Hall.

RESOLUTION 48-2017

AUTHORIZE PURCHASE OF PICK-UP TRUCK FOR HIGHWAY

DEPARTMENT

Supervisor Gott explained that there are two pick-up trucks on state bid that Highway Superintendent Dave Coty is interested in. The Dodge 3500 from Dansville Chrysler Dodge Jeep is \$1,000 less than the Ford F350 from Genesee Valley Ford in Avon.

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 purchase a 2017 Dodge 3500 regular cab truck plus plow from Dansville Chrysler Dodge Jeep for the state bid price of \$34,330.

DISCUSS CODE MODIFICATION TO ADDRESS THE PROBLEM OF FALSE ALARMS

Supervisor Gott directed board members to a memo from Code Enforcement Officer Adam Backus asking does the board want to draft a local law to address the issue of false alarms. Supervisor Gott expressed that he has no issue with drafting such a law, but cautioned that another code means another job for the Code Department, and they are already overwhelmed with work.

Councilmember Grouse said isn't there a law that allows you to issue a ticket? Supervisor Gott answered yes, there is a county law. Attorney Campbell clarified that a local law at the Town level would be a mechanism for a fine for each additional false alarm. Such a fine would be levied against the homeowner, not the alarm company. The Board needs to decide if they want a fine structure to try to discourage false alarms.

Councilmember Grouse stated that people don't do this on purpose. She expressed that she is not in favor of fining elderly or infirm people. She felt it would be different if

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people were doing it on purpose.

After some brief discussion, the Board decided to try to get more information from the fire departments about this concern before moving forward.

RESOLUTION 49-2017

ACCEPT RESIGNATION OF CHECK CASACELI FROM THE JOINT PLANNING BOARD

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 accept the resignation of Chuck Casaceli from the Joint Planning Board.

RESOLUTION 50-2017

RETIREMENT RESOLUTION

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 Form RS 2147-A for certification and submission to the NYS Retirement System.

RESOLUTION 51-2017

INTRODUCE PROPOSED LOCAL LAW #1-2017 REGARDING REZONING AND SET PUBLIC HEARING FOR SAME

Attorney Campbell presented a proposed local law for the Board's consideration that describes the proposed rezoning. He explained that in addition to changing the 35 acres from Mixed Use to Industrial, there is a sliver that will go from Industrial to Mixed Use. He has referred this proposed local law to the Livingston County Planning Department. Because this is a zoning change, bordering municipalities will have to be notified. He has also prepared the SEQRA (State Environmental Quality Review Act) forms.

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 introduce proposed Local Law #1-2017 – A Local Law to Amend the

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Boundaries of Certain Property within the Mixed Use District and Industrial District and to Change the Zoning District Classification of Portions of Such Districts, All within the Town of Livonia, Livingston County, New York; and further

Resolved to set the Public Hearing regarding the proposed local law for 7:05 PM on May 4, 2017 at the Livonia Town Hall, 35 Commercial Street, Livonia, NY.

RESOLUTION 52-2017
INTRODUCE PROPOSED LOCAL LAW #2-2017 REGARDING SOLAR MORATORIUM AND SET PUBLIC HEARING FOR SAME

Attorney Campbell presented the draft he crafted for proposed Local Law #2-2017 to institute a temporary land use moratorium prohibiting large scale solar installations within the Town of Livonia. He stated that the moratorium is proposed for one year, but the time frame could be shorter. This will allow the town to educate itself and address this new use with appropriate regulations. This does not contemplate stopping or preventing anything built on a homeowner's roof where the *primary* purpose is for generating power on premises, not for selling back to utilities. This is a Type 2 Action under SEQRA, so a review is not required. If interested in moving forward, the Board must set a public hearing, deliberate, and then decide whether or not to adopt the moratorium. Once it is adopted and filed with the Department of State, the Board has 12 months to craft changes to the code. The moratorium can be stopped sooner or extended if needed.

In response to several questions, Attorney Campbell explained that it is not the size of the project that determines whether or not the moratorium applies, it is the primary use.

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 introduce proposed Local Law #2-2017 – A Local Law Establishing a Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations within the Town of Livonia; and further

Resolved to set the Public Hearing regarding the proposed local law for 7:05 PM on May 4, 2017 at the Livonia Town Hall, 35 Commercial Street, Livonia, NY.

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RESOLUTION 53-2017

INTRODUCE PROPOSED LOCAL LAW #3-2017 REGARDING CHANGING THE DEFINITION OF SINGLE FAMILY RESIDENCE AND SET PUBLIC HEARING FOR SAME

The Attorney for the Town introduced a draft local law to change the definition of Single Family Residence in the Town Code. Currently our code defines a Single Family Residence as, “A dwelling unit designed for or occupied exclusively by one or more persons living as a single, nonprofit housekeeping unit.” Attorney Campbell thought the Code would be clearer if the word “nonprofit” was removed from the definition, in case it is being misconstrued. He added that he did some research and feels that the term “nonprofit” really isn’t about not being able to rent a single family residence, it is more about not having boarding houses, for example individual rooms for rent with transient activity. He found some case law and language in other codes that would support this. He also explained that we have a long history of renting single family residences in Livonia. After some discussion, the Board decided to conduct a Public Hearing on the subject.

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 introduce proposed Local Law #3-2017 – To Amend Chapter 150 of the Code of the Town of Livonia, Livingston County, New York, to Modify Section 150-5. Of Chapter 150 (replacing the definition of “DWELLING, SINGLE-FAMILY” with a new definition); and further

Resolved to set a Public Hearing regarding the proposed local law for 7:05 PM on June 1 at Vitale Park, Lakeville.

DISCUSSION REGARDING NEED TO REPLACE TRUCK #17

Supervisor Gott reported that the 1991 Mack truck (truck #17) needs a fairly substantial amount work, and it will cost thousands of dollars to fix it. We have already fixed it numerous times, and it is time to replace it. Highway Superintendent Dave Coty looked into a used one at Caledonia Diesel, and even with a trade-in, the cost will be over \$35,000, which means it must go out for bids.

RESOLUTION 54-2017

SOLICIT BIDS TO REPLACE TRUCK #17

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

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

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Nays – 0

Resolved to write bid specifications and advertise for the purpose of soliciting competitive bids for a used truck to replace Truck #17.

LIVONIA COMMUNITY SERVICE AWARDS

Councilmember Grouse reported that we are seeking nominations for the Livonia Community Service Awards. The Lifetime Achievement, High Impact and Youth Awards will be presented in July. She asked Clerk Hay to make the forms available on the web site and at the Town Clerk's counter.

RESOLUTION 55-2017

AUTHORIZE BUILDING & ZONING TO ADVERTISE FOR PART-TIME HELP

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 authorize Building & Zoning Director Adam Backus to advertise for a part-time assistant to replace Jim Kier who resigned.

CORRESPONDENCE

- Supervisor Gott read a thank you card from Jim Kier. Mr. Kier expressed that he enjoyed his time working at the Town of Livonia.

RESOLUTION 56-2017

AUDIT OF CLAIMS

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 199-249 in the amount of \$223,970.11 from the Abstract dated 3/22/2017.

RESOLUTION 57-2017

AUDIT OF CLAIMS

Supervisor Gott mentioned that we did not receive a complete invoice from Utica General Peterbilt so he will hold payment until that is submitted.

On motion of Councilmember Gascon seconded by Councilmember English the

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following resolution was

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

Resolved to pay claims 250-288 in the amount of \$72,114.13 from the Abstract dated 4/6/2017.

RESOLUTION 58-2017

ENTER INTO EXECUTIVE SESSION

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 enter into Executive Session with Attorney Campbell at 8:24 PM to discuss contract negotiations regarding the Jack Evans Community Center.

RESOLUTION 59-2017

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 to resume Regular Session at 8:36 PM.

With no further business, on a motion of Councilmember English seconded by Councilmember Gascon the meeting was adjourned at 8:36 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, Town Clerk