

REGULAR MEETING, TOWN OF LIVONIA
September 16, 2021

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 St. Livonia, NY on September 16, 2021.

PRESENT: Eric Gott, Supervisor
Joseph Breu, Councilmember
Peter Dougherty, Councilmember
Andy English, Councilmember
Matt Gascon, Councilmember
Hayley Anderson, 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. Jim Campbell led the pledge.

PUBLIC HEARING – LOCAL LAW #1 – 2021 -ON SOLAR ENERGY SYSTEMS AND LOCAL LAW #2-2021 BATTERY ENERGY STORAGE

Following distribution of the proposed Local Laws to the Town Board members on June 17, 2021 notice of said Public Hearing was duly published in the Livingston County News on September 2, 2021 with same being posted on the same date at the Town Hall, and Livonia’s web site. Referral was also sent to the Livingston County Planning Board and adjacent municipalities.

Clerk Anderson read the Notice of Hearing for the record.

Attorney Campbell stated that this is the opportunity for the board to hear thoughts and for the public to hear each other as well, this is generally not to be question and answer, but for the public to be heard. Laws can be refined afterward, he suggested leaving the meeting open for written comment for further consideration.

Supervisor Gott outlined the expectations of the public hearing to be that one person at a time will speak. There will be no dialogue, this is just an opportunity to hear the publics concerns. This is not a debate, for any parties involved. The town board asks for respect from everyone.

Supervisor Gott declared the Public Hearings open at 7:06PM.

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A resident of Livonia who is the owner of industrial property in the town. Asked the board to consider the language concerning the lot Parcel coverage, prime farm land, and expressed his income has all been derived from agriculture growing up. Industrial property is not addressed in the current local law, and 20% lot coverage seems restrictive. Would like the board to consider thinking of industrial property different than agricultural property. Has been looking to develop this property for a long time. Section b states-any development would want setbacks, but in his opinion 400 feet seems excessive. Finds it hard to believe that the 400 feet would be necessary. Thanked the board for considering.

A resident of Bronson Hill Road raised concerns about farmland across the road. He is concerned about the Environmental impact in a water shed environment. Concern that property values will be shot down and lose value. He believes Lakeville is a tourist area, not an industrial. He states there is plenty of land further away from the watershed area. Other solar farms in Avon are an eye sore and have not held up their promises. No tax cuts and no benefit to the residents. Residential agricultural is not the place, nor is the watershed area. Our health and welfare are at stake. He asked the town board to consider his concerns, and place a lengthy moratorium in place to investigate this matter, and conduct studies. He is not in favor of a solar farm in a residential area, and certainly does not want to look out his windows at solar panels. He thanked the board for their time.

Another Resident of Bronson Hill Road-asked if this does go through, can we find a place where nobody can see this, and it wouldn't impact our views and our nature, and our lakes and the value of our homes. Questioned, will we get energy from this, or will it go to the big cities?

A resident of Pennemite road-beyond environmental risks, she did reading on national grids previous projects and they admit they defer on traditional updates, and what happens when these new technologies fail, and she questions will we be left without power because these things are not maintained properly?

A resident of Coy road Livonia-She presented and stated she is a teacher at Avon School Districh where there is a solar field, and encourages the town board to travel to Avon to see the broken down panels, the overgrown weeds, and desolate solar field, with broken panels, with no benefit to us. She states this is benefiting downstate. With batteries-No way our fireman can put these batteries out, so they burn. Now my soil is full of toxins, and so is our lake, and our wells. Again, no benefit to us.

A resident of Lakeville - states he came to let everyone know his experience with battery storage-3 years ago, Cuomo and his task force identified things to improve business

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climate in new York, and identified the need to increase the demand for energy and power, so they came up with the idea that they would find areas needing energy. These storage systems have alarm systems, they don't cause traffic, don't take water and sewer, don't put kids in school, but do pay taxes. Spring of 2019 all these energy companies descended on Lakeville asking to lease property. When they enter into contract with state and town, they are required to post a bond, which will cover cleanup or dismantling of them, currently they come with a 30 year lease. If ownership changes, the bonds still need to be posted. If they decide to discontinue for whatever reason, they must dismantle it, dispose of it safely and replace the land the way it is. In terms of disposal, there was an issue starting out, but since the uptick in demand of the industry, someone smarter than us is going to have to figure out where it comes from. Companies are now building massive disposal units throughout the country. Asks the board to consider providing language, that might allow battery storage unit for a utility substation should they choose to put one on a property in Livonia. Original company became frustrated and have moved on, and just seems like we wouldn't want to pass up something that could provide taxes for our town, school district and county.

A resident of Coe Road-Presenter that "Life cycle" is a factory in Rochester that is recycling lithium-ion batteries. As these things become more popular there will be more a demand.

A resident of Bronson Hill Road-states he appreciated the beauty of the land and he moved here for that. His windows face east and west, if a solar farm is to be built there, on the east side, his view would be destroyed by the glare of these solar panels. Nothing against solar energy, I am against this location. He expressed in his opinion, people who don't live with this eye sore shouldn't make decisions about a potential eye sore for him and his neighbors

A resident of Bronson hill road, presents concern about who will enforce these laws, and this sounds complex and could go squirrely very fast. He questioned what the recourse is going to be when things are done improperly, and who is going to enforce whatever laws are passed.

A Resident of Hemlock Ny-thanked the board for taking time for consideration. Just became aware of this issue. Had solar in home for 10 years, as a residential plan it has paid for itself in 7 years. All manufacturers are going to energy power. He questioned if anyone is looking at the Cumulative impact. He states he came to this board a long time ago, and asked why we can't look into community based solar and take advantage of the return on investment and benefit as a whole. He states he is pro solar, but what if this is just an eye sore and power goes to downstate, but what if we can work together and have this area benefited. As far as battery storage, he advised the board to take their time on

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that decision. He asked why this would go near a business, homes, and Electromagnetic fields, also questioning if anything is in the comp plan that addresses this? The finger lakes is a multibillion tourist engine, that is the business we should be looking for. He stated a question in his mind is the old cold fire power on Seneca lake in the town of Dresden, the plant came in to be a peaker plant, turns out it is a bitcoin operation. They came in and said it would benefit the grid, but all they're doing is mining bitcoin. Be cautious as you move forward.

A Resident of west lake road-she states she is a Livonia school taxpayer-The first solar farm in Lakeville village, she has fought with lawyers as her farm is bordering it. Her Farmland and wildlife is already suffering. She states part of the watershed goes into Conesus Lake, and one of the most polluted creeks that goes into the lake. Leech beds are being flushed. Development going in at the north of her is going to run into the watershed. Concerned about drainage, and them not giving her enough space. Be very careful, and don't change the rules like the town of Geneseo did to me. She cautioned the board, if you're going to do it, do it right. Thank you for taking the time. I hope you do a better job than Geneseo.

Supervisor Gott advised any written comments should be sent to supervisor@livonianyny.org and he will forward to the Town Attorney, Town Clerk and Town Board.

Attorney Campbell advised that because the use is not currently permitted, getting a variance is not likely. It would have to be a use variance, and that is not likely to be granted.

Comments:

Supervisor Gott asked if anyone from the public or the board wished to comment. Supervisor Gott stated that the public hearing would remain open and written responses will be accepted for 14 days.

With everyone who wished to be heard having been heard, the Public Hearings were closed at 8:18 PM.

RESOLUTION 125-2021
SET SALARIES FOR ELECTED OFFICIALS

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

ADOPTED Ayes - 5 (Gott, Breu, Dougherty, English, Gascon)

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Nays – 0

Resolved to set the following 2022 salaries for certain elected officials: Justices \$15,403 or; Councilmembers \$7,876.00 Supervisor \$39,084; Town Clerk \$41,310; Highway Superintendent \$64,296.

RESOLUTION 126-2021

SET DATE FOR BUDGET WORKSHOP

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Breu, Dougherty)
Nays – 0

Resolved to set the budget workshop for Thursday October 14, 2021 at 6 PM at the Town Hall

RESOLUTION 127-2021

SET PUBLIC HEARING FOR PROPOSED 2022 BUDGET

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Breu, Dougherty)
Nays – 0

Resolved to set the Public Hearing for the 2022 Proposed Budget and Water and Sewer Unit Charges on October 21, 2021 at 7 PM at the Livonia Town Hall.

RESOLUTION 128-2021

HIRE NEW LABORER EMPLOYEE, PASQUALE GUILIANO

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Breu, Dougherty)
Nays – 0

Resolved to hire Pasquale Guiliano at a rate of pay of \$15.00 an hour effective September 7, 2021.

RESOLUTION 129-2021

RE-APPOINT DAWN ANDERSEN TO BOARD OF ASSESSMENT REVIEW

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

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ADOPTED Ayes - 5 (Gott, English, Gascon, Breu, Dougherty)
 Nays – 0

Resolved to re-appoint Dawn Andersen to the Board of Assessment Review for a 5 year term.

RESOLUTION 130-2021

APPOINT DAWN ANDERSEN TO COUNTY PLANNING BOARD

On motion of Councilmember Dougherty seconded by Councilmember Breu the following resolution was

ADOPTED Ayes - 5 (Gott, English, Gascon, Breu, Dougherty)
 Nays – 0

Resolved to appoint Dawn Andersen to fill the vacancy for the Town of Livonia on the Livingston County Planning Board.

RESOLUTION 131-2021

APPOINT TAMARA WOODRUFF TO LIBRARY BOARD

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Breu, Dougherty)
 Nays – 0

Resolved to appoint Tamara Woodruff to fill Irene Turners unexpired term on the Library Board.

RESOLUTION 132-2021

BLANK ROAD PIPELINE REPAIR

Emergency erosion of roadway due to pipe deuteriation.

Morsch Pipeline quoted \$137,000 and Fineline Pipeline quoted \$107,000 to fix this emergency.

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Breu, Dougherty)
 Nays – 0

Resolved to hire Fineline Pipeline to conduct emergency repair of Blank Road pipeline.

PRIVELAGE OF THE FLOOR

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Councilman Breu reports new board of commissioners at Hemlock Fire Department.
EMS has renewed lease for space at the fire hall in Livonia.
Firehall will get upgraded security system and received multiple quotes.

RESOLUTION 133-2021
PUBLIC HEARING – LOCAL LAW #1 – 2021 -ON SOLAR ENERGY SYSTEMS

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Breu, Dougherty)
Nays – 0

With everyone who wished to be heard having been heard, the Public Hearing was closed for verbal comment at 8:18 PM. Written comments will be accepted for 14 days.

RESOLUTION 134-2021
LOCAL LAW #2-2021 BATTERY ENERGY STORAGE

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Breu, Dougherty)
Nays – 0

With everyone who wished to be heard having been heard, the Public Hearing was closed for verbal comment at 8:18 PM. Written comments will be accepted for 14 days.

RESOLUTION 135-2021
APPROVE 8/19/2021 MEETING MINUTES

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

ADOPTED Ayes - 5 (Gott, English, Gascon, Breu, Dougherty)
Nays – 0

Resolved to approve the meeting minutes from 8/19/2021

RESOLUTION 136-2021
TOWN CLERK’S REPORT – AUGUST 2021

Paid to Supervisor	\$5,481.28
Paid to County Treasurer for Dog Licenses	\$465.50
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	\$0
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$198.00

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Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$5,760.72
State Health Department (marriage licenses)	\$180.00
TOTAL DISBURSEMENTS	\$12,085.50

Very busy with hunting/fishing licenses and marriage licenses.
New copier is delayed in shipping, but should be here within a couple weeks, and training is scheduled.

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

ADOPTED Ayes - 5(Gott, English, Gascon, Breu, Dougherty)
 Nays – 0

Resolved to approve Town Clerk’s report for August 2021.

RESOLUTION 137-2021

MATCH FUNDING FOR UPWP APPLICATION IN LAKEVILLE

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

ADOPTED Ayes - 5(Gott, Dougherty, English, Gascon, Breu)
 Nays – 0

Resolved to authorize application and approve up to \$50,000 in matching funds.

RESOLUTION 138-2021

AUDIT OF CLAIMS

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

ADOPTED Ayes - 5(Gott, Dougherty, English, Gascon, Breu)
 Nays – 0

Resolved to pay claims 720-747 dated 09/01/2021 in the amount of \$142,003.26

RESOLUTION 139-2021

AUDIT OF CLAIMS

On motion of Councilmember Dougherty seconded by Councilmember Breu the following resolution was

ADOPTED Ayes - 5 (Gott,Dougherty, English, Gascon, Breu)

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Nays – 0

Resolved to pay claims 748-792 dated 9/16/2021 in the amount of \$80,424.44

With no further business, on a motion of Councilmember Gascon seconded by Councilmember English the meeting was adjourned at 8:30PM. Carried unanimously.

Respectfully Submitted,

Hayley Anderson
Town Clerk