

TOWN BOARD MEETING, TOWN OF LIVONIA

November 21, 2024

A 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 NY 14487

PRESENT: Eric Gott, Supervisor
Joseph Breu, Councilmember
Peter Dougherty, Councilmember
Andy English, Councilmember
Matt Gascon, Councilmember
Hayley Woodruff, 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. Eric Wies led the pledge of allegiance.

PUBLIC HEARINGS – 2025 PROPOSED BUDGET / WATER & SEWER UNIT CHARGES

Supervisor Gott declared the public hearings open at 7:13 PM for the 2025 Proposed Budget, and the Water & Sewer Unit Charges.

Notices for both Public Hearings were duly published in the Livingston County News on October 25th and November 1st, with same being posted on the same date at the Town Hall and on the Town's web site. In addition, notices regarding the Public Hearing for the Hemlock Sewer and Cadyville Road Water unit charges were mailed to owners of property in said districts.

Clerk Woodruff read the hearing notices for the record.

Supervisor Gott announced the budget was created with taxpayers in mind, it is conservative, it fully funds employee requirements, retirement, modest raises, and new highway trucks. He stated it is the philosophy of the board that we pay as we go, avoid incurring debt, support our parks, our recreation program, our public library, and the entire town operation. The tax rate is set to go up slightly, about .03 cents per thousand. The budget was completed without having to go over the tax cap, while meeting all the needs of the public.

TOWN BOARD MEETING, TOWN OF LIVONIA

November 21, 2024

With everyone who wished to be heard having been heard, the Public Hearing was closed at 8:19PM. Let the record reflect that nobody came to comment on unit charges public hearing or budget public hearing.

PUBLIC HEARING-FORMATION OF CENTRAL LIVONIA WATER DISTRICT

Supervisor Gott declared the public hearing open at 7:13PM for the formation of the Central Livonia Water District.

Notice for the Public Hearing was published in the Livingston County News on November 8th, 2024 with same being posted on the Town Website and at the Town Hall on November 1st, 2024.

Clerk Woodruff read the hearing notice for the record.

Eric Wies summarized the proposed project. Estimated cost of the project is about \$14,530,000.00. This will result in a maximum payment of \$1,078 a year for water users within the proposed district. Should this move forward the debt charge and unit charge are based on the Map, Plan and Report and cannot be exceeded without going back to re-do the approval process again. If grant dollars are not received, then the project would need to be re-worked. The \$1,078 is comprised of \$685.15 in debt service and \$392.50 in unit charges. The estimated cost to hook up is about \$30 per linear foot and that cost would be separate for the homeowner. Operation and maintenance will be done by LCWSA. Should the Town Board move forward, grant applications would go in early 2025 and wouldn't expect to hear about the outcome of the grants until the end of 2025. If all goes well, the project could kick off in 2026, but it would likely be 2027 before construction really begins.

A Resident asked for clarification that no ground would be broken until residents knew the cost. The Board advised yes, that is true, and the cost of the project has been provided in the Map Plan and Report that is being discussed tonight.

A Resident asked about a vote that took place before and wanted to see the results of the that. Supervisor Gott advised that the petition process was not a vote. Attorney Campbell clarified the difference between a petition process, which was handled solely by volunteers, is not the same as a vote. Due to residents travelling south for the winter, people not answering their doors etc, the petition process was not deemed an accurate depiction of the need for water. Attorney Campbell went on to explain there are two ways to form a district. Residents can attempt to get petitions for the formation, or to move forward by the action of the Town Board. If the Board were to move forward with the project, at that point it would be subject to the permissive referendum process.

TOWN BOARD MEETING, TOWN OF LIVONIA

November 21, 2024

Should there be enough petitions, signed by persons within the proposed district, seeking a referendum, the project would then be moved to a vote to determine if the project will proceed.

A resident asked if there is a vote, is it just one per household? Attorney Campbell advised that voting eligibility is based on a combination of things. First, it would be necessary to identify all of the impacted properties within the proposed district. Based on the boundaries of the proposed district, the Town would need to create a list of who can vote. The list would be based on registered voters at the last gubernatorial election.

Another resident asked why the people who oppose the project moving forward must go out and get signatures to force a vote. They questioned why the people who want it don't have to go out and get the petitions for it. Attorney Campbell clarified again that there are two process'. He also advised that the Town Board could choose to have a mandatory referendum on the matter. An important part of the purpose of having this public hearing is for the Board to hear the thoughts and opinions of people who will be impacted by the proposed water district.

Another question was if a motion could be made to force a referendum to be set forth. Attorney Campbell advised there are procedural things that need to be done to be sure the process is done properly, otherwise it won't count. The Town Board cannot and will not act tonight regarding establishing formation, the purpose of the public hearing is to have residents heard. A resident states it would cost about \$30,000 just to run a line to his house to hook up to the water. He asked how to exempt himself and his neighbors in the same situation. They are about 1000 feet or more off their road. Eric Wies explained that the committee chose to include them in the district no matter how far off the road they are and even if they choose not to hook up. The resident then asked if they were required to be included in the debt service if they did not intend to hook up, the answer was yes. Another question asked was how many years will this tax be imposed? He then expressed concern that over the 38 years of debt service, it will cost over \$38,000 and it will not even benefit them.

A resident asked what percentage of people within the district would need to sign a petition to stop this from happening and bring it to a vote. Attorney Campbell advised he would need to follow up on that, but believes it to be 5% of eligible voters within the proposed district. He advised that if the Town Board moves forward subject to a mandatory referendum, petitions would not be necessary; but he will follow up on the number needed should it move to permissive referendum.

Another resident expressed concerns about water levels in Hemlock and Canadice Lake. He stated there is nothing in the engineering report that states what water consumption

TOWN BOARD MEETING, TOWN OF LIVONIA

November 21, 2024

will be. He would also like to know what the water demand for the buildup of the project will be. He believes with this amount of water proposed, it would seem like there would be a need for another water tower and would like an explanation if one will be needed in the future and where placement could be for any future water tower. He states the Comprehensive Plan needs to be updated with this project as well, as this will facilitate further development. He is also concerned about the pump station in the Hemlock outlet. He said that in his opinion there would need to be an accelerated schedule, and he would think the Town Board should declare the lead agency, as this project is in competition with others, for funds. Councilman Gascon updated on the fact that much of the water from Canadice and Hemlock Lake goes to other towns, and he would like to see the residents of Livonia receive it, if they want it. The water is only going to continue to go elsewhere and it's running through our own town currently, and our residents can't get it.

Another resident stated he thought we controlled the water, and then gave it up to the county. Supervisor Gott stated that that decision was made before his time and we would have to look back to then. The resident expressed it was his feeling that had that not been done, we wouldn't be in this situation today.

Another resident asked why can't folks who won't hook up, or don't need the water can't be exempted, and why are others are excluded and they can't be. Eric Wies advised that land is landlocked. If parcels have access to the roadway, then they're included in the debt service amount.

Another resident asked if new builds will be charged that amount of debt, and then if a new build goes in, will the debt the current homes are paying be reduced? Yes, Eric Wies advised.

Residents asked what notification to the public will go out to be warned about getting the petition process started. If the Town Board decides to move forward with the project, then they'd have 30 days to bring it to a permissive referendum, which would be a vote of everyone in the proposed district. Attorney Campbell again advised that the Town Board could choose to move to a mandatory referendum and then it would be a vote. If done by permissive referendum instead of a mandatory referendum, notice will be published in the Livingston County News within ten days of action being taken to establish the proposed district.

A previous Petition walker expressed that there are neighbors that have no water or bad water, and expressed that there is a real need in the community.

Another resident asked if there are no alternative methods to assist those individuals who want the water through tax payer dollars instead of charging everyone \$38,000, or

TOWN BOARD MEETING, TOWN OF LIVONIA

November 21, 2024

thorough grants. Attorney Campbell confirmed that using tax payer dollars to assist individual residents often violates laws against impermissible gifting, and all those in the district have to be treated similar. The Town cannot raise tax payer dollars and only make improvements to certain individual properties. He stated we could go back to the drawing board and look at forming a different district, however, that is how we got here today. At this point, that decision would be up to the tolerance of the community. This report only shows parcels that will be serviced. Another question posed was what size of line will be used in the project, and if different properties would require different sizes. Eric Wies advised that the size of line used will be determined at the time of construction based on a lot of different variables.

Supervisor Gott advised this is not a question and answer, but a session to express concerns and needs. He was given a list of questions and confirmed all will be answered. The SEQR process may begin tonight but no other action will be taken tonight.

With everyone who wished to be heard having been heard, the Public Hearing was closed at 8:219PM.

DISCUSSION

Resident Dave Sprague came to ask the Town Board to reduce the Speed Limit on Densmore Road. He spoke and expressed his appreciation to the Town Board for hearing his concerns, along with concerns of many neighbors who were also present. The speed limit is now 40mph, and the main concern is safety. Due to a lot more children now on the street, walkers, bikers, and children using the road frequently. In the last two months, two pets have been hit by a car and no driver has stopped. The road is hilly, and that creates blind spots, and there is increasing population density. He explained there are a lot of houses close to the road, like you see in the village. Since covid, like everywhere, there is an influx of delivery trucks and services. These are not always the same drivers so they are not always as careful. In addition, there are multiple garbage collection companies, lawn services etc on the side of the road, that already doesn't have a shoulder. He said he understands that people will still speed, but if the posted speed is lower, they may go slower than they are currently going.

Supervisor Gott explained the process of filing a TE-9. After a case is started, the NYSDOT makes the decision on speed reduction, based on a speed study. He wants to be clear that the residents of Densmore Road understand that the Town Board loses all decision making after tonight. Councilman Breu advised that he would request a speed box to be setup to collect data and speed watch as well.

RESOLUTION 126-2024

AUTHORIZE CLERK WOODRUFF TO SEND TE-9 TO REQUEST SPEED

TOWN BOARD MEETING, TOWN OF LIVONIA

November 21, 2024

REDUCTION ON DENSMORE ROAD

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

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

Resolved to authorize Clerk Woodruff to sign TE-9 requesting a speed reduction from 40mph to 30mph on Densmore road.

INTRODUCTION OF HISTORICAL SOCIETY EMPLOYEES

Betty Miles and Dawn Woodburn introduced employee Connor Marsland from the Historical Society. She expressed her appreciation for his work at the museum and his presentation at the Cannon at the Library. They then introduced Carrie VanAuken and thanked her for her work on Sundays at the Historical Society. President Howard Judd and Treasurer Cathy Schwalenstocker were also present, along with Volunteer Dawn Woodburn. Historian Betty Miles expressed her sincere appreciation and gratitude to the Historical Society Staff.

Discussion on Solomon Woodruff Historical Marker Restoration-Betty explained that the marker is in sore shape. She went to twisted willow to get refurbishing on existing marker. She has received a donation from rotary for the cost of restoration, and asked the Town Board to consider making a donation for the remainder of the cost.

RESOLUTION 127-2024

AUTHORIZE DONATION TO SOLOMON WOODRUFF HISTORICAL MARKER RESTORATION

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

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

Resolved to authorize a donation in the amount of \$400 to the Historical Society for the Restoration of the Solomon Woodruff Historical Marker.

PRIVILEGE OF THE FLOOR

Councilman English stated at the last meeting, residents came to discuss playground renovation and since that meeting, Mike Mallaber has really taken the reigns and deserves acknowledgement for his precise details. It is impressive that in the small amount of time that has passed, the progress that has been made.

TOWN BOARD MEETING, TOWN OF LIVONIA

November 21, 2024

Mike Mallaber spoke and thanked Councilman English for his help, and stated now that he is a grandfather he frequents different communities and is exploring all sorts of details of their playgrounds. He expects this project to be a combination of donations, grant money and any other possible funding. He is looking forward to moving this process forward.

Councilman Breu advised that there is a Livonia Fire Commissioner position open and interested candidates should apply by 12/20/2024. Clerk Woodruff has posted ad in the Livingston County News.

RESOLUTION 128-2024

EXTENDING JOINT SERVICES AGREEMENT FOR MACHINERY, TOOLS, EQUIPMENT AND SERVICES SHARING ACCESS WITH COUNTY HIGHWAY

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

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

WHEREAS, New York State Highway Law Sec. 133-a authorizes the Town to enter into agreements to permit the use of County-owned machinery, tools or equipment by other municipal corporations, and

WHEREAS, it would be in the Town’s interest to enter into such an agreement with the County, now, therefore, be it

RESOLVED, that the Supervisor of the Town of Livonia is hereby authorized to sign the extension of the joint services agreement with the County for a term of one year commencing January 1, 2025 and terminating December 31, 2025.

RESOLUTION 129-2024

ACCEPT RESIGNATION OF LAURIE FOE FROM THE BOARD OF ASSESSMENT REVIEW

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

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

Resolved to accept the resignation of Laurie Foe from the Board of Assessment Review effective

TOWN BOARD MEETING, TOWN OF LIVONIA

November 21, 2024

RESOLUTION 130-2024

AUTHORIZE SUPERVISOR GOTT TO SIGN SNOW AND ICE REMOVAL CONTRACT WITH LIVINGSTON COUNTY HIGHWAY DEPARTMENT

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

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

Resolved that Supervisor Gott of the Town of Livonia is hereby authorized to sign the 2025-2027 contract for snow and ice removal on county roads.

RESOLUTION 131-2024

APPROVE ANNUAL AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

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

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

Resolved to approve the 2025 Agreement to Spend Town Highway Funds in the amount of \$300,000 for general repairs on 5 miles of town highways to include sluices, culverts, and bridges having a span of less than five feet and boardwalks or the renewals thereof. Stone Hill Rd, Bronson Hill Road, Adams Rd, and Federal Rd to be included for improvements.

RESOLUTION 132-2024

HIRE SARAH HOFF AS LIBRARY SUBSTITUTE

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

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

Resolved to hire Sarah Hoff as Library Substitute effective 10/30/2024 at a rate of pay of \$15.29 an hour.

RESOLUTION 133-2024

TOWN BOARD MEETING, TOWN OF LIVONIA

November 21, 2024

APPROVE MEETING MINUTES FROM OCTOBER 17 AND OCTOBER 21, 2024

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

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

Resolved to approve the Meeting Minutes from October 17, 2024 and October 21, 2024

RESOLUTION 134-2024

TOWN CLERK REPORT

Paid to Supervisor for the General Fund	\$4,721.64
Paid to County Treasurer for Dog Licenses	\$185.50
NYS Comptroller's Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$61.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$2,360.00
State Health Department (marriage licenses)	\$67.50
TOTAL DISBURSEMENTS	\$7,395.64

New York State advised that as of November 13th, 2024 Municipalities may charge residents wishing to have their hunting or fishing license printed, a \$1.00 fee. This is up to each municipality. Clerk Woodruff asked the Board if they would like to implement this fee. Clerk Woodruff expressed it is not her wish to charge this fee. The Town Board unanimously agreed, we will not be charging a fee for printing of these licenses.

Clerk Woodruff received an update from the Town of Canandaigua about their playgrounds. The pirate ship was taxpayer funded, the land was donated under the verbiage that it would be used for recreation. The inclusion playground was all donated through a group called DreamBig! Inclusion in Motion. Clerk Woodruff has sent them an inquiry on how to be considered for their program. More to come on that.

Clerk Woodruff has submitted the ad for the upcoming vacancy of a Fire Commissioner, and Tessa will invoice the Village for half the cost after the ad is run. The total should be around \$80, \$40 for the Town portion.

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

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

TOWN BOARD MEETING, TOWN OF LIVONIA

November 21, 2024

Resolved to approve Clerk Woodruff's monthly report for October.

RESOLUTION 135-2024

CLOSE THE PUBLIC HEARING FOR 2025 BUDGET AND WATER/SEWER UNIT CHARGES

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

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

Resolved to close the public hearing for the proposed 2025 Budget and Water/Sewer Unit Charges at 8:19PM

RESOLUTION 136-2024

ADOPT 2025 BUDGET

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

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

Resolved to adopt the 2025 Budget and spending plan as presented.

RESOLUTION 137-2024

CLOSE PUBLIC HEARING FOR FORMATION OF CENTRAL LIVONIA WATER DISTRICT

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

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

Resolved to close the public hearing for the formation of Central Livonia Water District at 8:19PM

RESOLUTION 138-2024

AUTHORIZE SUPERVISOR GOTT TO SIGN SEQOR DOCUMENTS TO ACT AS LEAD AGENCY IN CENTRAL WATER DISTRICT PROJECT

On motion of Councilman Gascon, seconded by Councilman Dougherty the following resolution was adopted by the Town Board of Livonia, New York:

Whereas, the proposed District will include a total of approximately 125,350 linear

TOWN BOARD MEETING, TOWN OF LIVONIA

November 21, 2024

feet of 8-inch water main. The water main will be installed along portions of Pennemite Road, Vanzandt Road, Densmore Road, South Livonia Road, Cadyville Road, Cleary Road, Price Road, Decker Road, Backus Road, Holmes Hill Road, Coe Road, Niver Road, Federal Road, Adams Road, Blank Road, Lindsley Road, and Richmond Mills Road and will serve approximately 374 residential, commercial, and agricultural properties.; and

Whereas, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Town Board of Livonia intends to serve as Lead Agency for SEQRA review of this Type 1 Action and will determine if the proposed action will have a significant effect on the environment; and

Whereas, the Lead Agency will undertake a coordinated review of this proposed action.

Now Therefore Be It Resolved, that the Town Board hereby designates its intention to serve as Lead Agency for the proposed action and will circulate Lead Agency Notice along with Part 1 of the Long Form Environmental Assessment Form and any other supporting documentation to all Involved Agencies. These agencies shall be given 30 days from the mailing of the Lead Agency Notice to consent. Interested Agencies will be given notice, but not required to consent pursuant to 6 NYCRR Part 617.6.

VOTE

AYES: Gascon, Dougherty, English, Breu, Gott

NOES:

ABSENT:

DATE: November 21, 2024

Supervisor Gott confirmed with Attorney Campbell that the Board can still choose whether to move this to a mandatory referendum after tonight's meeting.

RESOLUTION 139-2024

AUDIT OF CLAIMS

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

TOWN BOARD MEETING, TOWN OF LIVONIA

November 21, 2024

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

Resolved to pay claims 848-890 in the amount of \$143,516.42 from the Abstract dated October 31, 2024.

RESOLUTION 140-2024

AUDIT OF CLAIMS

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

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

Resolved to pay claims 891-905 in the amount of \$26,096.00 from the Abstract dated November 7, 2024.

RESOLUTION 141-2024

AUDIT OF CLAIMS

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

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

Resolved to pay claims 906-955 in the amount of \$207,866.32 from the Abstract dated November 21, 2024

With no further business, on a motion of Councilmember Breu seconded by Councilmember Gascon the meeting was adjourned at 8:24PM
Carried unanimously.

Respectfully Submitted,

Hayley Woodruff
Town Clerk