

REGULAR MEETING, TOWN OF LIVONIA
July 21, 2022

A regular meeting of the Town Board of the Town of Livonia, County of Livingston and the State of New York was held at Hemlock Park, 7412 Rix Hill Rd, Hemlock NY on July 21, 2022.

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. Supervisor Gott led the pledge.

WATER PROJECT DISCUSSION

Supervisor Gott Introduced Eric Weis and Jason Molino who presented an update on the current water project and where we stand. The Map plan report draft is complete and the cost estimate, which was presented to the board. Steps to wrap up finalizing proposed district property. A proposed unit definition would be any facility that has at least one unit, single residential dwelling, multiple family homes EACH family dwelling would be considered a unit. Anything nonresidential would be based on what the facility uses compared to single family dwelling. Units are important to debt component. The annual debt payment would be divided by total number of units. The other component to consider is that there is a possibility of doing a joint water district with town of Conesus. Conesus would have to go through the same process, which would help to drive down cost. This process would not slow us up, we just need to get it in front of Conesus. The proposed district is currently in the Market Rate, but to challenge that we would need to do an income survey. Unless instability in the community can be proven, federal guidelines will not accept income survey results and need to go off census data. 2020 census data will begin to be used and new guidelines hopefully to be released in October. Supervisor Gott spoke and stated that in the interest of time, the Town Board will need to discuss tonight whether to go through the petition process or board resolution route. Canvassing the community would be key and having community members go door to door with the petitions would be ideal. District Formation will not hold up the funding application process with Rural Development. If the Map Planner report is issued and approved by the board, Mr. Weis and his team encourage a public information meeting for community, have petitions available to be signed right then and there. Public Hearing

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requirement will be necessary on forming or not forming the district. For funding, they will favor more points when co funding is happening, so using ARPA money may be beneficial for grant application.

The Town Board decided to go the petition route and hold an informational meeting, to be sure that everything is done properly. The informational meeting ideally will be held in September and have petitions begin circulating with the help of community members. There is no set amount of time that the petitions have to be out, but the project cannot move forward with the application to the comptroller without all these pieces finished first. The Town Board is also prepared to use \$20,000 in ARPA funds as a funding donation which will be finalized with a written motion.

The Town Board also decided to get a proposal from Municipal Solutions for services to assist with funding applications.

The informational meeting and public hearing will be held at the school at a time to be determined.

RESOLUTION 111-2022

FORMATION OF WATER DISTRICT PROCESS

In the Matter of the Formation of the Town of Livonia - South Livonia Water District Located Therein, Within the Town of Livonia, Livingston County, New York.

RESOLUTION

WHEREAS, the Town Board of the Town of Livonia is considering the construction of certain water delivery improvements within a new water district yet to be perfected and to be known as the “Town of Livonia - South Livonia Water District;” and

WHEREAS, the improvements are to be located in various areas throughout the Town of Livonia, excepting within already existing Water Districts, all being located within County of Livingston and State of New York; and

WHEREAS, prior to completion of the improvements and the financing thereon, a district formation must be perfected to create the “Town of Livonia - South Livonia Water District;” and

WHEREAS, in order to facilitate the creation of the “Town of Livonia - South Livonia Water District” and the intended infrastructure improvements therein, the Town must engage the services of a professional engineer to prepare a Map, Plan and Report to

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provide the details of the improvements and the costs of such improvements to take place within the newly created district; and

WHEREAS, the cost of such Map, Plan and Report is intended to be borne by the district to be formed in which such improvements will be made; and

WHEREAS, the Town of Livonia, on behalf of the “Town of Livonia - South Livonia Water District” (which is yet to be perfected), desires to engage the services of Clark Patterson Lee to prepare a Map, Plan and Report with respect to such improvements.

NOW THEREFORE, be it

ORDERED by the Town Board of the Town of Livonia as follows:

1. That the Town Supervisor is authorized to engage by written agreement, the engineering firm of Clark, Patterson, Lee to prepare a Map, Plan and Report for the “Town of Livonia - South Livonia Water District” project at a cost not to exceed \$5,000.00; and
2. Any such costs shall be passed on to the “Town of Livonia - South Livonia Water District” upon formation of said district. If such district extension is not formed, the expense incurred for the preparation of such Map, Plan and Report shall be a Town charge and shall be assessed, levied and collected in the same manner as other Town charges; and
3. Adoption of this Resolution is subject to permissive referendum pursuant to Article 7 of the New York State Town Law.

The question of the adoption of the foregoing Resolution was duly submitted for approval by vote of the Livonia Town Board on Thursday, July 21, 2022, recorded as follows:

Vote of the Board:	Councilperson Joseph Breu	<u>AYE</u>
	Councilperson Peter Dougherty	<u>AYE</u>
	Councilperson Andrew English	<u>AYE</u>
	Councilperson Matt Gascon	<u>AYE</u>
	Supervisor Eric R. Gott	<u>AYE</u>

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Resolved to have petitions driven around to community members for signing.

PRIVILEGE OF THE FLOOR

Resident expressed sincere happiness to have this ball rolling and stated she is available to be called on for ANY help that is needed in the water project.

Councilman English reported that July 3 went very well, was not quite a sold out crowd. Recreation employees came through to help for the evening. Sheriff’s office was present. There were no problems and it was an enjoyable evening. Lawn mower at park is going to need to be replaced. There are trees that need to be taken care of as well as in Hemlock Park and Vitale Park, Moe will get prices.

Councilman Breu reported The Ambulance District is expecting delivery of striker next month.

Councilman Gascon reported that the trail in Livonia center is overgrown, PJ got a price of about \$2,000 from a company to go back and mow back 20ft. There are limbs hanging, overgrown and needs to be pushed back.

RESOLUTION 112-2022

APPROVE MEETING MINUTES 6/21/2022

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

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

Resolved to approve the Meeting Minutes from 6/21/2022.

RESOLUTION 113-2022

TOWN CLERK REPORT

Paid to Supervisor for the General Fund	\$4492.51
Paid to County Treasurer for Dog Licenses	\$318.50
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$111.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$1178.87
State Health Department (marriage licenses)	180.00
TOTAL DISBURSEMENTS	\$6280.88

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

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

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Nays – 0

Resolved to approve Clerk Anderson's report.

RECREATION GRANT DISCUSSION

Livingston County is offering a grant of up to \$20,000 for up to 17 towns in the county. No repayment no matching etc. Playground equipment in Hemlock needs to be replaced desperately, and so does the pavilion.

RESOLUTION 114-2022

APPLICATION FOR RECREATION GRANT FROM LIVINGSTON COUNTY

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

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

Resolved to apply for Grant for \$20,000 from Livingston County to be used at Hemlock Park

DRAINAGE SOLUTIONS FOR VITALE PARK DISCUSSION

The Parking lot is catching a lot of water causing damage, and PJ is going to get proposal to fix the drainage issue at Vitale Park.

UPDATES FOR TOWN HALL

Shane Treuthart is going to come check out the town hall for painting and updates. Aman roofing will fix Fascia, clean gutters, and sweep off vault.

RESOLUTION 115-2022

ELECTRONIC FUNDS TRANSFER POLICY

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

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

Resolved to adopt the below policy with the positions assigned as delineated below.

Electronic Funds Transfer Policy & Procedures

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Policy Purpose: The primary goal of this policy is to ensure Electronic Funds Transfers (EFTs) are initiated, executed, and approved in a secure manner. This policy establishes requirements with respect to any payment or processes via EFT for payments or revisions thereof to vendors, employee bank accounts, or any monetary transfer.

General Requirements: All EFT payments will be coordinated and submitted through the ***Bookkeeper and Town Supervisor***. The Bookkeeper and Town Supervisor will approve all new and changes to electronic funds transfer requests, ensuring that the payment via wire is necessary, all required documentation is provided and appropriately approved, and that the request and banking account information is accurate and valid.

Town Supervisor and Town Bookkeeper office is responsible for ensuring that proper documentation, authorization and accounting information are provided and accompany any EFT payment instructions.

Bookkeeper and Town Supervisor is responsible for initiating releasing EFTs on behalf of the municipality. Two separate individuals are required to initiate and release EFT payments through the municipality's computer-based system. The ***Bookkeeper and Town Supervisor*** also has the responsibility to confirm EFT instructions with specific departments and individuals if there is any question as to the validity of the EFT request.

Bookkeeper and Town Supervisor is responsible for obtaining and submitting proper support and approvals, including the completed and approved Wire Transfer Request form at least seven business days prior to payment being needed.

Procedures: To safeguard The Town of Livonia funds in the EFT environment, the following procedures will be adhered to by any municipal employee requesting payments or changes via EFT and all municipal employees involved in processing payments via EFT.

Authentication of new EFT requests and changes to existing EFTs required prior to the transaction being input into the computer-based banking system and includes the following steps:

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- **Validate** all new electronic payment instruction requests received even if the request is internal.
- **Contact** the supplier or requester directly by phone to confirm any requests for payment method or payment instruction changes. Do not use the contact information provided on the request to change payment method or payment instructions; do use contact information known to be genuine such as the contact information in your master supplier file or information collected from the original contract. Have the contact confirm existing payment instructions on file prior to making changes to those instructions (i.e. current bank account and routing number provided in original instructions).
- **Verify** the new information provided on the payment instructions provided with the known contact (i.e. contact bank to confirm correct account name, number and routing information).
- **Document** the verification process that was followed to validate payment instructions. The person responsible for entering/updating wire instructions and the person approving new/updated wire instructions must approve the record of verification. A record of the verification must be maintained in accordance with record retention policies.

Signature of Designated Employee acknowledges understanding of requirements and responsibilities when engaging in any type of Electronic Funds Transfer.

Signature

Date

REMINDER: This process is only effective if documented and disseminated across your team and covered in such a way that ensures everyone’s understanding of money transfer scams and adherence to policy when performing money transfers.

RESOLUTION 116-2022
DIGITAL BANKING AGREEMENT WITH FIVE STAR BANK EFFECTIVE 6/29/2022

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 adopt the Digital Banking Agreement with Five Star Bank effective 6/29/2022

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RESOLUTION 117-2022

NEW SERVER FOR TOWN HALL

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

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

Resolved to authorize the purchase of a new Server to be installed by Hurricane Technologies in the amount of \$10,150.00

RESOLUTION 118-2022

RATE OF PAY FOR RECREATION EMPLOYEY PAIGE RYAN

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

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

Resolved to authorize the increase in pay for Paige Ryan to \$13.70 an hour, retroactive to 6/16/2022.

RESOLUTION 119-2022

HIRE RECREATION AIDE LUCAS RYAN

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

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

Resolved to authorize the hiring of Lucas Ryan as a recreation aide at a rate of pay of \$13.20 an hour effective 6/21/2022.

RESOLUTION 120-2022

APPROVE ATTORNEY CAMPBELL TO DRAFT LOCAL LAW TO CHANGE LEGISLATION ON DEPUTY HIGHWAY SUPERINTENDENT REQUIREMENTS

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

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

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Resolved to authorize Attorney Campbell to draft a Local Law to change the Requirements for the Deputy Highway Superintendent Position.

RESOLUTION 121-2022

AUTHORIZE ATTORNEY CAMPBELL TO ENTER INTO ENGAGEMENT ON BEHALF OF TOWN WITH WEBSTER SZANYI TO ASSIST ON EMPLOYEE HANDBOOK

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

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

Resolved to authorize Attorney Campbell to enter engagement on behalf of the Town of Livonia for a total fee not to exceed \$15,000

RESOLUTION 122-2022

AUDIT OF CLAIMS

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

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

Resolved to pay claims 542; 590-663 in the amount of \$222,115.95 from the Abstract dated July 7, 2022.

RESOLUTION 123-2022

AUDIT OF CLAIMS

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

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

Resolved to pay claims 664-715 in the amount of \$52,591.46 from the Abstract dated July 21, 2022.
and Town Assessor.

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RESOLUTION 124-2022

ENTERED EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION

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

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

Resolved to enter executive session to discuss pending litigation at 8:30 with Town Assessor Present.

RESOLUTION 125-2022

RETURN TO OPEN SESSION

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

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

Resolved to enter open session at 8:47PM

With no further business, on a motion of Councilmember Gascon seconded by Councilmember English the meeting was adjourned at 8:47PM. Carried unanimously.

Respectfully Submitted,

Hayley Anderson
Town Clerk