

# TOWN BOARD MEETING, TOWN OF LIVONIA

November 17, 2022

A 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 St Livonia NY 14487

**PRESENT:** Eric Gott, Supervisor  
Joseph Breu, Councilmember  
Peter Dougherty, Councilmember  
Andy English, Councilmember  
Matt Gascon, Councilmember-absent  
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.  
Clerk Anderson led the pledge.

## **PRIVELAGE OF THE FLOOR**

A resident spoke up and stated she lives on the lake and notices that everywhere, but Lakeville has flags displayed and decorations hung except for Lakeville and asked why and what could she do as a resident to get in line with other towns in our area to have flags and banners hung. Councilman Breu advised there are 15 flags to be set throughout Lakeville, and the Town is also starting a hometown hero program for Lakeville. She stated she is willing to put the word out and ask for assistance from local businesses, and she will provide her contact information to follow up.

A resident came in to discuss the agritourism idea that was previously presented and discuss the progress of the renovations on the barn on 15A. They have received a grant but wondered what the next steps will be to allow agritourism in Livonia. Supervisor Gott stated that himself, councilman Dougherty and the building and zoning department are going to work together as a committee to adjust the language of the current agriculture laws.

RESOLUTION 185-2022

### **APPROVE MEETING MINUTES 11/3/2022**

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

ADOPTED Ayes - 4(Gott, Dougherty, Breu, English)  
Nays - 0

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Resolved to approve the Meeting Minutes from 11/3/2022.

RESOLUTION 186-2022

## **TOWN CLERK REPORT**

Paid to Supervisor for the General Fund	\$3,119.31
Paid to County Treasurer for Dog Licenses	\$227.50
NYS Comptroller's Office (Bingo and Games of Chance Licenses)	0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$75.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$922.19
State Health Department (marriage licenses)	\$67.50
<b>TOTAL DISBURSEMENTS</b>	<b>\$4,411.50</b>

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

ADOPTED Ayes - 4 (Gott, Dougherty, English, Breu)  
Nays - 0

Resolved to approve Clerk Anderson's report.

RESOLUTION 187-2022

## **APPOINT JESSICA SHARP AS DEPUTY TOWN CLERK**

Clerk Anderson, has appointed Jessica Sharp as Deputy Town Clerk. Jessica has experience with the public, money management experience, and is expected to be a great fit at the Town Hall in the Deputy Clerk role.

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

ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English,)  
Nays - 0

Resolved to appoint Jessica Sharp as Deputy Town Clerk, with a start date of 11/28/2022 at a rate of pay of \$17.60 with a 3% increase as of January 1<sup>st</sup>, 2023.

RESOLUTION 188-2022

## **APPROVE MAP PLAN FOR CENTRAL LIVONIA WATER DISTRICT BY ROLL CALL VOTE**

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

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<b>Vote of the Board:</b>	<b>Councilperson Joseph Breau</b>	<u>  _AYE_  </u>
	<b>Councilperson Peter Dougherty</b>	<u>  _AYE_  </u>
	<b>Councilperson Andrew English</b>	<u>  _AYE_  </u>
	<b>Councilperson Matt Gascon</b>	<u>  absent  </u>
	<b>Supervisor Eric R. Gott</b>	<u>  _AYE_  </u>

**WHEREAS**, the Town Board of the Town of Livonia is considering the construction of certain sanitary sewer improvements within a new sewer district yet to be perfected and to be known as the “Central Livonia Water District,” which had previously been referred to as the “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**, in order to facilitate the creation of the “Central Livonia Water District” the Town Board on July 27, 2022, duly adopted a resolution authorizing the engagement of Clark Patterson Lee to prepare a Map, Plan and Report to provide the details of the sewer infrastructure improvements and the costs of such improvements to take place within the newly created district; and

**WHEREAS**, adoption of the Resolution authorizing preparation of the Map, Plan and Report was subject to permissive referendum pursuant to Article 7 of the New York State Town Law; and

**WHEREAS**, the Town Clerk for the Town of Livonia caused a Public Notice of Resolution of the Town of Livonia Adopted Subject to Permissive Referendum to be duly published in the Town’s official newspaper within ten (10) days of its adoption as required by New York State Town Law §90; and

**WHEREAS**, no petitions meeting the requirements of New York State Town Law §91 and New York State Election Law §6-140(1)(a) have been filed seeking permissive referendum with regard to the published notice; and

**WHEREAS**, the cost of such Map, Plan and Report shall be passed on to the “Central Livonia Water District” upon formation of said district. If such district 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

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**WHEREAS**, Clark Patterson Lee has prepared such Map, Plan and Report with respect to the establishment of the “Central Livonia Water District” and all improvements intended to be made therein and presented the same to the Livonia Town Board; and

**WHEREAS**, the Livonia Town Board now wishes to accept such Map, Plan and Report so that it may proceed with a public informational meeting and petitions regarding the potential creation of the “Central Livonia Water District”;

**NOW THEREFORE**, be it

**RESOLVED** by the Town Board of the Town of Livonia as follows:

1. That the Town Board of the Town of Livonia has been presented with the Map, Plan and Report for the “Central Livonia Water District” as prepared by Clark Patterson and Lee and hereby accepts the same on behalf of the district to be formed; and
3. The cost of such Map, Plan and Report shall be passed on to the “Central Livonia Water District” upon formation of said district. If such district 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. Pursuant to New York State Town Law, the Town Clerk shall hereafter file the Map, Plan and Report at the Office of the Town Clerk, where it may be viewed by the public.

The question of the adoption of the foregoing Resolution was duly submitted for approval by vote of the Livonia Town Board on Tuesday, November 17, 2022, recorded as follows:

RESOLUTION 189-2022

**INTENT TO BE THE LEAD AGENCY ON THE CENTRAL LIVONIA WATER PROJECT BY ROLL CALL VOTE**

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

**Whereas**, the Town Board has proposed improvements for the Central Livonia Water

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District, including the installation of approximately 115,470 linear feet of 8-inch water main, along with a water storage tank and pump station. 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, and Richmond Mills Road and will serve approximately 430 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.

<b>Vote of the Board:</b>	<b>Councilperson Joseph Breau</b>	<b>_AYE</b>
	<b>Councilperson Peter Dougherty</b>	<b>_AYE</b>
	<b>Councilperson Andrew English</b>	<b>_AYE</b>
	<b>Councilperson Matt Gascon</b>	<b>_absent</b>
	<b>Supervisor Eric R. Gott</b>	<b>_AYE</b>

RESOLUTION 190-2022

**APPROVE ANNUAL AGREEMENT TO SPEND TOWN HIGHWAY FUNDS**

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

ADOPTED Ayes - 4 (Gott, English, Dougherty, Breu)  
Nays – 0

Resolved to approve the 2023 Agreement to Spend Town Highway Funds in the amount of \$600,000 for general repairs on 30 miles of town highways to include payroll, crushed stone, culvert pipes, ditching, chip sealing, striping, black top, Blank Road Project,

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patching and big rocks on, Gray Rd, Blank Road, Holmes Hill Rd, East Ave, Coy Rd, Niver Rd, Stone Hill Rd, and Big Tree Road.

RESOLUTION 191-2022

**TWIN SILOS LLC, 30 DAY WAIVER**

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

ADOPTED Ayes - 4 (Gott, English, Dougherty, Breu)  
Nays – 0

Resolved to approve the request submitted by Twin Silos LLC for waiver of the 30-day notice requirement for a liquor license for Twin Silos Venue in Livonia, NY.

RESOLUTION 192-2022

**DECLARE FLASH SALTERS AS SURPLUS AND DISPOSE OF AT RTI MONTHLY AUCTION**

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

ADOPTED Ayes - 4 (Gott, Dougherty, English, Breu)  
Nays – 0

Resolved to declare the FLASH Salters at the Highway Department as surplus to allow such equipment to be disposed of at the RTI Monthly Auction.

RESOLUTION 193-2022

**EXTENDING JOINT SERVICES AGREEMENT FOR MACHINERY, TOOLS, EQUIPMENT AND SERVICES SHARING ACCESS**

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

ADOPTED Ayes - 4 (Gott, English, Breu, Dougherty)  
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

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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, 2023 and terminating December 31, 2023.

RESOLUTION 194-2022

### **ZONING BOARD OF APPEALS RE-APPOINTMENT OF MIKE SHARMAN AS CHAIRMAN**

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

ADOPTED Ayes - 4 (Gott, Dougherty, English, Breu)  
Nays – 0

Resolved to re-appoint Mike Sharman as chairman of the Zoning Board of Appeals for 2023.

RESOLUTION 195-2022

### **ZONING BOARD OF APPEALS RE-APPOINTMENT OF DOUG MAJOR**

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

ADOPTED Ayes - 4 (Gott, Dougherty, English, Breu)  
Nays – 0

Resolved to re-appoint Doug Major as a Zoning Board of Appeals member for a five year term ending in December of 2027.

RESOLUTION 196-2022

### **PLANNING BOARD RE-APPOINTMENT OF RICK BENNETT AS 2023 CHAIRMAN**

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

ADOPTED Ayes - 4 (Gott, Dougherty, English, Breu)  
Nays – 0

Resolved to re-appoint Rick Bennett as chairman of the Planning Board for 2023.

RESOLUTION 197-2022

### **PLANNING BOARD RE-APPOINTMENT JOANNE PALMER**

On motion of Councilmember Breu seconded by Councilmember English the following

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resolution was

ADOPTED Ayes - 4 (Gott, Dougherty, English, Breu)  
Nays – 0

Resolved to re-appoint Joanne Palmer as Planning Board member for another seven year term, ending in December of 2029.

RESOLUTION 198-2022

**PURCHASE TRACTOR FOR VITALE PARK**

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

ADOPTED Ayes - 4 (Gott, Dougherty, English, Breu)  
Nays – 0

Resolved to purchase the necessary tractor for Vitale Park at the price of \$19,722.64

RESOLUTION 199-2022

**SET PUBLIC HEARING FOR LOCAL LAW #4 ADMINISTRATION OF UNIFORM CODE**

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

ADOPTED Ayes - 4 (Gott, Dougherty, English, Breu)  
Nays – 0

Resolved to set the Public Hearing for Local Law #4-2022 for 01/19/2022 at 7PM at the Livonia Town Hall, 35 Commercial St. Livonia, NY 14487.

RESOLUTION 200-2022

**CREATE AND FILL TEMPORARY SENIOR ACCOUNT CLERK TYPIST POSITION**

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

ADOPTED Ayes - 3 (Dougherty, Breu, English)  
Nays – 0  
Abstain- 1 (Gott)

**WHEREAS**, the Livonia Town Board finds it to be in the best interest of the Town of Livonia to create a new temporary position of employment titled “Senior Account Clerk Typist;” and



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**WHEREAS**, such position will have the following duties associated with it:

- Oversees and classifies a variety of receipts and expenditures, and distributes items according to prescribed procedures;
- prepares bills for individual and third-party payers, posts payments after computing interest and penalties;
- Compiles payroll data, prepares and checks payrolls;
- Processes, sorts, indexes, records and files of a variety of control records and reports;
- Provides information in response to telephone or personal requests; and
- Performs other related duties as assigned ; and

**WHEREAS**, a New Position Duties Statement has been filed with and accepted by the Livingston County Personnel Officer; and

**WHEREAS**, the Town Board believes it to be in the best interest of the Town to fill such position immediately in order to address certain imminent employment and administrative needs of the Town.

**NOW THEREFORE BE IT RESOLVED**, after due deliberation and consideration of all information received concerning the proposed action, the Town Board of the Town of Livonia hereby:

**RESOLVES**, to create the temporary position of Senior Account Clerk Typist, which such position will be a full-time position as defined by the Town of Livonia; and it is further

**RESOLVED**, that the Town Board does hereby authorize the hiring of Tessa Taylor to such position with an effective starting date of October 31, 2022 and a compensation rate of \$40,000.00 annually; and be it further

**RESOLVED**, that a sealed copy of this Resolution shall be provided to the Livingston County Personnel Office.

RESOLUTION            201-2022

**AWARD BID FOR OUTLET AND GATE REPLACEMENT PROJECT**

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

<b>ADOPTED</b>	Ayes -	4 (Gott, Dougherty, Breu, English)
	Nays –	0

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Resolved to award the Conesus Lake Outlet Gate Replacement Project to Ramsey Contractors in the amount of \$53,200.

RESOLUTION 202-2022

**APPROVE CHANGE ORDER REQUEST FOR WHIPPS FOR GATE MANUFACTURING**

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

ADOPTED Ayes - 4 (Gott, Dougherty, English, Breu)  
Nays – 0

Resolved approve the change order request from WHIPPS for additional manufacturing costs for the Conesus Lake Outlet Gate in the amount of \$4,435.

RESOLUTION 203-2022

**APPROVE COURT AUDIT FINDINGS**

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

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)  
Nays – 0

Resolved approve the findings of the 2022 Court Audit done by Supervisor Gott.

Update from Councilman Breu-Hemlock Fire Dept membership is very low. Response time to calls is approaching becoming a public safety issue. Dan Stollo is leaving as a commissioner for the Fire Department. Erin Ebersold and Ben Woodruff are both stepping down as commissioners of the Ambulance District.

RESOLUTION 204-2022

**AUDIT OF CLAIMS**

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

ADOPTED Ayes - 4 (Gott, Dougherty, Breu, English)  
Nays – 0

Resolved to pay claims 1051-1106 in the amount of \$106,871.43 from the Abstract dated November 17, 2022.

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With no further business, on a motion of Councilmember English seconded by Councilmember Dougherty the meeting was adjourned at 8:15PM. Carried unanimously.

Respectfully Submitted,

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Hayley Anderson  
Town Clerk