

TOWN BOARD MEETING, TOWN OF LIVONIA

February 16, 2023

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.
Ben Woodruff led the pledge.

RESOLUTION 22-2023

PUBLIC HEARING FOR LOCAL LAW #1-2023 ADMINISTRATION OF THE UNIFORM CODE

Following distribution of the proposed Local Law to the Town Board members on November 17, 2022 notice of said Public Hearing was duly published in the Livingston County News on February 2, 2023, with same being posted on the same date at the Town Hall, and Livonia's web site.

Attorney Campbell read the Notices of Hearing for the record.

Supervisor Gott declared the Public Hearings open at 7:05 PM.

Comments:

Supervisor Gott asked if anyone else from the public or the board wished to comment. Supervisor Gott stated that the public hearing would remain open and there would be another opportunity to comment before the hearing was closed.

With everyone who wished to be heard having been heard, the Public Hearing was closed at 8:52pm

RESOLUTION 23-2023

PUBLIC HEARING FOR LOCAL LAW #2-2023 SENIOR EXEMPTIONS

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Following distribution of the proposed Local Law to the Town Board members on January 19, 2023 notice of said Public Hearing was duly published in the Livingston County News on February 2, 2023, with same being posted on the same date at the Town Hall, and Livonia's web site.

Attorney Campbell read the Notices of Hearing for the record.

Supervisor Gott declared the Public Hearings open at 7:05 PM.

Comments:

Supervisor Gott asked if anyone else from the public or the board wished to comment. Supervisor Gott stated that the public hearing would remain open and there would be another opportunity to comment before the hearing was closed.

With everyone who wished to be heard having been heard, the Public Hearing was closed at 8:52PM

RESOLUTION 24-2023

PUBLIC HEARING FOR LOCAL LAW #3-2023 DISABILITY EXEMPTIONS

Following distribution of the proposed Local Law to the Town Board members on January 19, 2023 notice of said Public Hearing was duly published in the Livingston County News on February 2, 2023, with same being posted on the same date at the Town Hall, and Livonia's web site.

Attorney Campbell read the Notices of Hearing for the record.

Supervisor Gott declared the Public Hearings open at 7:05PM.

Comments:

A resident asked what criteria needed to be met, and attorney Campbell advised the criteria is in state statute.

Supervisor Gott asked if anyone else from the public or the board wished to comment. Supervisor Gott stated that the public hearing would remain open and there would be another opportunity to comment before the hearing was closed.

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With everyone who wished to be heard having been heard, the Public Hearing was closed at 8:52PM

RESOLUTION 25-2023

REVIEW OF PART 2 OF FEAF AND ADOPT ANSWERS AS OFFICIAL FINDINGS UNDER SEQR FOR LOCAL LAW #1-2023

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

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

Resolved to adopt findings for part 2 of FEAF.

RESOLUTION 26-2023

ADOPT NEGATIVE DECLARATION BASED ON FINDINGS OF PART 2 OF FEAF FOR LOCAL LAW #1-2023

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

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

Resolved to adopt negative declaration based on findings of part 2 of FEAF for Local Law #1-2023

RESOLUTION 27-2023

AUTHORIZE SUPERVISOR TO SIGN SEQR DOCUMENTS FOR LOCAL LAW #1-2023

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

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

Resolved to authorize Supervisor Gott to sign SEQR documents for Local Law #1-2023.

RESOLUTION 28-2023

ADOPT LOCAL LAW #1-2023 FIRE PREVENTION AND BUILDING UNIFORM CODE

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

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

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Resolved to adopt Local Law #1-2023

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

RESOLUTION 29-2023

ADOPT LOCAL LAW #2-2023 SENIOR EXEMPTIONS

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

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

Resolved to adopt Local Law #2-2023

RESOLUTION 30-2023

ADOPT LOCAL LAW #3-2023 DISABILITY EXEMPTIONS

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

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

Resolved to adopt Local Law #3-2023.

PRESENTATION OF YEAR END REPORT FROM ADAM BACKUS

See Attached Report.

Advised that a diligent effort to complete more Fire Inspections each year will be priority. Adam advised that despite inflation prices, construction did not slow down.

RESOLUTION 31-2023

APPROVE 2022 YEAR END REPORT FROM BUILDING AND ZONING

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

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

Resolved to approve the report from Code Enforcement Officer Adam Backus

RESOLUTION xx-2023

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PURCHASE OF FRONT LOADER FOR HIGHWAY DEPARTMENT

Equipment replacement plan states that the current loader is to be replaced, and with as long as it is taking to get things delivered and the cost, it is advantageous to be proactive on this purchase and if not ordered within the month of February there will be a 10% cost increase. This would be purchased out of the 2024 budget and delivered in 2024 because of the production time. Each machine was tested. The price is guaranteed until the end of the month and not many places are continuing that policy.

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

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

Resolved to purchase a L120H Front End Loader from Alta Equipment not to exceed \$190,465

PRIVELAGE OF THE FLOOR

Councilman English advised that Moe is struggling to get bids from companies for certain jobs. Trees need to be cut down, breakwall washout project, RG&E Meter etc. Moe will be working on getting bids and will need to act fast because of the lack of companies available.

RESOLUTION 32-2023

APPROVE MEETING MINUTES 01/19/2023

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

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

Resolved to approve the Meeting Minutes from 01/19/2023.

RESOLUTION 33-2023

TOWN CLERK REPORT

Paid to Supervisor for the General Fund	\$2,517.08
Paid to County Treasurer for Dog Licenses	\$164.50
NYS Comptroller's Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$49.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$841.82
State Health Department (marriage licenses)	\$22.50

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TOTAL DISBURSEMENTS	\$3,594.90
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Tax Collection going well, as of today have collected 8,135,479.94 on 3381 postings which is 89%

All local abstracts have been paid, and a check for 2.5 million has been sent to the county.

New website went live today. This is mobile friendly, and residents have the ability to subscribe to the calendar, and the details of each event will sync automatically to the calendar they choose to subscribe to. This will allow residents to access information quickly and efficiently.

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

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

Resolved to approve Clerk Anderson’s report.

CENTRAL WATER DISTRICT DISCUSSION

A resident presented concerns from people she obtained signatures from. First, the cost of hooking up to the water line for lower income families. The debt service would fluctuate with properties that hook up, however obtaining signatures is difficult for families that don’t know of available financial services. Attorney Campbell advised that when someone signs a petition for the proposed water district currently, they’re signing to a maximum debt service cost, meaning the cost cannot go up, it can only go down if more people hook up.

She further stated the debt service should have been calculated differently and should have been fair for everyone, and this resident would like to look at starting this project over to calculate the debt service differently.

Another resident stated it does not seem constitutional that someone with a higher assessment would pay the same toward the debt service as someone with a lower assessment. Attorney Campbell advised that there are two ways to build a district, by way of the Town Board, and by Petition Signing. If by way of the Town Board, people opposed would have to submit a submissive referendum.

As far as how the debt service fee is formed, most are calculated by unit charge. This way of doing it is for the predictability factor stated Attorney Campbell.

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Another resident asked if there is a timeframe to which this will stay open and how long volunteers are able to keep trying to collect signatures for this project. The Town Board agreed action would be taken this evening on the timeline for signatures to be collected.

LINDSLEY ROAD RESIDENTS PRESENT NEED FOR PUBLIC WATER

A resident stated that all the money she has spent on obtaining water that is useable, and the appliances that need to be replaced have cost more than the debt service would cost them. She presented the current proposed district showing properties on Lindsley road that were left out of the project. She advised that she was told that another district could be formed, but she doesn't believe that her small amount of neighbors would be granted a district. Supervisor Gott advised that a district doesn't have to be just one neighborhood, it can be from other neighborhoods as well. This entire project has been complaint driven, so should residents want to join an upcoming district they would be able to. The Resident states that she feels completely let down because everyone around them was included in water district and residents on Lindsley road were not.

Attorney Campbell stated that if residents do not complain about the quality of their water, how would the Board know. He stated he represents the town of Lima and the district the resident referenced, and that a lot of residents there do not want to be a part of the district because they have great well water, but the Board in Lima would not have known that, had they not expressed their disdain for joining the proposed district.

Supervisor Gott agreed to form another water district for Lindsley Road, Adams Road and Federal road. He will draft a request for a map plan report for that district to CPL, and continue with the current proposed central water district project. The residents present, stated they would take the lead on the Lindsley Rd water district formation project.

RESOLUTION 34-2023

PETITION PASSING FOR CENTRAL WATER DISTRICT TO END 2/28/2023

On motion of Councilmember xx seconded by Councilmember xx the following resolution was

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

Resolved to end the petition passing for the proposed central water district on 2/28/2023 at 12AM.

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RESOLUTION 35-2023

APPOINT MARY ANN THOMPSON TO FILL VACATED TERM ON JOINT ZONING BOARD

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

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

Resolved to appoint Mary Ann Thompson to fill the vacated term of Bill Weber on the Livonia Joint Zoning Board.

RESOLUTION 36-2023

AUDIT OF CLAIMS

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

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

Resolved to pay claims 65-66 in the amount of \$96,933.83 from the Abstract dated January 23, 2023.

RESOLUTION 37-2023

AUDIT OF CLAIMS

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

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

Resolved to pay claims 67-103 in the amount of \$1,156,980.46 from the Abstract dated February 2, 2023.

RESOLUTION 38-2023

AUDIT OF CLAIMS

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

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

Resolved to pay claims 104-156 in the amount of \$125,352.85 from the Abstract dated

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RESOLUTION 39-2023

ENTER EXECUTIVE SESSION TO DISCUSS CONTRACT NEGOTIATIONS

On motion of Councilmember xx seconded by Councilmember xx the following resolution was

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

Resolved to enter executive session at 9:03PM to Discuss Contract Negotiations

RESOLUTION 40-2023

RETURN TO OPEN SESSION

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

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

Resolved to return to Open Session at 9:16PM

With no further business, on a motion of Councilmember Dougherty seconded by Councilmember English the meeting was adjourned at 9:17PM. Carried unanimously.

Respectfully Submitted,

Hayley Anderson
Town Clerk

BUILDING & ZONING YEAR END REPORT
2023

2/15/2023

Livonia Town Board

Re: 2022 Building & Zoning
Department year-end report

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	<u>TOWN</u>	<u>VILLAGE</u>
All Applications & Building Permits issued	181	31
Building Permit Fees	\$27,597.68	\$1,597.20
Plans, Specs & Construction Documents approved	181	31
Certificate of Occupancy issued	31	0
Certificate of Compliance issued	82	13
Stop Work Orders	1	1
Complaints received & followed up on	16	8
Violations issued	14	0
Zoning Board cases and fees	22/\$1870.00	3/\$255.00
Planning Board cases and fees	14/\$961.00	0
Emergency/Fire Calls	8	2
Fire Inspections	11	5
Subdivisions/lot line adjustments	6	0

Respectfully,
Adam Backus
Director of Building & Zoning
Town/Village of Livonia