

## **REGULAR MEETING, TOWN OF LIVONIA**

September 15, 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 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  
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. Dawn Woodburn led the pledge.

### **PUBLIC HEARING – LOCAL LAW #2 – 2022 -DEPUTY HIGHWAY SUPERINTENDENT**

Following distribution of the proposed Local Law to the Town Board members on August 18, 2022 notice of said Public Hearing was duly published in the Livingston County News on September 1, 2022, with same being posted on the same date at the Town Hall, and Livonia's web site.

Clerk Anderson read the Notices of Hearing for the record.

Supervisor Gott declared the Public Hearings open at 7:02 PM.

#### **Comments:**

Superintendent Dwyer expressed appreciation for the consideration of the local law and explained this would allow him to promote the correct candidate based on experience, tenure, and knowledge, not just where they live.

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 7:38

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RESOLUTION 140-2022

## **ACKNOWLEDGE TYPE 2 ACTION UNDER SEQR FOR LOCAL LAW #2-2022**

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

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

Resolved to acknowledge the Local Law as Type II under SEQR and pass Local Law #2-2022.

## **PRIVILEGE OF THE FLOOR**

Councilman English asked if there were any question or if the board members got the information and quote on the new John Deere for Vitale Park. The need for a bucket is there, and Moe has been very conservative. There are at least 12 yards of mulch done each year, and this equipment would be very helpful in assisting with many tasks. The budget will be reviewed and will move forward from there.

Attorney Campbell advised the board that we are currently engaged in litigation in regard to assessment challenges. Another lawsuit has been brought forward in regard to a right of way, and attorney Campbell may not have the specialty to represent this case. He recommends Joel Kurtzhalts from Buffalo NY to represent this case and asked for authorization to engage Mr. Kurtzhalts.

RESOLUTION 141-2022

## **AUTHORIZE ENGAGEMENT WITH JOEL KURTZHALTS FOR PENDING LITIGATION**

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

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

Resolved to authorize attorney Campbell to sign an engagement letter with Joel Kurtzhalts at the rate of \$220 an hour out of court and \$225 an hour in court.

RESOLUTION 142-2022

## **RE-APPOINT KEVIN LOPEZ TO BOARD OF ASSESSMENT REVIEW**

On motion of Councilmember English seconded by Councilmember Gascon the

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following resolution was

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

Resolved to appoint Kevin Lopez to the Board of Assessment Review for a term of 5 years, ending 9/30/2027

RESOLUTION 143-2022

## **APPROVE MEETING MINUTES 08/18/2022**

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

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

Resolved to approve the Meeting Minutes from 8/18/2022.

RESOLUTION 144-2022

## **TOWN CLERK REPORT**

Paid to Supervisor for the General Fund	\$4,330.07
Paid to County Treasurer for Dog Licenses	\$416.50
NYS Comptroller's Office (Bingo and Games of Chance Licenses)	0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$178.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$5,730.92
State Health Department (marriage licenses)	\$180.00
<b>TOTAL DISBURSEMENTS</b>	<b>\$10,835.49</b>

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

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

Resolved to approve Clerk Anderson's report.

RESOLUTION 145-2022

## **EMPLOYEE RECOGNITION-DAWN WOODBURN**

WHEREAS, Assessor Clerk, Ms. Dawn Woodburn retired as of September 30, 2022; and

WHEREAS, Ms. Woodburn began her employment with The Town of Livonia

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September 27, 1993 as the Assessor Clerk; and

WHEREAS, during her tenure, Dawn demonstrated integrity and dedication to both the Town and its citizens and exhibited those unique attributes and qualities which exemplify the characteristics expected of individuals serving in public service; and

WHEREAS, Ms. Woodburn was an asset to the Assessor's office, always going above and beyond what was asked from her; and

WHEREAS, Ms. Woodburn held a special place in her heart for the senior citizens of our community, assuring their STAR exemption paperwork was filled out and filed properly year after year; and

WHEREAS, Ms. Woodburn went above and beyond to show her appreciation and support for our local veterans and our country, by expressing her gratitude and assuring they received exemptions they were due. Ms. Woodburn was especially vigilant in assuring our countries flag was flown at half-mast when applicable, and handled with care and respect each time; and

WHEREAS, Ms. Woodburn dedicated many hours to the Livonia Historical and Preservation Society, sharing her love and knowledge of the history of Livonia.

WHEREAS, Ms. Woodburn will be remembered as the best prankster in the office. Regularly leaving small signs of hilarity and capitalizing any moment to make her friends and co workers smile. However, the plastic mice and spiders will retire with Ms. Woodburn.

WHEREAS, Ms. Woodburn has certainly left her mark on the Town of Livonia, its residents, officials, and employees; now, therefore, be it

RESOLVED, that the Board on behalf of the citizens of the Town of Livonia, expresses it appreciation to Ms. Woodburn for her service and dedication to the Town; and, be it further

RESOLVED, that the Board offers their best wishes to Ms. Woodburn as she enters this new chapter in her life to enjoy her free time for many years to come and that future years bring good health, and contentment; and, be

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it further

RESOLVED, that the Clerk of the Board send a certified copy of the resolution to Ms. Woodburn.

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

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

Resolved to accept the resolution honoring Dawn Woodburn's service to the Town of Livonia from 9/27/1993-9/30/2022.

RESOLUTION 146-2022

### **DECLARE O2 GENERATOR SURPLUS**

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

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

Resolved to declare the O2 Generator as surplus to allow such equipment to be transferred to the Livonia Ambulance as part of the intermunicipal cooperation between the Town of Livonia and the Livonia Ambulance District.

RESOLUTION 147-2022

### **AUTHORIZE TRANSFER OF OWNERSHIP OF O2 GENERATOR FROM THE TOWN OF LIVONIA TO THE AMBULANCE DISTRICT**

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

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

Resolved to authorize ownership of the O2 Generator to be transferred from the Town of Livonia to The Ambulance District.

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RESOLUTION 148-2022

**APPROVE USE OF ARPA FUNDS FOR CLARK PATTERSON LEE ON BLANK ROAD PROJECT**

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

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

Resolved to use \$1,744.00 to support repairs of Blank Rd by engaging Clark Patterson Lee.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LIVONIA, NEW YORK, ACCEPTING FUNDING FROM THE AMERICAN RESCUE PLAN ACT AND AMENDING THE TOWN’S ADOPTED BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022 SO AS TO APPROPRIATE THE FUNDS RECEIVED BY THE TOWN FROM THE AMERICAN RESCUE PLAN ACT**

**WHEREAS**, on March 11, 2021, Joe Biden, the President of the United States of America, signed into law the American Rescue Plan Act (ARPA) which provides financial assistance to assist in the continued relief from the impact of the Covid-19 pandemic; and

**WHEREAS**, approximately \$350 billion of The ARPA funding was allotted to assist the United States’ state, local, tribal, and territory governments in responding to the coronavirus pandemic; and

**WHEREAS**, Sections 602(b) and 603(b) of the Social Security Act as added by section 9901 of the American Rescue Plan Act, Pub. L No. 117-2 (March 11, 2021) authorized the Department of the Treasury to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund; and

**WHEREAS**, the Town of Livonia (the Town) is has received \$627,485.28 in funding; and

**WHEREAS**, the Town previously allocated \$156,871.32 for the purchase of Ambulance Equipment on April 21, 2022, and \$9,222.30 for the Blank Road project, leaving a balance received of \$461,391.66; and

**WHEREAS**, the Town Board recognizes that periodic modifications to the adopted budget for the fiscal year are necessary for fiscal management purposes and to implement changes to the Town Board’s fiscal policy which have occurred after the adoption of the Fiscal Year 2022 Budget;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF LIVONIA, NEW YORK :**

SECTION 1. The Town Board hereby amends the Town’s adopted Budget for Fiscal Year 2022, to allocate ARPA funds in the amount of \$1,744.00 to support the repairs of Blank Road by engaging Clark Patterson Lee for additional engineering services including pictometry images and authorizes an interfund transfer from the Town’s (A) 688 Deferred Revenues Account (where the ARPA funds are being held) to (A) 4089 Federal Aid –

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ARPA and to increase the appropriations for (A) 1440.4 Engineer Contractual line by the same amount.

SECTION 2. This Resolution shall become effective immediately upon execution.

RESOLUTION 149-2022

### **PETTY CASH POLICY**

In accordance with Town Law §64 1-a., the Livonia Town Board hereby establishes the following petty cash funds and designates their respective custodians:

- General Fund (A) - \$200; Hayley Anderson, Town Clerk
- General Fund (A) - \$100; Kolleen Redman, Clerk to Justice
- General Fund (B) - \$200; Alison Houk, Building & Zoning Clerk
- Library Fund (L) - \$50; Frank Sykes, Library Manager

The petty cash funds and designation of custodians will be re-established each year at the annual reorganization meeting of the Town Board. These funds will be operated according to the following criteria:

Expenditures will be made only for payment, in advance of audit and upon receipt of properly itemized bills for materials, supplies or services furnished to the Town and upon terms calling for cash payment to the vendor upon delivery. Expenditures from the petty cash fund will not exceed \$100.00. Sales tax will not be reimbursed.

A listing of Expenditures made from such petty cash accounts, together with bills supporting such expenditure, must be presented periodically to the Town Board for audit and direction of reimbursement. Each petty cash account shall be fully charged and replenished from the appropriate budgetary item in an amount equal to the audited bills. If any such bills, or portion thereof, are disallowed upon audit, it is the personal liability of the petty cash account from which the payment was made. Such custodian shall promptly reimburse the petty cash account equal to the amount disallowed.

Petty cash accounts shall be used for, but not limited to the following expenditures:

- Postage, including shipping and mailing costs
- C.O.D. payments not to exceed the limit(s) established above
- Parking fees for authorized travel
- Conference/seminar registration due at time of attendance.

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

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

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Nays – 0

Resolved to authorize the petty cash policy to be updated as above, increasing the single purchase limit from \$25 to \$100.

RESOLUTION 150-2022

### **ACCEPT RESIGNATION OF JERRY SANFORD**

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

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

Resolved to accept the resignation of Highway Employee Jerry Sanford effecting 12/31/2022.

RESOLUTION 151-2022

### **HIRE LAURIE J MURPHY AS LIBRARY PAGE**

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

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

Resolved to Hire Laurie J Murphy as a Page effective 9/14/22 at a rate of pay of \$13.90/hour.

### **DISCUSSION OF TAX CAP OVERRIDE**

Supervisor Gott stated it is apparent that inflation is the highest it has been in his tenure as Supervisor. Everything has drastically gone up causing the possibility of needing to override the tax cap. It is the intention not to override the tax cap levy, but in order to if the need arises, a Local Law needs to be in place to do so. The budget will need special attention to be sure the tax rate is set appropriately, and funds are available to be allocated to run the town as its been run, and as needs arise.

### **INTRODUCTION OF LOCAL LAW #3-2022-OVERRIDE TAX LEVY LIMIT**

#### **Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Livonia pursuant to General Municipal Law §3-c 5, and

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to allow the Town of Livonia to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c 2 (g).

## Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

## Section 3. Tax Levy Limit Override

The Town Board of the Town of Livonia, County of Livingston, is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

## Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

## Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION 152-2022

### **SET PUBLIC HEARING FOR LOCAL LAW #3-2022**

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

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

Resolved to set the public hearing date for 10/20/2022 at 7:00pm at the Livonia Town Hall.

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RESOLUTION 153-2022

## **SET PUBLIC HEARING FOR BUDGET AND WATER AND SEWER UNIT CHARGES**

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

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

Resolved to set the public hearing for budget and unit charges to 11/3/2022 at 7PM at the Livonia Town Hall.

Update from Supervisor Gott on water project-anticipated public meeting in Sept but unfortunately the update is; that there is still no update. A Change in the town engineering firm is going to be requested at this point. Unfortunately, there is still no update on Blank Road either. The update that is given, over and over, is that they are waiting on a Geotech report. The Town Board has done what they can do in hiring the professionals.

RESOLUTION 154-2022

## **AUDIT OF CLAIMS**

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

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

Resolved to pay claims 824-875 in the amount of \$144,244.72 from the Abstract dated September 1, 2022.

RESOLUTION 155-2022

## **AUDIT OF CLAIMS**

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

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

Resolved to pay claims 876-927 in the amount of \$268,173.79 from the Abstract dated September 15, 2022.

RESOLUTION 156-2022

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### **ENTER EXECUTIVE SESSION TO DISCUSS EMPLOYMENT HISTORY OF A PARTICULAR PERSON**

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

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

Resolved to enter Executive session at 7:46PM.

RESOLUTION            157-2022

### **RETURN TO OPEN SESSION**

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

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

Resolved to open session at 8:35PM

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Dougherty the meeting was adjourned at 8:35PM. Carried unanimously.

Respectfully Submitted,

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Hayley Anderson  
Town Clerk