

## REGULAR MEETING, TOWN OF LIVONIA

January 16, 2020

A regular 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 on January 16, 2020.

**PRESENT:** Eric Gott, Supervisor  
Joseph Breu, Councilmember  
Peter Dougherty, Councilmember  
Andy English, Councilmember  
Matt Gascon, Councilmember  
Colleen West Hay, 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. Earl Hay led the pledge.

### **PRIVILEGE OF THE FLOOR**

Mower for Vitale Park – Councilmember English reported that he went to C & B Small Engines in Lima regarding purchasing a mower for Vitale Park. He reported that the price for the 2020 model went up \$300 over the 2019 model. They have it in stock, and they are ordering the bag. Supervisor Gott explained that he signed up for the discount program for municipalities. Councilmember English added that mowers used to be on the state bid list, but they are not offered any longer. The dealers started their own program because they started missing out. The mower will have a vacuum system to help pick up leaves. If things work out, we may also start mowing at the town hall, library, etc. ourselves. Supervisor Gott mentioned that the lower cost is nice, but it is even better to have control over the quality.

Library Update – Councilmember Dougherty reported that the Livonia Public Library's numbers all increased in 2019. The library had 75,407 visitors and 324 new patrons. In addition, 5,332 used the meeting and tutor rooms. He shared that Library Manager Frank Sykes and staff do a great job. They will be offering even more programs this year. He encouraged people to go to their web site and see what is coming. He mentioned that the only bad thing to report is that the library flagpole broke due to high winds this weekend. Supervisor Gott explained that it snapped right off at the base. We will cut the flag pole down by about four feet to protect the flag from the new chimney caps, and put the pole back up.

Traffic Safety – Councilmember Breu mentioned that when he was campaigning, several people shared that they were concerned about safety at the intersection of Richmond

**REGULAR MEETING, TOWN OF LIVONIA**  
January 16, 2020

Mills Road and Route 15A, also known as Bosley’s Corners. There have been frequent accidents at that intersection. He wondered if the Town Board had ever requested a speed limit reduction in that area. Supervisor Gott replied that the Town Board requested a speed limit reduction for 15A in the area of Big Tree Road, which was denied, but never near the intersection of Richmond Mills Road. Clerk Hay suggested a roundabout for Bosley’s Corners, as they have been shown to reduce accidents. Attorney Campbell cautioned that roundabouts are very expensive. Supervisor Gott and Councilmember Breu would like to like to look at traffic control devices for both intersections. Councilmember Breu added that adding additional stop signs so that there are two on each side of the intersection might improve safety. Supervisor Gott stated that he will take the issue up with the Traffic Safety Board for ideas and possible solutions.

RESOLUTION            16-2020

**APPROVE 1/2/2020 MEETING MINUTES**

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

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

Resolved to approve the meeting minutes from 1/2/2020.

**2019 ANNUAL TOWN CLERK’S REPORT**

Paid to Supervisor for the General Fund	\$51,427.46
Paid to County Treasurer for Dog Licenses	\$3,538.50
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	\$630.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$1,403.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$18,323.67
State Health Department (marriage licenses)	\$742.50
<b>TOTAL DISBURSEMENTS</b>	<b>\$76,065.13</b>

**Changes to Note:**

- Recreation Fees for New Homes more than doubled from 2018’s \$6,000 to \$12,900 in 2019.
- Engineering and Planning Fees decreased from \$15,971.25 in 2018 to \$6,658.50 in 2019.
- Building Permits increased from \$15,886.25 in 2018 to \$17,011.10 in 2019.
- Total Local Shares Remitted went from \$52,666.96 in 2018 to \$51,427.46 in 2019.
- Total Revenue went from \$78,911.84 in 2018 to \$76,065.13 in 2019.

**REGULAR MEETING, TOWN OF LIVONIA**  
January 16, 2020

**UPDATES:**

**Dog Census**

- Clerk Hay reported that she is working with ABS to prepare the dog census mailing. They will print the census forms and a return envelope, fold, stuff and mail the census for us.
- Target date: May
- Real Property Tax Director Bill Fuller has agreed to help by providing the address file to ABS of residences in the Town and Village of Livonia. (This will not include vacant land.)
- Clerk Hay is also working with Jake Whiting at Design FM to create a fillable form for people to respond to the census through our web site. People can also mail or drop off their census forms to us.

**Hurricane Technologies Update**

- Shawn from Hurricane came today to start our projects.

**Forte Credit Card Processing**

- Clerk Hay shared that we had a problem with Forte depositing tax money into the clerk account, but they quickly straightened it out when she brought it to their attention.
- Clerk Hay also shared that we had a mystery deposit into the clerk account from Forte. They deposited a dog license fee twice – the second time with the \$1.25 convenience fee. She gave them permission to debit the account for the mistake. On the statements for January, there will be a deposit for \$17.25 and then a debit for \$17.25.

RESOLUTION 17-2020

**APPROVE TOWN CLERK ANNUAL REPORT**

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

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

Resolved to approve the 2019 Annual Town Clerk Report.

RESOLUTION 18-2020

**SUPPORT DOG CONTROL GRANT**

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

**REGULAR MEETING, TOWN OF LIVONIA**  
January 16, 2020

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

Resolved to authorize Supervisor Gott to sign the letter in support of the grant application for an addition to the Livingston County Dog Control facilities.

RESOLUTION            19-2020

**AGREEMENT WITH CLARK PATTERSON**

Supervisor Gott stated that Clark Patterson Lee has been our town engineers for 30 years or more. We re-appointed them at the first meeting of the year. They will be providing engineering for the Vitale Park grants, but part of the grant requirements is that we have a more formal agreement.

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

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

Resolved to authorize Supervisor Gott to sign the attached letter of engagement agreement between CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. and the Town of Livonia, the Town of Livonia Planning Board, and the Town of Livonia Zoning Board of Appeals from January 1, 2019 to December 31, 2019 establishing the rates and conditions under which CPL will serve the Town. (See end of minutes for copy of letter dated December 20, 2018.)

RESOLUTION            20-2020

**TOWN BOARD APPOINTMENTS**

Supervisor Gott shared that the new IRS mileage rate for 2020 has decreased from 58 cents/mile to 57.5 cents/mile. He would like the Town of Livonia to do the same. He also shared that Code Enforcement Officer Adam Backus sent the Board a memo with the names of the Planning Board and Zoning Board appointments. He would like to formalize those tonight as well.

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

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

Resolved to set the mileage reimbursement rate for 202 at 57.5 cents per mile; and further,

**REGULAR MEETING, TOWN OF LIVONIA**  
January 16, 2020

Resolved to appoint Larry Willoughby to the Joint Planning Board for the term 1/1/2020 through 12/31/2026; and further,

Resolved to appoint Rosemary Bergin to the Joint Zoning Board of Appeals for the term 1/1/2020 through 12/31/2024.

RESOLUTION 21-2020

**RE-APPOINT IRENE TURNER TO LIBRARY BOARD**

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

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

Resolved to re-appoint Irene Turner to the Library Board for the term 1/1/20 through 12/31/2025.

RESOLUTION 22-2020

**RE-ADVERTISE SHED FOR SALE**

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

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

Resolved to authorize Clerk Hay to re-advertise the request for sealed bids for the remaining surplus shed.

**INTRODUCE LOCAL LAW #1-2020 – SEWER USE AND REGULATIONS**

Attorney Campbell introduced Local Law #1-2020 – Sewer Use Regulations. He reported that the proposed local law does not need to be referred to the county planning board before the public hearing. The Board decided to take some time to review the proposed local law, and they plan to set a public hearing date at the next Town Board meeting.

**UPDATE ON BRUCKEL PROJECT**

Attorney Campbell reported that he has been working with the Bruckels regarding their zoning change request. Attorney Campbell advised that he recommends:

- First, changing the boundaries of ARC-3 and making a portion of the property Gateway Commercial.
- Second, modifying the Gateway Commercial Zoning District to add certain permitted uses.

**REGULAR MEETING, TOWN OF LIVONIA**  
January 16, 2020

He shared that he has the first proposed local law completed and ready to introduce. He is still working on the second proposed local law. He added that before the Town Board takes action on either local law, deed restrictions will be filed that will prevent the Bruckels or any further owner of the property from erecting a hotel on the property. The Bruckels provided a survey map and a description of the boundaries. Attorney Campbell added that the entire parcel is just under 30 acres, and only 18-19 acres will be re-zoned. He will likely present both local laws at the first meeting in February. The Town Board will have to refer these to the County Planning Board, and conduct a Public Hearing for both.

**DISCUSSION REGARDING PERRY VET CLINIC EXPANSION**

Attorney Campbell reminded the Board that the Perry Vet Clinic continues to be interested in expanding their business to treat large animals, and they need to do it on a different property. They have been unsuccessful at finding an available location in Livonia. They are asking again whether the board would consider making modifications to the Neighborhood Residential (NR) District to allow professional offices. Attorney Campbell remarked that it is not uncommon to allow professional offices in the NR District. The property they are interested in is 5-7 acres to the west of George Schuster's home and adjacent to St. Matthew Church. He added that this is a fairly low intensity usage. He asked the Board if they were interested in making this change. Supervisor Gott stated that he thinks it makes good sense. Councilmember Gascon remarked that they are a long-standing business. Councilmember English asked if they had a P.I.L.O.T. agreement when they built at the current location. Supervisor Gott answered no, they did not. Councilmember Gascon added that Livonia is a farming community, and he thinks this would help area farmers.

RESOLUTION            23-2020

**AUTHORIZE ATTORNEY CAMPBELL TO PREPARE LOCAL LAW TO ADD PROFESSIONAL OFFICES AS A PERMITTED USE IN NEIGHBORHOOD RESIDENTIAL (NR) ZONING DISTRICT**

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

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

Resolved to authorize Attorney Campbell to prepare a local law to add professional offices as a permitted use in the Neighborhood Residential (NR) Zoning District.

**SOLAR COMMITTEE**

Councilmember English asked about when the solar committee will start meeting. Supervisor Gott reported that he has set up the committee, and the first meeting will be in

**REGULAR MEETING, TOWN OF LIVONIA**  
January 16, 2020

the next two weeks. Attorney Campbell together some adopted Local Laws from Avon and Leicester for the committee to look at as a starting point.

**COMPREHENSIVE PLAN**

Supervisor Gott shared that we should consider a committee to talk about our needs for the Comprehensive Plan. We will need to send out Requests for Proposals for a consultant to help us.

**FLAG AT HEMLOCK LAKE PARK**

Councilmember Gascon reported that the flag at Hemlock Lake Park is starting to tatter, but he does not want to put up a new one until April. If the current flag gets too bad, he plans on taking it down.

RESOLUTION        24-2020

**AUDIT OF CLAIMS**

Supervisor Gott pointed out the voucher for Empire Fire Protection. He explained that we had sprinkler and halon inspections, along with repairs to the backflow preventer. He wanted the Board to be aware of why the voucher was higher than normal.

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

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

Resolved to pay claims 24 to 80 in the amount of \$783,829.80 from the Abstract dated 1/16/2020.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Dougherty the meeting was adjourned at 7:46 PM. Carried unanimously.

Respectfully Submitted,

---

Colleen West Hay, RMC, CMC  
Town Clerk

**REGULAR MEETING, TOWN OF LIVONIA**  
January 16, 2020

December 20, 2018

Supervisor Eric Gott  
Town of Livonia  
35 Commercial Street  
Livonia, New York 14487

**RE: Engagement Agreement:  
2019 Consulting Architectural, Engineering and Planning Services**

Dear Supervisor Gott:

At your request, I have prepared this letter of engagement agreement between the Town of Livonia and CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C., to provide consulting services to the Town of Livonia, the Town of Livonia Planning Board, and the Town of Livonia Zoning Board of Appeals from January 1, 2019 to December 31, 2019. This agreement establishes the rates, and conditions under which CPL will serve the Town. I will serve as the principal contact with the firm, and the partner in charge of this engagement. Andrew Kosa, P.E. and Ron Rink, P.E. will serve as the Town's primary project managers for all engineering related functions.

Under this agreement, CPL will serve as engineering and architectural consultant to the Town on all matters. For Town, Town Planning Board and Town Zoning Board requested matters, we will bill for our time and our services are provided on an as needed basis. We will attend Planning Board meetings, Zoning Board meetings and Town Board meetings upon request. The specific services and proper mix of personnel will be determined based on a request for assistance and we will bill on a monthly basis.

We will supply a written and agreed upon proposal for any and all projects separately and bill on a monthly basis.

For project reviews requiring escrow deposits by applicants for professional review fees and expenses, our services will be billed to the Town escrow accounts. All time charges will be described on our invoices, with the amount of time set forth for each specific task performed. Expenses and disbursements will be shown separately on our invoices. All invoices will be issued monthly, and payment will be due within forty-five (45) days of the receipt of the invoice.



**REGULAR MEETING, TOWN OF LIVONIA**

January 16, 2020

We will bill against the escrow account for our time and expenses in reviewing a project. We will coordinate with the Planning Board office regarding sufficient funding for escrow accounts.

To indicate the Town of Livonia's agreement to these terms and conditions, please sign a copy of this agreement and return it to me.

Very truly yours,  
**CPL**

Richard B. Henry, III,  
P.E. Senior Vice  
President

The Town of Livonia hereby accepts CPL's Proposal.

---

Town of Livonia, Town Supervisor Eric Gott