

REGULAR MEETING, TOWN OF LIVONIA
February 6, 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 February 6, 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: Livonia Fire Department Chief Rich Alexander, Code Enforcement Officer (CEO) Adam Backus, several residents.

The Town Board meeting was called to order by Supervisor Gott at 7:00 PM. Dawn Woodburn led the pledge.

PRIVILEGE OF THE FLOOR

Livonia Joint Fire Department Chief Rich Alexander presented the 2019 Livonia Fire Department Report (see attachment at end of minutes).

Councilmember English asked about the ladder truck. Chief Alexander shared that he feels the tool is necessary, but Livonia does not need one that size. A 75-foot truck with a 112 foot ladder is difficult to move around in the village. Right now, they are trying to decide which fire truck to keep and which one to replace with the new truck. They are also discussing whether to replace the ladder truck with something smaller and more feasible for our jurisdiction. The current ladder truck is 30 years old. Councilmember English asked if they could get anything for it. Chief Alexander answered that they would only be able to get about \$25-30,000. Councilmember Breu asked how many people were on the truck committee. Chief Alexander replied that there are five people on the committee.

RESOLUTION 25-2020

APPROVE 1/16/2020 MEETING MINUTES

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

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

Resolved to approve the meeting minutes from 1/16/2020.

REGULAR MEETING, TOWN OF LIVONIA
February 6, 2020

TOWN CLERK’S REPORT – JANUARY 2020

Paid to Supervisor for the General Fund	\$3,460.58
Paid to County Treasurer for Dog Licenses	\$255.50
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	\$33.75
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$107.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$118.08
State Health Department (marriage licenses)	\$0
TOTAL DISBURSEMENTS	\$3,974.91

TAX COLLECTOR’S REPORT – JANUARY 2020

Total Taxes Collected	\$6,550,192.53	
Total Duplicate/Overpayments	\$8,560.63	
TOTAL:		\$6,558,753.16
Total Bounced checks:	\$2,877.89	
Total Refunded/Overpayments	\$8,530.34	
Disbursements to Supervisor	\$3,230,118.00	
TOTAL:		\$3,241,526.23
BANK BALANCE		\$3,317,226.93

To Reconcile Bank Account:

Bank Balance Above:	\$3,317,226.93
Plus Beginning Balance in Checking account:	\$39.91
Plus deposits outstanding:	<u>\$4,259.13</u>
Equals total in checking account:	\$3,321,525.97

Clerk Hay reported that she has written a check to the Livingston County Treasurer for \$2.5 million this month, and she will refund the remaining overpayments once she is sure the payments have cleared.

Clerk Hay also mentioned that she has a copy of the Ambulance Audit on file in her office if anyone wishes to view it.

RESOLUTION 26-2020

APPROVE TOWN CLERK & TAX COLLECTOR REPORTS

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

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

REGULAR MEETING, TOWN OF LIVONIA
February 6, 2020

Resolved to approve the January 2020 Town Clerk and Tax Collector Reports.

RESOLUTION 27-2020

AWARD SHED BID

Supervisor Gott reported that there were two bids for the surplus shed. Marty Herkimer bid \$500, and Matt Gascon bid \$152.

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

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

Resolved to award the surplus shed to Marty Herkimer for a payment of \$500.

RESOLUTION 28-2020

ACKNOWLEDGE LIVONIA JUSTICE COURT AUDIT FINDINGS

Supervisor Gott reported that he met with Court Clerk Kolleen Redman to go over the court records. This year, he audited Justice Margaret Linsner. He reported that the records were in order, everything balanced, and deposits are being made in a timely fashion. Both judges are doing a fantastic job.

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

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

Resolved to acknowledge the Livonia Justice Court Audit findings.

RESOLUTION 29-2020

TRANSMIT LIVONIA JUSTICE COURT AUDIT FINDINGS TO OFFICE OF COURT ADMINISTRATION (OCA)

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

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

Resolved to transmit the Livonia Justice Court Audit findings to the Office of Court Administration (OCA).

REGULAR MEETING, TOWN OF LIVONIA
February 6, 2020

RESOLUTION 30-2020

APPROVE INTERFUND TRANSFER

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

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

Resolved to approve the \$25,000 interfund transfer from the Library Fund to the Capital Project Fund.

INTRODUCTION OF LOCAL LAW #2-2020- ADD PROFESSIONAL SERVICES AS A PERMITTED USE TO NEIGHBORHOOD RESIDENTIAL ZONING DISTRICT

Attorney Campbell reminded the Board that they had asked him to create a local law to modify the Neighborhood Residential (NR) Zoning District to allow “professional services” as an additional permitted use with the issuance of a Conditional Use Permit. He explained that the professional services use would be a primary use of the property, distinguishing it from home occupations. Supervisor Gott asked Attorney Campbell to review the reasons for the proposed change.

Attorney Campbell explained that Perry Pet wants to expand their veterinary practice to include large animals. Their current location will not accommodate their new business model. They would like to keep their business in the Town of Livonia, but the only suitable and available property they have found is between St. Matthew Church and Schuster’s old farm. The property is zoned Neighborhood Residential (NR). Attorney Campbell had advised the Board that other towns have allowed professional services as a permitted use in the NR district. If the Town Board makes this change, it would allow Perry Pet to move to the new location, and it would also apply to all other parcels in the NR District. At a previous meeting, the Town Board had asked Attorney Campbell to draft such a law, and he presented it at the meeting tonight.

Councilmember English asked about setbacks. Attorney Campbell answered that there are setback requirements in each zoning district. As part of the Conditional Use Permit, the Planning Board can look at a particular project and decide what is appropriate. The applicant will be required to submit a site plan. Councilmember English asked CEO Backus for his opinion on the zoning change. CEO Backus replied that it seems to him like these types of uses will fit.

Attorney Campbell added that most of the time, we will be dealing with existing structures, where someone wants to turn a home into a dental office for example. The vet

REGULAR MEETING, TOWN OF LIVONIA
February 6, 2020

office is unique because they want to build on an empty parcel. The Planning Board will look at things like ease of ingress/egress, parking, hours of operations, etc.

Attorney Campbell advised that if the Town Board wishes to move forward, the next step would be to send it to the County Planning Board for comment. He added that the Town Board can “tweak” the law as we go along. If we make significant changes, we might have to send it back to the county a second time, but if we make only minor changes, we might not have to refer it again.

A resident asked what Perry Pet plans on doing with the building in Livonia Center. Attorney Campbell answered that he does not know if they are keeping it or moving the whole business to the new location. The resident wanted to know if they would be keeping large animals at the new facility. Supervisor Gott answered that some of these animals will stay there for several days while they are being treated. CEO Backus added that having large animals there for a few days fits in with the existing agricultural use. The resident was concerned that they will be leaving an empty building in Livonia Center. Attorney Campbell shared that Perry Pet could decide to move to another town and there would be the same problem. Supervisor Gott said that the conditional use permit is a good idea.

RESOLUTION 31-2020
REFER LOCAL LAW #2-2020 - ADD PROFESSIONAL SERVICES AS A PERMITTED USE TO NEIGHBORHOOD RESIDENTIAL ZONING DISTRICT - TO THE LIVINGSTON COUNTY PLANNING BOARD

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

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

Resolved to authorize Attorney Campbell to refer proposed Local Law #2 – Add Professional Services as a Permitted Use to Neighborhood Residential Zoning District - to the Livingston County Planning Board for review.

RESOLUTION 32-2020
SET PUBLIC HEARING RE: LOCAL LAW #2-2020 - ADD PROFESSIONAL SERVICES AS A PERMITTED USE TO NEIGHBORHOOD RESIDENTIAL ZONING DISTRICT

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

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

REGULAR MEETING, TOWN OF LIVONIA
February 6, 2020

Resolved to set the Public Hearing for proposed Local Law #2-2020 regarding adding Professional Services as a permitted use in the Neighborhood Residential (NR) Zoning District for May 7 at 7 PM at the Livonia Town Hall.

INTRODUCTION OF LOCAL LAW #3-2020 – MODIFY ZONING DISTRICT BOUNDARIES

Attorney Campbell introduced proposed Local Law #3-2020 to modify zoning district boundaries for the Bruckel property located above Pebble Beach Road. This law will change the boundaries of the ARC3 Zoning District to add approximately 18.5 acres to the Gateway Commercial Zoning District. Approximately 12 acres would remain ARC3 to be a buffer for the residences to the east on Pebble Beach Road. The legislative intent is that the remaining 12 acres should be permanently left as a buffer to prevent further development and to minimize the impact on residents of Pebble Beach Road.

INTRODUCTION OF LOCAL LAW #4-2020 - ADD “EVENT CENTER” AS A PERMITTED USE IN THE GATEWAY COMMERCIAL ZONING DISTRICT

Attorney Campbell explained that the current Gateway Commercial Zoning District does not allow for an Event Center. This local law creates a definition for Event Center, and he encouraged the Board to review the definition and put some thought into it. This local law then adds “Event Center” as a permitted use in the Gateway Commercial zone with a conditional use permit. This local law also amends Accessory Uses to allow Agricultural uses relating to the production of Wine, craft-styled beer, cider or liquor or to be marketed for sale on-site as part of a permitted use, so long as such use is clearly subordinate to the primary permitted use.

Councilmember English asked if the Board accepts those changes, will they be applied to the entire Gateway Commercial District going forward? Attorney Campbell replied yes. Councilmember English remarked that this is a big change to make to the zoning without have an updated comprehensive master plan. He is concerned that a large area will be opened up for this type of development. Attorney Campbell shared that the Town of Livonia does not have a lot of land zoned Gateway Commercial, but it is wise to think about worse-case scenarios. This does not seem to be inconsistent with anything in the current Comprehensive Plan.

Councilmember English stated that he feels more land should have been left in the ARC3 Zoning District. He wants to limit the potential for expansion on the Bruckel property. He thinks they are asking for more land to be re-zoned than what is needed. He asked Code Enforcement Officer Backus for his opinion. CEO Backus shared that in his opinion, it is different starting on the hill going toward residential properties versus the property between the hill and the road. He shared that storm water management and noise will be

REGULAR MEETING, TOWN OF LIVONIA

February 6, 2020

the biggest impacts in his opinion. He mentioned that we should not only consider noise affecting Pebble Beach Road, but Pennemite Road as well. He thinks it is wise to keep a 12-acre buffer. Attorney Campbell added that the Planning Board will want buffers, and might require tree-line shrubs, for example.

Attorney Campbell also talked about the proposed deed restrictions. The plan is to prohibit a motel/hotel from going in on that property and limit the number of villas. Attorney Campbell stated that if the Town Board wants to reduce the acreage that is being modified, we will have to look at that. Councilmember English asked Mr. Bruckel how many villas he plans to put in. Mr. Bruckel answered that he does not want the villas on top of each other. Councilmember English said that they may only be able to in 10 villas instead of 12. Supervisor Gott shared that he thinks 18 acres gets used up fast. Attorney Campbell pointed out that some portion of the project will be vineyards as well.

A resident asked about drainage. Attorney Campbell reported that whatever they do, there must be a zero-net gain of water leaving the property. That will be part of the engineering. Supervisor Gott added that there will be a retention pond on both the 18-acre parcel and the 12-acre parcel.

Attorney Campbell asked the board if they think this project is good for the community, and if they think this zoning change and deed restrictions are a good way to go about it. He added that the Bruckel's attorney wants to keep the deed restrictions on for 50 years, then have them automatically drop off. Attorney Campbell advised that the deed restrictions benefit the Town of Livonia and the property owner can always ask for them to be removed.

Supervisor Gott shared that he is in favor of both local laws. He thinks our community needs more event center choices, and this will be good for the county and the region. He said he thinks this will be a showcase piece for Livonia, and will fit in well with our microbreweries, the cidery, and wineries. He thinks the Town will have enough control over the project between the site plan review and the deed restrictions.

Attorney Campbell added that the number of villas will have to be spelled out in the deed restrictions. Councilmember English agreed that it is needed and stated that he is sure the project will be top notch. He said that he is just playing devil's advocate. He wants CEO Backus' input because he knows how diligent he is. Councilmember Breu mentioned that the project will benefit other area businesses as well. CEO Backus shared that as long as we balance it and plan ahead and consider the potential impacts on others, he thinks we will be good.

REGULAR MEETING, TOWN OF LIVONIA
February 6, 2020

RESOLUTION 33-2020

REFER LOCAL LAW #3-2020 (MODIFY ZONING DISTRICT BOUNDARIES) AND LOCAL LAW #4-2020 (ADD “EVENT CENTER” AS A PERMITTED USE IN THE GATEWAY COMMERCIAL ZONING DISTRICT) TO THE LIVINGSTON COUNTY PLANNING BOARD

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

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

Resolved to authorize Attorney Campbell to refer proposed Local Law #3-2020 (Modify Zoning District Boundaries) and proposed Local Law #4-2020 (Add “Event Center” as a Permitted Use in the Gateway Commercial Zoning District) to the Livingston County Planning Board for review.

RESOLUTION 34-2020

SET PUBLIC HEARINGS RE: LOCAL LAW #3-2020 (MODIFY ZONING DISTRICT BOUNDARIES) AND LOCAL LAW #4-2020 (ADD “EVENT CENTER” AS A PERMITTED USE IN THE GATEWAY COMMERCIAL ZONING DISTRICT)

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

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

Resolved to set the Public Hearings for proposed Local Law #3-2020 (Modify Zoning District Boundaries) and proposed Local Law #4 (Add “Event Center” as a Permitted Use in the Gateway Commercial Zoning District) for May 7 at 7 PM at the Livonia Town Hall.

RESOLUTION 35-2020

SET PUBLIC HEARING RE: LOCAL LAW #1-2020 – SEWER USE REGULATIONS

Attorney Campbell advised the Town Board that they do not need to refer Local Law #1-2020 (Sewer Use Regulations) to the County Planning Board, but they should set the public hearing if they want to move forward with that law.

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

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

REGULAR MEETING, TOWN OF LIVONIA
February 6, 2020

Nays – 0

Resolved to set the Public Hearing for proposed Local Law #1-2020 (Sewer Use Regulations) for April 2 at 7 PM at the Livonia Town Hall.

RESOLUTION 36-2020

AUDIT OF CLAIMS

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

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

Resolved to pay claims 81 and 82 in the amount of \$2,140.10 from the Abstract dated January 22, 2020.

RESOLUTION 37-2020

AUDIT OF CLAIMS

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

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

Resolved to pay claims 83 - 129 in the amount of \$63,730.90 from the Abstract dated February 6, 2020.

RESOLUTION 38-2020

EXECUTIVE SESSION

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

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

Resolved that this Board enter into Executive Session at 8:14 PM with Attorney Campbell to discuss the employment history of a specific individual.

RESOLUTION 39-2020

RETURN TO REGULAR SESSION

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

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

REGULAR MEETING, TOWN OF LIVONIA
February 6, 2020

Resolved to return to Regular Session at 8:42 PM

With no further business, on a motion of Councilmember Breu seconded by Councilmember English the meeting was adjourned at 8:42 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, RMC, CMC
Town Clerk

Attachment to Minutes from 2/6/2020:

Livonia Fire Department - Livonia, NY 14487
2019 Chiefs report provided to Town & Village of Livonia - 02/06/2020

- Livonia Fire Department was dispatched 238 times in 2019, down 30 from the previous year.
- We gained 5 new members, 3 of which are currently attending the exterior/interior ff course, 1 came back to us with the training and 1 joined for fire police.
- 3 members completed to the state course for interior firefighting, the Livonia Fire Department currently has 31 interior qualified members.
- Purchased 5 new sets of turnout gear that are NFPA compliant and rated for interior firefighting.
- Purchased a 2nd battery operated ventilation fan.
- Purchased 2 battery operated scene lights to replace the old gas powered units.
- Purchased a new power unit for the rescue tools known to most as the Jaws of Life. This new power unit is smaller, lighter and works faster.
- Purchased 600ft of attack hose that was placed in service on 254, this hose requires less pressure from the pump causing less strain on the pump itself.
- Purchased 3 new nozzles to compliment the above hose. These nozzles can be used for multiple occasions and also require less pressure from the pump. This makes the

REGULAR MEETING, TOWN OF LIVONIA

February 6, 2020

hose easier to maneuver which means less fire fighters on the line and more available for other work.

- Purchased 6 new rescue struts to assist in stabilizing any piece of unstable or overturned equipment. Previously we had 4 that required some time and multiple people to set up, these new struts take around 2 minutes and 1 person. They are also a lot strong and all in one, the old struts had multiple pieces.
- The Livonia Fire Department signed an agreement with the Springwater Fire Department to be dispatched on the initial page as a FAST team for any building fires in their jurisdiction. The board of commissioners had the initial concern of wear and tear on the trucks. It was agreed to do a 2 year trial run and reconsider at the end of 2020. Prior to the agreement reports were run and there were only 3 instances over the previous 6 years where we would have responded. To this date since the agreement we have yet had a need to respond.
- The Livonia Fire Department has awarded a contract for a new Pumper/Tanker to Colden Enterprises out of Buffalo. We are purchasing a fully custom Spartan truck that has features of both of our current engines built into 1. The total cost of the truck is \$720,571.00 and we are expecting delivery in November of this year.
- The truck will be placed into service after all proper training has been completed most likely after January 1"2021. We have full specs and blue prints at the station if you would like to take a look.

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