

**REGULAR MEETING, TOWN OF LIVONIA**  
February 20, 2014

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 Street, Livonia on February 20, 2014.

**PRESENT:** Eric Gott, Supervisor  
 Andy English, Councilmember  
 Matt Gascon, Councilmember  
 Angela Grouse, Councilmember  
 Frank Seelos, Councilmember  
 Colleen West Hay, Clerk  
 Jim Campbell, Attorney, Town of Livonia

**OTHERS PRESENT:** Several Residents.

The meeting was called to order by Supervisor Gott at 7:00 PM.  
 Todd Marsh led the pledge.

**PRIVILEGE OF THE FLOOR**

Supervisor Gott opened the floor to comments and concerns.

Supervisor Gott gave an update on Fund Balances:

	Fund Balance 1/1/2013	Fund Balance 12/31/2013	2013 +/-	Appropriated For 2014
General Fund (A)	\$1,008,196	\$1,174,640	\$166,444	\$60,680
General Fund (B)	\$31,495	\$38,692	\$7,197	\$0
Highway Fund (DA)	\$559,466	\$595,620	\$36,154	\$115,685
Highway Fund (DB)	\$339,040	\$299,510	(\$39,530)	\$108,715
Library Fund (L)	\$110,998	\$116,616	\$5,618	\$0

He reported that fund balances are created when departments do not spend everything that was budgeted. He stated that this is good news and the town is in healthy financial shape.

**TOWN CLERK'S REPORT – JANUARY 2014**

Clerk Hay gave the following financial report for January 2014:

<i>Paid To</i>	<i>Amount Remitted</i>
Supervisor (General Fund)	\$2,036.21
County Treasurer for Dog Licenses	\$192.50
NYS Ag & Mkts for Spay/neuter Program	\$71.00
NYS DECALS	\$0.00

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State Health Department (Marriage Licenses)	\$67.50
<b>Total Disbursements</b>	<b>\$2,367.21</b>

Clerk Hay mentioned that the Monthly Dog Report does not balance with the Town Clerk Monthly Report because the Monthly Dog Report is calculating fees to go to the County Treasurer for Exempt dogs. This is a glitch in the new program update and will be fixed in the next update. Clerk Hay made a notation on the Dog Monthly Report and also notified the County Treasurer.

Clerk Hay explained that there is not any money going to the Department of Environmental Conservation because she is having problems getting the state's new software system to work on the computer. The board gave their approval for Clerk Hay to have Hurricane Technologies come and set up the new software.

**TAX COLLECTION REPORT – JANUARY 2014**

Clerk Hay reported that she paid the Supervisor \$1,659,468.00 for the Abstract in January. The remainder of the Abstract balance has been paid to the Supervisor this month and will appear on the February report. She collected \$6,226,771.27 in principal in January out of the total warrant amount of \$7,507,664.71. As of today, there are 426 bills out of 3,664 that have not been paid. This is in line with previous years.

RESOLUTION 22-2014

**APPROVE JANUARY 2014 TOWN CLERK'S REPORT**

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

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

Resolved to approve the January 2014 Town Clerk's Report.

RESOLUTION 23-2014

**APPROVE JANUARY 2013 TAX COLLECTION REPORT**

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

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

Resolved to approve the 2014 Tax Collection Report.

RESOLUTION 24-2014

**LIBRARY BOARD POSITIONS**

Supervisor Gott reported that the Library Board of Trustees is requesting the appointment of three trustees. One appointment is to replace a vacant Trustee position and the other two are to increase the current Board to nine members.

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

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

Resolved to support the following appointments to the Library Board of Trustees: Denise Cendoma, Christine Cruso and James Cornell for tems beginning March 1, 2014.

Councilmember Grouse explained that the board is allowed to have nine members, and with the Library Expansion Project coming up, this will enable the board to spread the work around more.

RESOLUTION           25-2014

**ACCEPT MEETING MINUTES FROM 2/6/14**

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

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

Resolved to accept the meeting minutes from February 6, 2014.

RESOLUTION           26-2014

**APPROVE 2013 LIBRARY CAPITAL RESERVE TRANSFER**

Supervisor Gott stated that it is time for the board to consider authorizing the Capital Reserve Transfer for the Library. So far, the fund has paid for purchasing property, demolition work to tear down the house next to the library and other expenses. They hope to break ground on the project in early 2015.

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

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

Resolved to authorize a transfer from the General Fund (A) to the Library Fund in the amount of \$20,000 for the fiscal year ending December 31, 2013.

RESOLUTION           27-2014

**ESTABLISH EQUIPMENT RESERVE (HIGHWAY) FUND**

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

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

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “**Equipment**

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**(Highway) Reserve Fund**” effective December 31, 2013. The Purpose of this Reserve Fund is to accumulate moneys to finance the purchase of a new heavy duty single axis dump truck.

The Chief Fiscal Officer is hereby directed to deposit and secure the moneys of the Equipment Reserve Fund in the manner provided by Section 10 of General Municipal Law. The Town Supervisor may invest the moneys in the Reserve Fund in the manner provided by Section 11 of General Municipal Law, and consistent with the Town’s Investment Policy. Any interest earned or capital gains realized on the moneys so deposited or in vested shall accrue to and become part of the Reserve Fund. The Supervisor shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund. The Balance Sheet/Budgetary Accounts shall be maintained in the Highway Townwide (DA) Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of the Town Board and such additional actions or proceedings as may be required by Section 6-c of General Municipal Law or any other law including a permissive referendum if required by subdivision 4 of Section 6-c.

RESOLUTION 28-2014

**ESTABLISH SIDEWALK IMPROVEMENT RESERVE FUND**

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

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

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the **“Sidewalk Improvements Reserve Fund”** effective December 31, 2013. The Purpose of this Reserve Fund is to accumulate moneys to finance the construction of new sidewalks along various town roads.

The Chief Fiscal Officer is hereby directed to deposit and secure the moneys of the Equipment Reserve Fund in the manner provided by Section 10 of General Municipal Law. The Town Supervisor may invest the moneys in the Reserve Fund in the manner

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provided by Section 11 of General Municipal Law, and consistent with the Town's Investment Policy. Any interest earned or capital gains realized on the moneys so deposited or in vested shall accrue to and become part of the Reserve Fund. The Supervisor shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall at the end of each fiscal year, render to the Town Board a detailed report of the operation and condition of the Reserve Fund. The Balance Sheet/Budgetary Accounts shall be maintained in the Highway Part-town (DB) Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of the Town Board and such additional actions or proceedings as may be required by Section 6-c of General Municipal Law or any other law including a permissive referendum if required by subdivision 4 of Section 6-c.

### **DISCUSS ZUMBA AT JACK EVANS COMMUNITY CENTER (JECC)**

Supervisor Gott informed the board that he received a call from Sheila Staley regarding a request from the woman conducting Zumba at the JECC. The instructor wants to expand the class to two nights a week (Tuesday and Thursday) and is also requesting a classroom to conduct a childcare while the women are in the class.

Supervisor Gott shared that he would be cautious because others want to use the gym as well. He also wants to be careful about how the payment is structured. We need to ensure that it is structured so that the fire department is collecting the fee then paying the instructor and that people are not paying the instructor directly.

Councilmember English voiced that he is in favor of keeping the class to one night a week for a little while yet and see if others need the gym.

Councilmember Grouse added that she is concerned about the babysitting.

Attorney Campbell advised that the board has set a precedent that anyone using the JECC building for a profit, enters into a lease situation. A lease indemnifies the town somewhat. He is only comfortable with going forward with the use if the building is being used to benefit the fire department. He is not comfortable using the facilities for profit if it is not benefitting the fire department. He added that it would also not be legal to do so.

He also expressed concerns about the childcare. He felt it could result in real liability for the town. There is an expectation that there will be a certain level of care. He pointed out that the town has to be particularly careful in these situations.

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He added that if the activity at the JECC is truly for profit, then he thinks we should be cautious. If it appears that there is a need and a draw for this service, then maybe the instructor should enter into a lease-type relationship and rent the gym one night a week, and a room if she wants also. If it is truly a for-profit business, then that is the way we should go.

Supervisor Gott will invite the instructor and representation from the Hemlock Fire Department to a meeting to discuss it further.

RESOLUTION            29-2014

**MUNICIPAL AUTHORIZATION RESOLUTION**

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

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

Resolved to pass the Municipal Authorization Resolution as required by Five Star Bank for the purpose of designating them as our official town bank. (See resolution attached.)

Supervisor Gott mentioned that this does the same thing that the board did at the organizational meeting, but the bank wants to see it as a separate resolution.

RESOLUTION            30-2014

**HIRE RECREATION AIDE**

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

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

Resolved to hire Marisa Kaminsky as a recreation aide effective 2/21/2014 at a rate of \$8/hour.

Councilmember Grouse explained that Marissa will assist with the Friday night program at the JECC. With having more activities, we need more staff to provide enough supervision.

**Local Law #2-2014**

Attorney Campbell provided the board with a copy of the proposed local law #2, the so-called “Piggy-Back Law,” which would be an addition to the town’s procurement policy. Supervisor Gott reminded everyone that the Public Hearing for this proposed law is set for March 20.

Attorney Campbell feels that the town will increasingly utilize this law. It allows the town to look state-wide to other counties and use their bid price. It will be especially beneficial when the town wants a specific kind or piece of equipment. It will give the town options and better prices. This is for New York State only. It would not allow us to “piggy-back” on other states.

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**AMBULANCE COMMISSIONER VACANCY**

Councilmember Seelos announced that Gordon Phillips, an ambulance district commissioner, passed away Sunday, and we will need to fill his seat. Supervisor Gott would like a three person committee to make a selection. He suggested Councilmember Seelos, Councilmember Gascon, and Ambulance Commissioner Mark Whitford. Supervisor Gott also thinks that Barry Shapiro would be a good addition if he is interested.

RESOLUTION 31-2014

**ESTABLISH COMMITTEE TO FILL THE VACANCY ON THE AMBULANCE COMMISSION**

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

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

Resolved to establish a committee consisting of Councilmembers Seelos and Gascon, and Ambulance Commissioner Mark Whitford, to fill the Ambulance Commissioner vacancy resulting from the death of Gordon Phillips.

**FIRE DISTRICT CONSOLIDATION**

Councilmember Seelos reported that the Fire Districts conducted a follow-up meeting last night. He said that it was well attended by 15 people – 5 from each district. There was a lot of interaction and two things were approved:

- They will form a subcommittee to work on some of the interpersonal issues that have hindered progress.
- They will seek a state grant to fund a feasibility study to see if consolidation makes sense.

Supervisor Gott stated that he appreciates Councilmember Seelos putting that meeting together. He also reported that the county grant writer will be writing the grant for us at no cost to us. As long as the town is the sponsor, the county will fund that.

**LOGO FOR TOWN VEHICLES**

Councilmember Seelos received two quotes for the logo for the town vehicles. He presented mock-ups from two vendors. They both have a reflective background and the department name will be added. The Board discussed the quotes and the mock-ups and selected a design. Supervisor Gott asked Councilmember Seelos to have those made as soon as possible. Our employees will apply them to the vehicles.

RESOLUTION 32-2014

**AUDIT OF CLAIMS**

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

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

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Resolved to pay claims 1002-1041 in the amount of \$46,087.04 from the Abstract dated 2/20/2014.

RESOLUTION 32-2014

**ENTER INTO EXECUTIVE SESSION**

On motion of Councilmember Grouse seconded by Councilmember Seelos the following resolution was

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

Resolved to enter into Executive Session at 7:36 PM with Attorney Campbell to discuss the employment history of a particular person.

RESOLUTION 33-2014

**RESUME REGULAR SESSION**

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

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

Resolved to resume Regular Session at 7:45 PM.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Grouse the meeting was adjourned at 7:45 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, Town Clerk