

**REGULAR MEETING, TOWN OF LIVONIA**  
September 3, 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, NY on September 3, 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. AJ Miller led the pledge.

RESOLUTION 119-2020

**APPROVE 8/6/20 MEETING MINUTES**

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 approve the meeting minutes from 8/6/2020.

**TOWN CLERK’S REPORT – AUGUST 2020**

Paid to Supervisor for the General Fund	\$2,258.60
Paid to County Treasurer for Dog Licenses	385.00
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	134.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	6,388.90
State Health Department (marriage licenses)	112.50
<b>TOTAL DISBURSEMENTS</b>	<b>\$7,020.40</b>

**Shredding Event**

- This year, we shredded *over 12,000 pounds of paper* (compared to 5,820 pounds last year).
- Last year, we had about 75 cars. This year, Kenny Liesegang estimated *400 vehicles*.

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- People started filling the parking lot before 8:30 AM. (We were scheduled to start at 9 AM.)
- The last person left at 11:30 AM. (We were scheduled to end at 11 AM.)
- Adam Backus called the sheriff's department, and they sent a deputy to help direct traffic. We ended up having people wait/line up at the Highway garage, then Kenny would send 3 cars down at a time to the Town Hall.
- People brought moldy, wet newspapers and records infested with rodent droppings and bird feathers. One person had a pickup truck bed heaped with these types of records.
- Most people were appreciative and did not mind the wait, but a few people were upset at having to wait. (Average wait time was 45 minutes.)

### Recommendations to consider for next year:

- Having it at the Highway garage, so there is more room to line up cars.
- Getting more volunteers to help. We need two people helping the person at the shredding truck, and at least 2 people (preferably 3) directing traffic. Volunteers should arrive at 8 AM to start lining up cars.
- This year, all volunteers wore reflective vests and we purchased rain ponchos. We also borrowed cones and directional flags from the Highway Superintendent. This worked well.
- Advertising that this is for CONFIDENTIAL PAPERS ONLY – no newspapers, books, magazines, etc.
- Advertising that we will turn anyone away who brings moldy and/or dirty papers as this constitutes a health hazard.
- Either limiting the number of boxes people can bring or having people with large amounts come at the last half hour, so they don't hold everyone else up.
- Think about limiting it to Livonia residents. Could issue tickets and cap it at a certain number of tickets. Another idea is to schedule time slots, but that is a lot of work. If we give out tickets, we will need to have a volunteer to collect the tickets.
- Think about having it twice a year – once in the spring and once in the late summer/early fall. This was suggested by several people.

### **LGS-1**

- Clerk Hay requested a resolution to adopt the LGS-1 as the official Records Retention Schedule for the Town of Livonia.
- Clerk Hay is working on updating the Subject Matter List for the Town of Livonia based on the new schedule and hopes to have it completed by the end of the year.

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RESOLUTION 120-2020

**ADOPT LGS-1 RECORDS RETENTION SCHEDULE**

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

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

Resolved, by the Town Board of the Town of Livonia that the *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein, and further

Resolved that in accordance with Article 57-A;

- (a) Only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, after they have met the minimum retention periods described therein;
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

RESOLUTION 121-2020

**APPROVE TOWN CLERK'S REPORT**

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

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

Resolved to approve the August 2020 Town Clerk's Report.

**PRIVILEGE OF THE FLOOR**

Town Hall Grounds

A resident complained about the weeds at the Town Hall. She said that she feels the Town Hall looks horrible. There are weeds growing up in the bushes out front and along the ramp at the side of the building. Supervisor Gott will speak to Mike Benson about this.

Bulk Clean-up Day

A resident thanked the Town Board for Bulk-Cleanup Day. She said it was a big help for the Little Lakes Community Center (LLCC). Supervisor Gott shared that he received the letter requesting that the Town release the \$3,000 that was budgeted for the LLCC. It will be presented at the next meeting for approval.

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### Supervisor Updates

Supervisor Gott reported:

- The new John Deere excavator came in. There was a tiny issue with the hydraulic thumb, but John Deere will come and adjust it.
- Mike Benson did a lot of work at Hemlock Lake Park and the bill is included in with the vouchers tonight. Hemlock Park looks good.
- The Education Center at Vitale Park also looks good. Travis Wester did the excavating work.
- An employee broke her leg at Vitale Park Sunday night. She has filed the proper paperwork and is getting that taken care of.
- We had 156 people take advantage of the Bulk Cleanup. There were no long backups, and the day went well. Chris Hoffman from the Village Department of Public Works (DPW) helped. Supervisor Gott thanked Mr. Hoffman.

### **DISCUSS MOWING AND SNOW REMOVAL FOR TOWN HALL AND LIBRARY**

Supervisor Gott introduced Chris Hoffman from the Village DPW. Mr. Hoffman proposed that the Village and Town enter into a contract for lawn maintenance and snow removal for the Town Hall and Library. Supervisor Gott did talk to Mike Benson to let him know that the Town might move in this direction. Right now, the Village plows the sidewalks and mows areas in Village. Mr. Hoffman is proposing that the Village add an employee to the Department of Public Works, and part of their duties would be to provide these services for the Town. Mike Benson indicated that he would reduce the mowing bid by \$2,000 if he did not mow the Town Hall and Library next year. Supervisor Gott estimated that the Town pays about \$6,000/year for snow removal on average. He shared that he would rather give the \$8,000 total to the Village through contract. He feels it will improve the level of service we receive.

Mr. Hoffman asked what the summer duties were and how often. He also wanted to know who pays for the plants, mulch and salt right now. Supervisor Gott replied that Mike is supposed to trim the bushes and weed as needed. He also mulches and plants a few annuals before Memorial Day. Mike pays for the flowers, mulch and calcium chloride.

Councilmember English interjected that he does not think we should pay the Village the full \$8,000. He shared that he thinks we are overpaying for salting/shoveling, and it is not good for the taxpayers.

Mr. Hoffman explained that he wants to bring on another full-time employee at the Village DPW, and this will help offset that cost. He asked Supervisor Gott to let him know the dates of evening meetings and court so he knows when it will need to be shoveled.

Supervisor Gott shared that Mr. Hoffman is asking for \$8,000, but he still needs talk to the Village Board. Nothing is set until/unless they approve the request for another staff member. Mr. Hoffman added that the cost may be the same, but the service will be better.

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Councilmember Breu thanked Mr. Hoffman for his leadership. He shared that he has seen a change since Mr. Hoffman took over. People are working together more, and he has seen the Village crew out at 4 AM plowing. He feels that the partnership makes good sense. Councilmember Gascon echoed Councilmember Breu's comments. He added that the Village DPW has helped out the Livingston County Water & Sewer Authority (LCWSA) when there have been water leaks in the village.

RESOLUTION        122-2020

**AGREE TO ENTER INTO AGREEMENT WITH VILLAGE FOR MOWING AND SNOW REMOVAL**

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

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

Resolved to agree to enter into an agreement with the Village of Livonia for the Village to provide lawn maintenance and sidewalk snow removal/salting at the Town Hall and Livonia Public Library, and further

Resolved that this agreement does not include plowing the Town Hall parking lot.

Mr. Hoffman will take the proposal to the Village Board. If approved on their end, the person would start this winter season. If not approved, we will continue to use Mike Benson.

**BOB NILSSON TO ADDRESS THE BOARD REGARDING DOLLAR GENERAL**

Supervisor Gott introduced Bob Nilsson. Mr. Nilsson proceeded to address the Town Board regarding the proposed Dollar General in Hemlock. He shared the following points:

- People come from all over to enjoy the natural beauty of the hamlet of Hemlock, and he feels we have something special here.
- Recently, Dollar General applied for a variance to add a store in Hemlock, but there are already stores in Livonia and Honeoye.
- He feels that adding a Dollar General to Hemlock will have the following negative effects:
  - A less diverse economy
  - Light pollution
  - Increased traffic in an area where the speed limit is 55
  - Increased noise
  - Increased crime
  - Lowered property values.
- Mr. Nilsson shared that he has only heard two arguments in favor of the Dollar General - jobs and taxes. He reports that Dollar Generals typically only employ a few people in low paying jobs. He argued that every dollar leaves our community with stores like this. He

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would rather see a local store go in that space, keeping local dollars here.

Mr. Nilsson reported that Dollar General is also considering placing a store in Lakeville. He requested that the Town Board consider a moratorium on large box style businesses to give the Town time to consider various impacts.

Supervisor Gott commented that the Town Board does not interfere with Zoning Board of Appeals (ZBA) or Planning Board (PB) decisions. He thanked Mr. Nilsson for his comments and asked Mr. Backus to share them with the ZBA and PB. Mr. Backus announced that the ZBA Public Hearing regarding the proposed Dollar General in Hemlock will be at the High School auditorium on 9/21/2020 at 7 PM. People will also be able to participate via Zoom.

Will Ouweleen from O-neh-da Vineyard, Eagle Crest Vineyards, and Finger Lakes Glamping in Conesus addressed the Board. He explained the history of O-neh-da Vineyard and agreed with Mr. Nilsson that it is important to protect the Hemlock area. He would like to see a shared vision for the western most Finger Lakes, including Conesus, Hemlock, Canadice, and Honeoye. He would rather promote agribusiness opportunities to spur economic development in the area. He shared that he does not believe a Dollar General fits in with the community character. He mentioned other businesses that he would rather see in the area, including a bait shop, tackle shop, or boat rental business.

Mary Ann Thompson shared that people come to Hemlock from all over to enjoy the beauty of the area. She would like to see a bike rental shop come to the area. She shared that things are happening at the Little Lakes Community Center. They have a new karate business coming.

**DISCUSS POOL RECREATION OPPORTUNITY AT SCHOOL**

Supervisor Gott mentioned that the Town received a note from Mark Kress at the school. He reported that under the state COVID regulations, the pool can be open under the Recreation swim program, but the school cannot sponsor swimming. The school typically has 15-20 senior citizens in their Hydrofit program and about 10 people that come for early bird swimming. Mr. Kress wanted to know if the Town would be willing to sponsor these programs for the short term, or maybe even the long term. Under the COVID rules, the Town can sponsor them, but the school cannot. Supervisor Gott talked with attorney Jim Campbell who confirmed that we have the ability to do that. We would have the paperwork signed and we would reimburse like we do for the lifeguards. The cost would be minimal to provide this service. Supervisor Gott shared that this is an opportunity to provide a service people need and he is in favor of it. Councilmember English asked what we give the school each year. Supervisor Gott stated that he will find out and email the board. Councilmember English added that he does not mind supporting it but wants to know how much it will cost. Councilmember Dougherty will talk with Recreation Director Craig Emmerling and will let Clerk Hay know for the web site.

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RESOLUTION 123-2020

**APPROVE LIBRARY APPOINTMENT**

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

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

Resolved to appoint Jessica Pervis to the position of Library Page effective 8/5/2020 at a rate of pay of \$11.80/hour.

RESOLUTION 124-2020

**APPROVE BOARD OF ASSESSMENT REVIEW APPOINTMENT**

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

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

Resolved to re-appoint William Kurtz, Sr. to the Board of Assessment Review for the term of 10/1/2020 through 9/30/2025.

RESOLUTION 125-2020

**SUSPEND ENFORCEMENT OF SIGN LAW UNTIL AFTER ELECTION**

Supervisor Gott reported that political signs are popping up everywhere. He reminded the Board that we put the sign law on hold during the judge's race. He asked if the Town Board desired to do the same thing now and plan to update the law after the election. He added that the way we vote now with early has changed everything.

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

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

Resolved to suspend enforcement of the Town of Livonia Sign Law until after the 2020 election cycle.

Code Enforcement Officer Adam Backus mentioned that he thinks there are constitutional issues with the current law. He shared that this law has caused unnecessary animosity toward the town, and he would like to make suggestions for modifications. He does not think that someone should nail a cardboard sign to a telephone pole, but he thinks we could make it more reasonable and keep it in line with current court decisions. Supervisor Gott stated that the Town Board would welcome that recommendation.

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RESOLUTION 126-2020

**EXECUTIVE SESSION**

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

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

Resolved to enter into Executive Session at 7:52 PM with Attorney Campbell to discuss the employment history of a specific individual and contract negotiations.

RESOLUTION 127-2020

**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

Resolved to return to Regular Session at 8:12 PM.

**HEMLOCK SIDEWALKS**

Supervisor Gott announced that the Hemlock Sidewalk Project should be moving forward by the end of September.

**DISCUSS SECRETARY TO THE TOWN SUPERVISOR POSITION**

Supervisor Gott shared that the current Secretary to the Supervisor, Mike Lawton, announced he will be retiring as of December 31. He added that he is happy to say Town Clerk Colleen Hay has verbally indicated that she is willing to accept that position. He reported that she has been in the office training with Mike and is catching on quickly. Budget preparations will be in full swing soon. He asked the Town Board to appoint Colleen as of Jan 1, 2021 at a rate of pay of \$46,350/year plus whatever raise increases are negotiated for 2021.

RESOLUTION 128-2020

**APPOINT COLLEEN HAY AS SECRETARY TO THE SUPERVISOR**

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 appoint Colleen Hay to the position of Secretary to the Supervisor effective 1/1/2021 at a rate of pay of \$46,350 per year plus whatever raise is approved for employees for 2021.



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RESOLUTION 129-2020

**COMMITTEE TO FILL VACANCY**

Supervisor Gott shared that when Clerk Hay started 15 years ago, nothing was digitized, and everything was done on paper. He stated that that was fine then, but she has brought the Town Clerk department from the ground to the ceiling and then some. He wants to find the right person for the job.

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

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

Resolved to establish a committee to fill the Town Clerk position consisting of Supervisor Gott, Attorney Jim Campbell, Clerk Hay, Councilmember Dougherty, Assessor Bennett, and Deputy Clerk Wendy Liesegang.

**COMPENSATION FOR TOWN CLERK POSITION**

Supervisor Gott shared that we have not made a decision on compensation for the Town Clerk position. We can start recruiting and discuss the wage. Supervisor Gott and Clerk Hay will work on an ad.

**EXTENDING WATER SERVICE IN THE TOWN OF LIVONIA**

Councilmember Gascon reported that people in the Town are hauling water to their homes every day. He would like the Town to push Livingston County Water & Sewer Authority (LCWSA) to extend water in Livonia. He feels our taxpayers deserve it, especially since the water comes from our town. Supervisor Gott stated that he brings it up to the LCWSA often. He shared that he did have a short meeting with Clark Patterson Lee, Bill Bacon, Ian Coyle, and Michelle Bains about using grant dollars we received for Gateway Road to extend water in that area. Bronson Hill will be reconstructed, and that may be an opportunity to extend water service to the grain elevator. Councilmember Gascon also reported that he has heard several complaints about the bulk water not being calibrated correctly. Supervisor Gott shared that he received complaints as well. He went and checked it, and it is dead on.

**Banners**

Councilmember Breu shared that he spoke with National Grid about banners. The Town needs to obtain an insurance certificate naming National Grid as an additional insured and then submit that to National Grid. The lights are pricey, so he thought we might start with some banners. Supervisor Gott replied that the insurance certificate is not a problem; we can do that.

**Solar Committee**

Councilmember English asked about solar committee meetings. Supervisor Gott shared that we can do that in the next couple of weeks. Matt Cole has resigned from the committee, but

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everyone else is still a go. Supervisor Gott will fill Matt Cole’s spot.

**LED Lights for Town Hall**

Councilmember Breu remarked that the person he spoke with at National Grid about the banners was the person who worked with the Village for LED lights. He wondered about making the switch to LED lights for the Town. Councilmember Gascon added that the Town barns were redone with LED lights. Supervisor Gott reported that Clerk Hay had a light flickering in her office, so he called Kevin Schuster to come fix it. There were also several lights out in the main hallway. Kevin reported that it costs \$21 per fixture to replace the current ballast/bulb or \$15 for LED. Supervisor Gott asked Kevin to start with the clerk’s office and the main hallway and convert those all to LED now, then we will talk about the rest of the building. They will be done in the next week by Kevin Schuster.

RESOLUTION 130-2020

**AUDIT OF CLAIMS**

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 pay claims 675 through 704 in the amount of \$54,459.85 from the Abstract dated August 19, 2020.

RESOLUTION 131-2020

**AUDIT OF CLAIMS**

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

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

Resolved to pay claims 708 through 753 in the amount of \$352,188.56 from the Abstract dated September 3, 2020.

With no further business, on a motion of Councilmember English seconded by Councilmember Gascon the meeting was adjourned at 8:29 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, RMC, CMC  
Town Clerk