

**REGULAR MEETING, TOWN OF LIVONIA**  
October 3, 2019

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 October 3, 2019.

**PRESENT:** Eric Gott, Supervisor  
Andy English, Councilmember  
Matt Gascon, Councilmember  
Frank Seelos, Councilmember  
Peter Dougherty, 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. Councilmember Seelos led the pledge.

**DISCUSSION REGARDING PROPOSED EVENT CENTER ON WEST LAKE ROAD**

Supervisor Gott announced that Justin Bruckel and his team were present to discuss the proposed event center on West Lake Road. Since the last time this was discussed, Mr. Bruckel acquired additional land parcels, and he wanted to reintroduce his concept to the Town Board. Mr. Bruckel is requesting that his property be added to the adjacent Gateway Commercial Zoning District in order to allow his project to move forward.

John Sciarabba, an engineer at LandTech Surveying and Planning, shared that he has been working on this project for a couple of years. He explained the site has access to public sewer, public water, gas, and electric. The Gateway Commercial Zoning District ends at the corner, and they would like to extend that to encompass the project.

The plan is to build an event center, a processing room, eleven villas, and a storm water facility. This is a unique business plan that does not conform to current zoning. Their plan is to build the project in phases. The first phase would include an event center for small events with an internal processing center. This would give them a chance to see how the business plan works. If successful, they would build out the event center, add additional parking, and move the processing out to a separate building.

Their vision is to build villas so that people can stay on the property and walk to the venue. Their target market is business parties and weddings. There will be a walkout area with a patio. Most music will be inside, but they want an opinion about outdoor uses. Their concern is that they do not want to negatively affect neighbors.

**REGULAR MEETING, TOWN OF LIVONIA**  
October 3, 2019

Councilmember English remarked that when they first came to the Town Board, the plan was for some ponds and three villas. Now we are looking at eleven villas and a retaining pond. The engineer answered that he had to make changes because of the topography. He shared that plans are living documents and there will be changes as it goes through the approval process.

Supervisor Gott stated that he had a meeting last week with Code Enforcement Officer Adam Backus, Mr. Bruckel and Mr. Sciarabba. The original request was to convert the entire property to Gateway Commercial. There is a concern about having a buffer for residents on Pebble Beach Road. Now the request is to keep part of the parcel agricultural. If the Town Board is still on board conceptually, the next step would be to send the proposal to our Planning Board before moving forward with any zoning changes. He said it makes no sense to go from ARC-3 to Gateway Commercial unless the Planning Board says they give conceptual approval.

Councilmember Dougherty asked about a time frame. Attorney Campbell answered that the proposal will go to the Planning Board for comments. The Planning Board can then advise the Town Board if they feel it is appropriate for the Town Board to change the zoning. Code Enforcement Officer Adam Backus had previously cautioned that if we decide to make the change, we should be cognizant of the fact that that could open the door to even more intense use.

Councilmember English said he finds it scary that once the zoning is changed, it changes everything that could happen. Attorney Campbell added that permitted uses change if zoning changes. There needs to be some assurance as to how this plan looks in terms of intensity. The Town Board will want to know that the Bruckels will not build a 250-room hotel there. The Planning Board can look at criteria to mitigate impacts they think are a concern, but if zoning permits a particular use, they cannot really stop it. Attorney Campbell shared that deed restrictions might be the way to approach it, so that some unintended impact is not the result of the change in zoning.

Councilmember English asked about the size of the villas. Mr. Bruckel replied that the plan is to make them 1,100 square feet. Councilmember Dougherty remarked that there are lots of rental properties in a nearby residential area. He is also concerned about the potential noise. Councilmember English suggested planting evergreens to mitigate the noise, but the engineer remarked that they want people to be able to see the lake. Mr. Sciarabba added that a special use permit is needed, and that gives the town another level of review.

Attorney Campbell asked for a meets and bounds map of the area they want changed. He

**REGULAR MEETING, TOWN OF LIVONIA**  
October 3, 2019

advised the Board to send it to the Planning Board. In the meantime, he can put together something to try to limit what they do. Everyone like the concept.

A resident asked if the current water and sewer service will be adequate. Councilmember Gascon remarked that water is not an issue as the area is not even close to the allotment. Attorney Campbell added that the consideration will be sewer and treatment. Councilmember Gascon shared that Livingston County Water & Sewer Authority has already been notified about the project and is involved. He reported that it is not an issue.

Mr. Sciarabba said he will get a description and map to Attorney Campbell within a week.

RESOLUTION            126-2019  
**REFER BRIDGE CREEK VINEYARDS PROJECT TO PLANNING BOARD FOR COMMENT**

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

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

Resolved to refer the Bridge Creek Vineyards project to the Planning Board for review and comment.

**PRIVILEGE OF THE FLOOR**

**Request for a Historical Marker**

Historian Betty Miles reported that she received a request from Alex Strassenburgh to place an historical marker on his property on Stone Hill Rd. The property used to be owned by Oscar Williams, who graduated from Livonia and worked with President McKinley. Mr. Strassenburgh is willing to pay for part of the marker and is asking the Town to pay part. The cost of the marker is \$1,200, not including installation.

Councilmember Gascon asked if it is a state marker. Mrs. Miles reported that it is not a state marker. It is made by Catskill Casting. We could request a grant, but that takes quite a while to do. Councilmember Dougherty asked if there were any pictures of the style of marker being proposed, or if she had any size dimensions. Mrs. Miles showed a photo with a sample similar to what is being proposed. The sign would be smaller than the sample, have the State emblem on it and be blue with yellow lettering. She will forward the email she received to the board members. Supervisor Gott stated that this is the first time we have been asked to do something like this. He wanted to know if the Town Board would be setting a precedent. Mrs. Miles wanted to know if we could ask Highway Superintendent Coty to place the marker. Supervisor Gott said we could ask and see if he

## REGULAR MEETING, TOWN OF LIVONIA

October 3, 2019

is willing. Councilmember English asked if the sign would be going on private property. Mrs. Miles said yes. Attorney Campbell asked if it would be near the road and seen by the public. Mrs. Miles said yes. Supervisor Gott wanted to know if it is on private property, do we need an easement. Attorney Campbell answered that if the Town decided to do this, we should get something in writing that allows us to go on the property. He cautioned that the Town cannot consider doing this for Mr. Strassenburgh. It would have to be a community service. Councilmember English asked what happens if someone buys the property and does not like the marker and decides to remove it? Attorney Campbell answered that if that is a concern, we would need an easement, and the marker would have to be considered property of the town. Supervisor Gott asked how long a grant would take. Mrs. Miles said that it will not get done until next year. Supervisor Gott asked Mrs. Miles to forward the information from Mr. Strassenburgh to the Board so they could read it and go from there.

### 2020 Budget

Supervisor Gott mentioned that everyone has a copy of the proposed 2020 budget. As it stands now, the tax rate would increase about 1 cent. Included in the proposal:

- An additional employee for Vitale Park
- Town obligations for healthcare and pension,
- Employee raises,
- \$40,000 for the grant match at Vitale Park,
- The purchase of a mower at Vitale Park (so we can phase-in Town of Livonia mowing)
- Excavator and pickup truck for Highway Superintendent Dave Coty
- Cameras and fencing for library
- New zoning employee

Supervisor Gott reported that we have done an awful lot this year. The Fund Balance looks strong. This is a conservative budget that keeps the tax rate nearly flat and under the tax cap. The Budget Workshop will be held on October 10 and the Public Hearing will be October 17. Both meetings are at the Town Hall starting at 7 PM. Supervisor Gott added a thank you to Mike Lawton for all the work he does on the budget. Supervisor Gott added that he does a fabulous job.

Councilmember English reported that we obtained bids to remove three trees at Vitale Park. There is a large willow on the east side and two ash trees by the post office. Highway Superintendent Coty has agreed to pick up the larger pieces and move the sheds. Responding to a question from Councilmember Seelos, Councilmember English shared that Park Manager Mo Watson wants to keep one of the sheds, and we will probably surplus the other two, if they slide okay.

**REGULAR MEETING, TOWN OF LIVONIA**  
October 3, 2019

**TOWN CLERK’S REPORT – SEPTEMBER 2019**

Paid to Supervisor for the General Fund	\$7,014.31
Paid to County Treasurer for Dog Licenses	378.00
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	0
Paid to NYS Ag & Markets for the Spay/Neuter Program	130.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	6,630.91
State Health Department (marriage licenses)	90.00
<b>TOTAL DISBURSEMENTS</b>	<b>\$14,243.22</b>

**Town Clerk Updates**

- Clerk Hay reported:
  - Gene Bolster suggested corrections to the minutes from the last meeting in the section regarding the DEC disposal stations at Vitale Park. The Town Board approved making the suggested changes.
  - The NYS DOT sent the order to erect speed limit signs on Old Bald Hill Road. Clerk Hay gave a copy of the order to Highway Superintendent Dave Coty.
  - The shredding event was a huge success. Clerk Hay thanked Deputy Clerk Wendy Liesegang, Kenny Liesegang, Code Enforcement Officer Adam Backus, and her husband Earl Hay for helping. Approximately 5,850 pounds were shredded (about the same as last year), and there were about 75 vehicles (compared to about 55 last year). Participants were very appreciative.
- Hunting License Sales Update –
  - Habitat stamps – 86 this year for Aug/Sep compared to 85 last year for the same period.
  - Sales were up \$533 over last year and commission was up \$50.
  - DMP First Come, First Serve sales start Nov 1.
- Credit card update – we have switched to Forte and the transition went smoothly.
- Clerk Hay reported that she will not be at the board meeting on 10/17 because she will be out of town, but Deputy Clerk Liesegang will take minutes.

**Prices from Hurricane Technologies for IT Security Enhancements**

Clerk Hay reminded the Board that at the last meeting they requested budget figures to make some of the IT security enhancements suggested by the IT Committee. She presented an Excel spreadsheet that summarized the one-time and yearly costs, along with Hurricane’s proposal for providing the services requested. The Board asked Clerk Hay to ask the IT Committee for input and they will discuss the proposal at the Budget Workshop.

**REGULAR MEETING, TOWN OF LIVONIA**  
October 3, 2019

RESOLUTION 127-2019

**WAIVE LOCAL MARRIAGE LICENSE FEE FOR ACTIVE DUTY MILITARY**

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

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

WHEREAS, on August 20, 2019, New York Governor Andrew Cuomo signed legislation waiving the State Fee on Marriage Licenses for active duty members of the Armed Forces (S.3756/A.55) (“legislation”); and

WHEREAS, the legislation also gives local governments the freedom to waive the fees that they charge for marriage licenses; and

WHEREAS, the Town of Livonia wishes to waive the fees charged for marriage licenses to active duty members of the Armed Forces;

NOW, THEREFORE BE IT RESOLVED, that the Town of Livonia hereby formally waives the fees to be charged for Marriage Licenses for active duty members of the Armed Forces who present proof of current service in accordance with New York State Law.

RESOLUTION 128-2019

**APPROVE TOWN CLERK’S 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 September 2019 Town Clerk Report.

**DISCUSS PROPOSED TOWN IT POLICY**

Supervisor Gott reminded the Board members that they still need to discuss what they want to do about personal devices for town business. He asked the Town Board members to think about it.

RESOLUTION 129-2019

**APPROVE MEETING MINUTES**

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

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

**REGULAR MEETING, TOWN OF LIVONIA**  
October 3, 2019

Nays – 0

Resolved to approve the meeting minutes from 9/5/2019 with the change from Gene Bolster regarding the DEC disposal stations.

**DISCUSS SEWER USER AGREEMENT WITH LCWSA**

Supervisor Gott announced that Attorney Campbell has been working on a sewer user agreement for all the municipalities that utilize the Livingston County Water & Sewer Authority (LCWSA). Attorney Campbell disclosed that he represents the LCWSA and the Town of Livonia. Up until January 1 of this year, the authority was able to use Livingston County's legislative ability to enact laws and enforce regulations. But as of January 1<sup>st</sup>, they have separated from the county and are now a separate public benefit corporation.

Attorney Campbell explained that the Department of Environmental Conservation (DEC) and Environmental Protection Agency (EPA) regulate how the LWSA works. They are requiring that the LCWSA update the sewer use regulations. Municipalities that have sewer districts can enact laws, but the LCWSA cannot do that. The DEC wants the LCWSA to enforce regulations like they are laws. Attorney Campbell came up with a work-around solution. For the communities served by LCWSA, he developed an agreement that enables the LCWSA and the municipality to partner on sewer use regulations for a limited extent. The agreement for the Town of Livonia states that the Town will adopt sewer use regulations and included in those regulations will be a stipulation to allow the LCWSA to work through the town for certain enforcement activities. This agreement is drafted in such a way that there is no cost or responsibility to the Town. If Town resources are used, the LCWSA will reimburse the Town for those costs. Attorney Campbell reminded the Board that the State looks very favorably on intermunicipal cooperation. This agreement may help us to obtain grant dollars for future projects.

Councilmember English asked what happens if one Town elects not to participate. Attorney Campbell answered that it would impact the authority's enforcement ability in that town. Councilmember Gascon asked if the Town of Livonia would have to write the laws. Attorney Campbell answered that they are already written. We may make future modifications, but they are well established. We would adopt them by local law. It does not impose any obligation to the Town. Councilmember English asked why this happened. Attorney Campbell shared that the LCWSA has had sewer use rules and regulations for a long time, but they were codified by Livingston County. That function was transferred to the LCWSA years ago. The DEC wants to crack down on certain things like illegal hookups that lead to exceeding the approved treatment flow rate. There needs to be better rules and regulations to enforce these things. They wanted LCWSA to

**REGULAR MEETING, TOWN OF LIVONIA**  
October 3, 2019

come up with more modern regulations. They have not been changed in 23 years. Even all the tables from the EPA are radically different today than they were 23 years ago. The LCWSA is required to adopt the new regulations, and they have done that. They are looking to municipalities to help out with channels of enforcement.

Attorney Campbell reiterated that he is the attorney for both the Town and the LCWSA. He said he wants to be honest about it. He thinks this agreement it is a good thing for both sides. Supervisor Gott mentioned that this agreement allows Code Enforcement Officer Adam Backus to be involved in dealing with illegal connections.

Attorney Campbell shared that this agreement is for the long term, say 30, 40, or 50 years. Councilmember English asked to include a 10-year review. Attorney Campbell replied that the current term is 30 years. The Board agreed that they would rather see an initial term of ten years, and then it needs to be renewed.

Councilmember Gascon stated that the biggest issue is sump pumps hooked into the sanitary sewer system. When there is a heavy rain, it causes a problem. Attorney Campbell will change the term to ten years and bring the agreement back in 2 weeks. He will also prepare the local law for the town board to review.

RESOLUTION 130-2019

**SET PUBLIC HEARING FOR WATER & SEWER UNIT CHARGES**

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

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

Resolved to set the Public Hearing for the Water & Sewer Unit Charges for Thursday, October 17 at 7 PM at the Livonia Town Hall.

RESOLUTION 131-2019

**APPROVE SNOW & ICE REMOVAL CONTRACT WITH THE COUNTY**

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

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

Resolved to approve the County Snow and Ice Control Contract between the Town of Livonia and Livingston County for the period of October 15, 2019 and October 14, 2024.



**REGULAR MEETING, TOWN OF LIVONIA**  
October 3, 2019

RESOLUTION 132-2019

**ENTER INTO EXECUTIVE SESSION**

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

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

Resolved to enter into Executive Session with Attorney Campbell to discuss contract negotiations and the employment history of a specific individual at 8:10 PM.

RESOLUTION 133-2019

**RETURN TO REGULAR SESSION**

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

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

Resolved to Return to Regular Session at 8:29 PM.

RESOLUTION 134-2019

**SET 2020 SALARIES FOR ELECTED OFFICIALS**

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

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

Resolved to set the following 2020 salaries for certain elected officials: Justices \$14,131; Councilmembers \$7,647; Supervisor \$39,084; Town Clerk \$46,350; Highway Superintendent \$68,249.

RESOLUTION 135-2019

**AUDIT OF CLAIMS**

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

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

Resolved to pay claims 747-786 in the amount of \$62,341.63 from the Abstract dated September 19, 2019.

**REGULAR MEETING, TOWN OF LIVONIA**  
October 3, 2019

RESOLUTION 136-2019

**AUDIT OF CLAIMS**

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

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

Resolved to pay claims 787-827 in the amount of \$67,234.80 from the Abstract dated October 3, 2019.

With no further business, on a motion of Councilmember Seelos seconded by Councilmember Dougherty the meeting was adjourned at 8:31 PM. Carried unanimously.

Respectfully Submitted,

---

Colleen West Hay, RMC, CMC  
Town Clerk