

REGULAR MEETING, TOWN OF LIVONIA

November 7, 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 November 7, 2019.

PRESENT: Eric Gott, Supervisor
Andy English, Councilmember
Frank Seelos, Councilmember
Peter Dougherty, Councilmember
Colleen West Hay, Clerk
Jim Campbell, Attorney, Town of Livonia

ABSENT: Matt Gascon, Councilmember

OTHERS PRESENT: Several residents.

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

PRIVILEGE OF THE FLOOR

Supervisor Gott congratulated Councilmember English on his re-election, and Joe Breu on being elected as Councilmember.

Vitale Park Updates:

Councilmember English reported that Vitale Park Manager Mo Watson has purchased a plow online for the gator at a cost of \$1,250. He had to order a plate from John Deere for \$300. He is looking for a soft top for the gator, which is around \$1,000 with no heater. A hard top with heater is about \$6,000.

Councilmember English added that the new storage building has been delivered. There was a problem because the company stained it right before it shipped, and the stain came off in the heavy rain. Mr. Watson is holding final payment until the problem can be rectified.

Councilmember English reported that the new park employee is doing well.

Supervisor Gott shared that the Conesus Lake Association is interested in one of the surplus sheds, but they want to leave it at Vitale Park. Supervisor Gott shared that he would prefer to have the surplus sheds removed from the park, but he wanted to know what the other board members thought. After a brief discussion, the board agreed that it would be best to advertise the two surplus sheds and have them removed from the park. They asked Clerk Hay to advertise them.

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Supervisor Gott brought up the issue regarding money that was given by Joe Vitale to the Countryside Garden Club for the purpose of buying plantings for Vitale Park. The Countryside Garden Club is disbanding, and we assume that if there was any money left over from that initial donation, the club would have it. Councilmember Dougherty thought that the donation was given to the Town, but the Town Board minutes from 1990 say that the money was given to the Garden Club, however there was no mention of an amount. Supervisor Gott stated that he does not think the Town has any entitlement to the money, but if the Countryside Garden Club has money they want to donate to the town, they may. Councilmember Dougherty agreed to follow up with the club.

TOWN CLERK’S REPORT – OCTOBER 2019

Paid to Supervisor for the General Fund	\$3,477.54
Paid to County Treasurer for Dog Licenses	\$290.50
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	\$0
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$121.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$1,653.35
State Health Department (marriage licenses)	\$90.00
TOTAL DISBURSEMENTS	\$5,632.39

Town Clerk Updates

Hurricane Technologies Service Rates Agreement – Hurricane Technologies offers a service agreement that could potentially save the town money on their hourly rate.

Details:

- The retainer must be paid up front, and the town would have 18 months to utilize it. Retainer customers do not have to pay the \$30 onsite visit charge.
- Retainer can only be applied to labor, not recurring charges, hardware or software purchases.
- Retainers are automatically renewed when the balance reaches 10%.
- The Silver plan is \$2,500 and would save \$10 on the hourly rate, while the Gold plan is \$5,000 and would save \$15 on the hourly rate.
- We are estimating 63 hours of work next year. Clerk Hay recommended going with the Gold plan, saving \$945 off non-retainer prices (which we are currently paying).
- The Town Board can always re-evaluate the retainer agreement before the retainer reaches 10% to see if we wish to renew and at what level. Clerk Hay can keep track of this, if the Board wishes.
- Clerk Hay reviewed the retainer levels and potential savings with the Board:

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Hours	Rate	Plan	Total	Savings
63	\$105	No retainer	\$6,615	-
63	\$95	Silver (\$2,500 up front)	\$5,985	\$630
63	\$90	Gold (\$5,000 up front)	\$5,670	\$945

RESOLUTION 144-2019

APPROVE RETAINER AGREEMENT WITH HURRICANE TECHNOLOGIES

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

ADOPTED Ayes - 4 (Gott, English, Seelos, Dougherty)
Nays – 0

Resolved to authorize Clerk Hay to sign the retainer agreement with Hurricane Technologies at the Gold Level (\$5,000) for 2020.

RESOLUTION 145-2019

APPROVE TOWN CLERK’S REPORT

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

ADOPTED Ayes - 4 (Gott, English, Seelos, Dougherty)
Nays – 0

Resolved to approve the October 2019 Town Clerk Report.

RESOLUTION 146-2019

APPROVE MEETING MINUTES

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

ADOPTED Ayes - 4 (Gott, English, Seelos, Dougherty)
Nays – 0

Resolved to approve the meeting minutes from 10/17/19.

RESOLUTION 147-2019

APPROVE ANNUAL AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

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

ADOPTED Ayes - 4 (Gott, English, Seelos, Dougherty)
Nays – 0

Resolved to approve the 2020 Agreement to Spend Town Highway Funds in the amount

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of \$793,780 for general repairs on 58 miles of town highways to include payroll, crushed stone, culvert pipes, ditching, chip sealing, striping, black top, patching and big rocks on Coy Road, Stone Hill Road (Lakeville end), Holmes Hill Road, Densmore Road, and Price Road.

RESOLUTION 148-2019

EXTENDING JOINT SERVICES AGREEMENT FOR MACHINERY, TOOLS, EQUIPMENT AND SERVICES SHARING ACCESS

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

ADOPTED Ayes - 4 (Gott, English, Seelos, Dougherty)
Nays – 0

WHEREAS, New York State Highway Law Sec. 133-a authorizes the Town to enter into agreements to permit the use of County-owned machinery, tools or equipment by other municipal corporations, and

WHEREAS, it would be in the Town’s interest to enter into such an agreement with the County, now, therefore, be it

RESOLVED, that the Supervisor of the Town of Livonia is hereby authorized to sign the extension of the joint services agreement with the County (originally for the term of January 1, 2017 through December 31, 2017 with the option to renew for up to five (5) additional one-year terms through December 31, 2022) for a term of one year commencing January 1, 2020 and terminating December 31, 2020.

RESOLUTION 149-2019

HIRE ROBERT CARNEY

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

ADOPTED Ayes - 4 (Gott, English, Seelos, Dougherty)
Nays – 0

Resolved to hire Robert Carney for the position of Laborer effective 10/22/2019 at a rate of pay of \$11.10 per hour.

RESOLUTION 150-2019

CREATE ZONING COMPLIANCE ASSISTANT POSITION

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

ADOPTED Ayes - 4 (Gott, English, Seelos, Dougherty)

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Nays – 0

Resolved to create the position of Zoning Compliance Assistant effective 9/1/2019.

RESOLUTION 151-2019

APPOINT JULIE HOLTJE

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

ADOPTED Ayes - 4 (Gott, English, Seelos, Dougherty)
Nays – 0

Resolved to appoint Julie Holtje as Zoning Compliance Assistant effective 9/10/2019 at a salary of \$45,000 pro-rated for the remainder of 2019.

DISCUSS SEWER AGREEMENT WITH LIVINGSTON COUNTY WATER & SEWER AUTHORITY (LCWSA)

Supervisor Gott stated that he wished to follow up on the discussion about the sewer agreement that was approved at the last meeting. He reminded the board that our wish was to change the initial term from the proposed 30 years to 10 years. Attorney Campbell attended the LCWSA meeting to tell them of our wishes. Some on the water and sewer board were not happy about the change and asked Attorney Campbell to bring it back to the Town Board. Attorney Campbell asked if the town would consider a 10-year term with automatic renewal or reconsider a 30-year term.

Supervisor Gott shared that his inclination is to not take any action and wait to see what other towns do first. He said that is one way to handle it, but it is up to the Town Board. He wanted the Town Board to know what has transpired.

Attorney Campbell explained that there were a couple of LCWSA board members that did not understand the logic of changing the term of the agreement to 10 years because we already have long-term agreements with them for other matters. They would like to be consistent with the other agreements, and they wanted to know why we would want to shorten this one. Attorney Campbell shared that he tried to think about a middle ground, and that idea would be the 10-year term with automatic renewal, unless either party gives notice to the other. He pointed out that the Town of Livonia does not want to get back into the water and sewer business, and LCWSA does not want to lose their oversight.

Attorney Campbell stated that his main concern is that he does not want to see the relationship hurt between the two agencies. He added that he does not see any problem with a 10- or 30-year agreement, but it would be detrimental to both if the relationship suffers. There will be other projects coming that will require cooperative effort. His

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interest is in seeing how we can preserve the relationship. In his opinion, from a substantive standpoint it does not make a lot of difference.

Councilmember English responded that while the agreement sounds good on paper, he wants to see how it is going to work. Having a shorter initial term will allow the Town Board and LCWSA to come back to the table to adjust the agreement if things are not working as anticipated. Attorney Campbell replied that the perspective of the LCWSA is of course it is going to work, so why do we have to renew it in 10 years? Councilmember English answered that it is new for us, and so we want to wait to see what happens.

Attorney Campbell reported that it was his mission to come to the Town of Livonia first because this is where the LCWSA got its start, and Livonia tends to be the leaders, not the followers. Everything we do gets copied and followed by other communities, so it seemed to make sense to come here first. Also, the Town and the Village of Livonia are the biggest users in terms of numbers.

The Board members discussed keeping the agreement to a term of 10 years or going with 10 years and automatic renewal. The Board was concerned that if they went with automatic renewal, they might not catch that it was time to look at it before it automatically renews. They also brought up the point that the DEC might change the rules again by the time ten years go by. the Attorney Campbell pointed out that if it is a 10-year finite term, you must remember to renew it also.

RESOLUTION 152-2019

SEND AGREEMENT BACK TO LCWSA WITH 10 YEAR TERM, NO AUTOMATIC RENEWAL

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

ADOPTED Ayes - 4 (Gott, English, Seelos, Dougherty)
Nays – 0

Resolved to send the agreement back to the LCWSA retaining the 10-year initial term with no automatic renewal.

FIRE COMMISSIONER APPOINTMENT

Supervisor Gott reported that it is time to appoint a fire commissioner for the Livonia Joint Fire District. The Town Board asked Councilmembers Seelos and Gascon to represent the Town in the process. Dan Coon and Bill Kurtz will represent the Village.

PRIVILEGE OF THE FLOOR

Assistant Fire Chief Ben Woodruff shared that he read the minutes from the recent board

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meeting regarding the conversation about Code Enforcement Officer Adam Backus's salary. He said he wanted to echo that Adam is a huge asset to the fire department and the Town, and he asked that the Town Board consider that in Adam's compensation.

Mr. Woodruff also stated that he noticed work had started on the cell phone tower on Frank West's property. He wanted to know if the Town Board had any information regarding carriers that would be using it. Supervisor Gott answered that it was not a Town project, but Mr. Woodruff could ask the Village Board or Mr. Backus. The project did go through the Planning Board for an extensive review. Clerk Hay added that the Planning Board meeting minutes from the summer of 2018 are on the web site, and they contain information about the project as well.

RESOLUTION 153-2019

AUDIT OF CLAIMS

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

ADOPTED Ayes - 4 (Gott, English, Seelos, Dougherty)
Nays - 0

Resolved to pay claims 870-888 in the amount of \$20,258.58 from the Abstract dated October 28, 2019.

RESOLUTION 154-2019

AUDIT OF CLAIMS

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

ADOPTED Ayes - 4 (Gott, English, Seelos, Dougherty)
Nays - 0

Resolved to pay claims 889-931 in the amount of \$45,400.71 from the Abstract dated November 7, 2019.

With no further business, on a motion of Councilmember English seconded by Councilmember Dougherty the meeting was adjourned at 7:38 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, RMC, CMC
Town Clerk