

REGULAR MEETING, TOWN OF LIVONIA

November 2, 2017

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 2, 2017.

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

PUBLIC HEARINGS – 2018 PROPOSED BUDGET / WATER & SEWER UNIT CHARGES

Supervisor Gott declared the public hearings for the 2018 Proposed Budget, and the Water & Sewer Unit Charges open at 7:04 PM.

Notice of both Public Hearings were duly published in the Livingston County News on October 26, with same being posted on the same date at the Town Hall and on the Town's web site. In addition, notices regarding the Public Hearing for the Hemlock Sewer and Cadyville Road Water unit charges were mailed to owners of property in said districts. Clerk Hay read the notices of hearings for the record.

Supervisor Gott shared that the 2018 Preliminary Budget was made available last month. He stated that the Supervisor is charged with drafting the budget, and then the Town Board and the Supervisor go over each line at the budget workshop and make changes. The Tentative Budget presented tonight fully funds operations at the Town Hall, Library, parks, and Highway Department, along with healthcare and retirement obligations. It provides for 2% raises for staff as well. He asked if there were any comments regarding the budget or the water and sewer unit charges.

A resident approached the Board regarding her property in Hemlock. She explained that there is no sewer hookup for that property, and her potential buyer was told that it would cost \$10,000 to hook up to the sewer. She shared that she thought it should have been hooked up when the sewer went in in Hemlock, and she doesn't think she or the buyer should have to pay. She has contacted the Livingston County Water & Sewer Authority

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(LCWSA), but they have not gotten back to her.

Supervisor Gott reported that he spoke with Mark Kosakowski at the LCWSA, and he knows they are working on it trying to figure out what to do.

The resident said that there was another incident where a building did not have a sewer hookup, and the owner took the LCWSA to court. She stated that the court ruled that the LCWSA must put a connection in at no charge. The resident is upset because she can't sell the property and can't use the water because there isn't anywhere for it to go. Attorney Campbell asked for the name of the person, because he did not remember this. The resident will try to find out. Supervisor Gott made a note to call the LCWSA, but the Town Board has no jurisdiction over this.

Attorney Campbell stated that he will follow up too. He shared that the situation is a little challenging because it needs a road bore. New York State won't allow anyone to cut the road, and because sewer pipes need gravity in order to flow, it is a more intricate process than boring across the road to install a water pipe. The authority is looking into why the connection didn't happen back when the system was put in. It appeared to be a vacant property at the time.

PRIVILEGE OF THE FLOOR

- A resident notified the Board of an upcoming FEMA workshop to be held November 15 at the Chip Holt Center, Vitale Park, Lakeville. The training is for supervisors, code enforcement officers, Zoning Board of Appeals members, Planning Board members and the public. He asked if he could post a flier and if we would put it on our web site. The Board agreed.
- Supervisor Gott reported that we had our 5 year inspection of the fuel tanks. There were no violations.
- Supervisor Gott shared that there is a drainage problem at the boat launch on East Lake Road. Yards in the area are under water whenever we get a rain event. There is a 36" x 50" box culvert, but it empties into a 12" pipe, so the water has nowhere to go. There is an 18" pipe north of this area, which takes very little water. The plan is to divert some of the water north to the other pipe to alleviate the pressure on the southern ditch. The County Highway Department will do the work, and the State gave their blessing.

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RESOLUTION 142-2017

APPROVE MINUTES FROM 10/5/2017

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 minutes from the 10/5/2017 regular meeting of the Town Board.

RESOLUTION 143-2017

APPROVE TOWN CLERK’S REPORT – OCTOBER 2017

Clerk Hay gave the following financial report for October 2017:

Paid to Supervisor for the General Fund	\$3,453.83
Paid to NYS Comptroller’s Office	\$33.75
Paid to County Treasurer for Dog Licenses	\$336.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$124.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$1,411.39
Paid to State Health Department for Marriage Licenses	\$22.50
TOTAL DISBURSEMENTS	\$5,381.47

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

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

Resolved to approve the October 2017 Town Clerk’s Report.

Town Clerk Updates

- Cyber Security Audit: Layer3 Technologies is looking to schedule the cyber security audit for November 20 or 21.
- Online Ordering of Death Certificates by Funeral Directors: Clerk Hay is working with Design FM and Value Payment Solutions to develop an online payment portal so that funeral directors can order copies of death certificates online. This will be especially helpful once we are fully on board with the Electronic Death Registry System (EDRS). If the system is successful, we may look into expanding it so that others can order copies of death certificates and marriage certificates online. That would be a little more complicated however, because we would have to have a way to make sure that the person requesting the record is entitled to it.
- No Parking Area Update: Clerk Hay received a letter from the NYS Department of Transportation that they concur with our request for the no parking area in Lakeville and signs will be installed as their schedule allows.

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- Rabies Clinic Update: Clerk Hay received a report from the Department of Health regarding the Rabies Vaccination Clinics that were held throughout the county. Livonia had 267 animals vaccinated, including 165 dogs, 100 cats, and 2 ferrets. Livonia had the most animals vaccinated of all the clinics, and there were 1,213 animals vaccinated in total.
- Backup Services: Clerk Hay informed the board that is it time to renew our electronic backup services. She presented the following pricing information:

	CMIT	Hurricane Tech	BAS
Back-up Data Only (63GB)	\$50/mo (\$600/year)	\$65/mo (\$780/year)	\$125/mo (\$1,500/year) + \$120 one time set-up fee
Back-up (Carbonite)	N/A	\$999/year	N/A
Datto Services	N/A	\$315/mo + \$550 one time (\$4,330 for first year, \$3,780/yr after)	\$299/mo + \$160 annually (\$3,748/yr)

Clerk Hay recommends Datto services because:

- The Town paid \$10,000 (in grant funds) to set up the system in the beginning. If we are not backing up the system, then it will cost at least that to set everything back up again. With Datto services, the system is backed up, so it is just a matter of downloading the saved system to new hardware if something were to happen here.
- If the system were to go down and all we have backed up is the data, then we would not be able to service customers until new hardware is ordered, configured, set up, and the data transferred to it. This would take several weeks. With Datto, once we were able to get a computer and internet connection established, we would be able to access the virtual system and keep going as if nothing happened. Down time would be significantly reduced.

Supervisor Gott revealed that he was originally in favor of backing up the data only for a cost of \$600/year, but after talking to Clerk Hay, he has changed his mind. The bottom line is, if we can't service the people in our town that is bad. Councilmember Grouse added that technology is great as long as it works. If you don't have backup, it is a nightmare. Supervisor Gott said that the money is not in the budget for 2018, but we can use contingency funds.

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RESOLUTION 144-2017

APPROVE BACKUP SERVICES

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 approve Datto services with BAS as the vendor.

RESOLUTION 145-2017

HIRE RECREATION HIRES

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

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

Resolved to hire four new Recreation Aides: Alyssa Plane-Albany, Marcus Lewis, Jake Futter and Anthony Davin. All to be paid \$9.70 per hour effective 10/20/17.

RESOLUTION 146-2017

APPROVE LIBRARY NEW HIRES

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

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

Resolved to approve the following new hires:

Matthew Morley as Clerk (part-time) at a rate of pay of \$9.70 per hour effective 10/14/17; and Marjorie Prak as Clerk (part-time) at a rate of pay of \$9.70 per hour effective 10/16/17; and Caitlin Crilly at a salary of \$25,000 effective 10/23/17 to a new position being created by the joint efforts of the County Civil Service & Personnel and NYS Department of Education.

RESOLUTION 147-2017

INCREASE LIBRARY FUND BUDGET

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

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

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Resolved to increase the library fund budget in the amount of \$100,000. L599 - Appropriated Fund Balance/L9950.9 - Transfer to Capital Fund

RESOLUTION 148-2017

WATER AND SEWER RELEVIES

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 authorize the Livingston County Water & Sewer Authority to relevy all unpaid 2017 special assessments and applicable penalties in the amount of \$5,995.42 on the 2018 Town and County Tax Bills.

RESOLUTION 149-2017

APPROVE CORRECTED RS2417-A

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

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

Nays – 0

Resolved to approve the corrected RS2417-A. The record of activities result for Matt Gascon should have read 1.2 days, not .56.

RESOLUTION 150-2017

ENGINEERING CONTRACT WITH T.Y. LIN

Supervisor Gott explained that we have a need to hire an outside engineering firm for the senior housing project because their engineering firm is the same as ours, which is a conflict of interest. Building & Zoning Director Adam Backus recommends T.Y. Lin. Attorney Campbell has reviewed the contract.

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

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

Nays – 0

Resolved to hire T.Y. Lin to provide engineering services for the senior housing project in the Village of Livonia.

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RESOLUTION

151-2017

RECREATION FEE FOR SENIOR HOUSING PROJECT

Supervisor Gott reported that we received a request from that same group to waive the recreation fee for the new senior housing units. The fee totals about \$14,000, which would normally be due to the town. Attorney Campbell advised that the Town Board does have the power to waive the fee, if they so choose.

Discussion followed.

- Councilmember Seelos asked if the group was a not-for-profit. Attorney Campbell answered that they are a for profit senior living facility.
- Councilmember English stated that the company missed the fee and did not budget for it. Attorney Campbell said that they justify it by saying that there is a need, and the senior who will live there won't use the same resources as residents of other types of housing.
- The Board discussed possibly making an adjustment to the fee, but in the end they decided that it would not be fair to other apartment complex developers who have paid the fee. Supervisor Gott explained that a motion is not needed because they are not taking action to waive the fee.

SHORT-TERM RENTAL LEGISLATION

Attorney Campbell mentioned that the county planning department is still in process of reviewing the short-term rental legislation, and we do not have their comments. We have received a handful of comments from others, and have not put an end date for the comments. Supervisor Gott has forwarded and will continue to forward all comments to the Board, the Town Clerk, the Building & Zoning Director and Attorney Campbell. So far, all comments have been negative. No one has been in favor of it.

TRIPLE NET LEASE FOR JACK EVANS COMMUNITY CENTER (JECC)

Attorney Campbell has been working on a triple net lease for the JECC so the Little Lakes Community Association can use the building and we will insure it until the transfer is complete. Their attorney is reviewing the lease. Attorney Campbell hopes to be able to present it to the Board for approval at the December meeting.

INTERMUNICIPAL AGREEMENT

Attorney Campbell shared that he has also been drafting an Intermunicipal Agreement between the Town and Village regarding our shared document storage. He will forward a draft to Clerk Hay tomorrow or Monday. If Clerk Hay has no changes, they will forward the document to the village attorney for consideration.

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RESOLUTION 152-2017

DECLARE ELECTRONICS AS SURPLUS

Supervisor Gott informed everyone that there will be another electronics collection at the Rush Henrietta High School. He would like to take any surplus electronics from the town, but needs them declared surplus.

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 declare the Town's excess or unused electronics as surplus and authorize their disposal.

CLOSE PUBLIC HEARINGS

Supervisor Gott asked if there were any further comments on either one of the public hearings. Hearing none, he declared the public hearings closed at 7:50 PM.

RESOLUTION 153-2017

ADOPT 2018 BUDGET

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 adopt the 2018 Budget as presented. (See end of minutes.)

HEMLOCK LAKE PARK

Councilmember Gascon reported that a large pine tree blew over earlier this month in Hemlock Lake Park. We will have to leave it until the ground freezes or dries so we can remove it without causing more damage.

RESOLUTION 154-2017

APPROVE ABSTRACT FROM 10/19/2017

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

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

Resolved to approve payment of claims #911-948 in the amount of \$36,722.77 from the Abstract dated 10/19/2017.

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RESOLUTION 155-2017

APPROVE ABSTRACT FROM 11/2/2017

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 approve payment of claims #949-987 in the amount of \$115,510.93 from the Abstract dated 11/2/2017.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Grouse the meeting was adjourned at 7:52 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, RMC
Town Clerk