

REGULAR MEETING, TOWN OF LIVONIA
March 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 Livonia Town Hall, 35 Commercial Street, Livonia on March 7, 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. Matthew Mulvaney led the pledge.

OPEN SESSION

Supervisor Gott recognized the Cub Scouts in attendance and thanked them for coming to the meeting. He then opened the floor for comments, but no one wished to speak.

Fund Balance Report

Supervisor Gott reported that the Town officially closed the books for 2018. He shared the Fund Balances as of the end of 2018 as compared to 2017:

- A Fund, which includes general expenses, increased from a balance of \$1,782,672 (2017) to \$1,908,036 (2018).
- B Fund, which includes Zoning and Planning, increased from \$108,491 (2017) to \$123,507 (2018).
- DA Fund, which is for General Highway, decreased from \$561,623 (2017) to \$451,699 (2018).
- DB Fund, which is the road account, decreased from \$479,254 (2017) to \$473,363 (2018).
- Library Fund increased from \$79,795 (2017) to \$87,830 (2018).

He explained that the reason the Highway fund balances have decreased is that the Town has appropriated excess fund balances in order to reduce the tax rate. Although some fund balance is appropriate, the Comptroller's Office does not like to see fund balances get too large.

Supervisor Gott added that the Town has met all of its 2018 objectives and fully funded its obligations. Last year, the Town purchased a 10-wheel dump truck with no debt. He

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thanked the Town Board, department heads and employees.

Livonia Fire Department Report

Supervisor Gott welcome Livonia Fire Department President Matt Cicero, Chief Rich Alexander, and Assistant Chief Blake Fennell. They provided the Town Board with a 2018 Annual Report (see attached).

Update: Land for Sale Near Vitale Park

Supervisor Gott updated the Board that the parcel that was for sale near Vitale Park has been sold.

TOWN CLERK’S REPORT – FEBRUARY 2019

Paid to Supervisor for the General Fund	\$2,061.36
Paid to County Treasurer for Dog Licenses	\$273.00
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$133.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$61.40
State Health Department (marriage licenses)	\$0.00
TOTAL DISBURSEMENTS	\$2,528.76

TAX COLLECTION REPORT – FEBRUARY 2019

Beginning Bank Balance	\$179.97	
Total Taxes Collected	\$6,830,660.79	
Total Penalty Collected	\$957.85	
Total Dup/Overpayments	\$5,854.01	
TOTAL		\$6,837,652.62
Total Bounced Checks	\$6,807.49	
Total Refunded Dup/Overpayments	\$5,790.70	
Disbursements to Supervisor	\$3,166,991.00	
Disbursements to County	\$2,000,000.00	
TOTAL		\$5,179,589.19
Bank Balance 2/1/19 (includes \$179.97 starting balance)		\$1,658,063.43

Town Clerk Updates

- Reminder - Workplace Violence/Sexual Harassment Prevention Training: Scheduled for 6 PM at the Livonia Town Hall on March 21, 2019.

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RESOLUTION 48-2019

APPROVE TOWN CLERK'S AND TAX COLLECTION REPORTS

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 approve the February 2019 Town Clerk's and Tax Collection Reports.

DISCUSSION – SHORT-TERM RENTAL NEXT STEPS

After a brief discussion, the Town Board decided to conduct a Public Hearing for the proposed Local Law regarding Short-term Rentals on June 6 at 7 PM at the Town Hall. Attorney Campbell advised that the legal requirement for notice of the Public Hearing is 5 days, but he recommends that the notice be published at least 10 days before the Public Hearing. Supervisor Gott shared that he feels that the Town Board should accept written and email comments for a period of time after the Public Hearing.

RESOLUTION 49-2019

SET PUBLIC HEARING FOR PROPOSED LOCAL LAW REGARDING SHORT-TERM RENTALS

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

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

Resolved to conduct a Public Hearing at 7 PM on June 6 the Livonia Town Hall for the proposed local law regarding short-term rentals.

RESOLUTION 50-2019

CHANGE TOWN BOARD MEETING LOCATION FOR JUNE 6

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 change the location of the June 6 Town Board meeting from Vitale Park to the Livonia Town Hall.

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DISCUSSION REGARDING MORATORIUM FOR LARGE SCALE SOLAR DEVELOPMENT

Attorney Campbell explained that he drafted a proposed local law to institute a temporary (12 month) moratorium on large scale solar projects based on the Town Board's direction. The purpose of the moratorium is to give the Town an opportunity to conduct research in order to develop appropriate guidelines for large scale solar development. He explained that during the moratorium, the Town cannot accept applications, review proposals, or take any action related to large scale solar development (electricity intended to go back into the grid). This moratorium does not affect residential or business use if the solar installation is for the property owner's own consumption.

This proposed local law has been sent to the Livingston County Planning Board for review at their meeting on April 11. The Town Board cannot take action until after the county review.

The Board discussed possible Public Hearing dates and settled on May 2nd, because Attorney Campbell will not be present at the April 18 meeting.

RESOLUTION 51-2019

SET PUBLIC HEARING RE: LOCAL LAW #2-2019: TEMPORARY MORATORIUM ON LARGE SCALE SOLAR

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 conduct a Public Hearing on May 2, 2019 at 7 PM at the Livonia Town Hall for proposed local law #2-2019 regarding a moratorium on large scale solar development.

RESOLUTION 52-2019

INTRODUCE LOCAL LAW #2-2019 TO ENACT A MORATORIUM ON LARGE SCALE SOLAR DEVELOPMENT

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 introduce proposed local law #2-2019: Temporary Moratorium on Large Scale Solar Development.

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RESOLUTION 53-2019

APPROVE MEETING MINUTES FROM 2/21/19

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 meeting minutes from February 21, 2019.

HEMLOCK FIRE DISTRICT UPDATE

Councilmember Seelos asked if there was an update regarding the Hemlock Fire District. Attorney Campbell responded that he spoke to the Attorney General's office, the Association of Fire Districts and Mark Butler, an attorney in Buffalo who primarily concentrates on Fire Districts and Ambulance Districts. Opinions varied, but it became clear that the best course of action was to try to get the Hemlock Fire District to engage their own attorney to work through the Commissioner and Elections issues. They have done that and have scheduled an organizational meeting for March 14. They are paying their own bills again. Attorney Campbell will be speaking with the Attorney General's office to give them additional information so that they are able to close their investigation. They are appreciative that we were trying to help. Attorney Campbell thinks we are good.

KIOSK FOR HEMLOCK LAKE PARK TO HIGHLIGHT 100 YEAR HISTORY

Councilmember Gascon shared photos of an informational kiosk at the Mt. Morris dam site. The kiosk was designed to look like a small pavilion, with a covered roof and two 2-sided display boards relating the history of the park. Councilmember Gascon asked if he could speak with architect Tim Brinduse to design something similar to highlight the history of Hemlock Lake Park. The park will be celebrating 100 years in 2029. Councilmember Gascon has photos that could be used. Supervisor Gott remarked that it might be a good Eagle Scout project. He suggested that Councilmember Gascon work with the county planning department to print something up and put it behind sealed glass. The Board agreed that Councilmember Gascon could talk to Mr. Brinduse to see if he would do something for us.

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RESOLUTION 54-2019

AUDIT OF CLAIMS

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

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

Resolved to pay claims 184-215 in the amount of \$36,199.69 from the Abstract dated 3/7/2019.

With no further business, on a motion of Councilmember English seconded by Councilmember Gascon the meeting was adjourned at 7:25 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, RMC, CMC
Town Clerk