

REGULAR MEETING, TOWN OF LIVONIA
April 16, 2015

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 April 16, 2015.

PRESENT: Eric Gott, Supervisor
Andy English, Councilmember
Matt Gascon, Councilmember
Frank Seelos, Councilmember
Colleen West Hay, Clerk
Jim Campbell, Attorney, Town of Livonia
ABSENT: Angela Grouse, Councilmember

OTHERS PRESENT: Several Residents.

The meeting was called to order by Supervisor Gott at 7:00 PM.
Gene Bolster led the pledge.

PRIVILEGE OF THE FLOOR

Supervisor Gott asked if there were any comments from the floor. There were none.

RESOLUTION 48-2015
APPROVE MEETING MINUTES FROM 4/2/2015

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

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

Resolved to approve the meeting minutes from April 2, 2015.

ROBERT NILSSON TO DISCUSS HARDER ROAD RE-SURFACE

Supervisor Gott welcomed Robert Nilsson to the Town Board meeting.

Mr. Nilsson stated that he had made a FOIL request for records pertaining to the cost of recent work done on Harder Rd. He read his request to the board and Clerk Hay's response. (See end of minutes for copies of request and answer.) He stated that he takes issue with Clerk Hay's response. He thinks the road is done regularly and the expense is excessive. He wanted to know where the rest of the information was that he requested. He presented a slide show with photos of the road during and after it was worked on.

Supervisor Gott explained that the Highway Superintendent is an elected position in the Town of Livonia, as in most towns across the state. Each year, the Highway Superintendent gets a

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generalized authorization and approval to spend funds from the Town Board. Like any elected official, he doesn't answer to the Town Board.

Attorney Campbell explained that the Highway Superintendent is in control of his own records. Clerk Hay can only provide the records that are on file. If the Highway Superintendent does not break down the costs associated with work done on a particular road, and keep a record of that, then there is no way the clerk can provide that.

Mr. Nilsson replied that he finds that alarming. He wants a detailed report of how his taxpayer dollars are being spent and he thinks the records should be kept that way.

Attorney Campbell and Supervisor Gott urged Mr. Nilsson to speak with Mr. Coty regarding his questions and concerns. Mr. Nilsson answered that he has tried that and doesn't get anywhere. Attorney Campbell replied that the only recourse a voter has, if they are not happy with any elected official, is to elect someone else.

Mr. Nilsson asked if the Highway Superintendent could be an appointed position. Attorney Campbell answered that in order to change that requires a mandatory referendum. That is usually pretty unpopular because constituents like to have the ability to elect the person they feel is best for the job.

Supervisor Gott asked Mr. Nilsson if he received copies of the budgets for last year and this year. Mr. Nilsson replied yes. Supervisor Gott offered to review the budgets with Mr. Nilsson and answer any questions he may have.

RESOLUTION 49-2015

APPOINT DAWN LOPRESTO TO BOARD OF ASSESSMENT REVIEW

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

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

Resolved to appoint Dawn Lopresto to the Board of Assessment Review to replace Barry Shapiro for the remainder of his term, ending 9/30/2018.

RESOLUTION 50-2015

MOWING AND TRIMMING PROPOSALS

Supervisor Gott stated that we are due to open proposals for mowing and trimming on Monday. He asked the board for permission to check references on the lowest two bids and then discuss the proposals via email or phone to make a decision.

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

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

Resolved to authorize Supervisor Gott to check references on the lowest two mowing and trimming bids and then discuss the proposals via email or phone with the rest of the board to make a decision.

DISCUSS DEPOSIT FOR PUBLIC HEARING SIGNS

Supervisor Gott stated that Building and Zoning Director Adam Backus reports that Public Hearing signs are not being put up or taken down. Mr. Backus wants people to pay a deposit for the sign and a stake, and the deposit will be returned when the sign and stake are returned.

UPDATE REGARDING FLOOD PLAIN PERMITTING ISSUES

Attorney Campbell reported that Building & Zoning Director Adam Backus had a meeting with the Department of Environmental Conservation (DEC) regarding Federal Emergency Management Agency (FEMA) compliance and flood plain permitting issues. He reminded the board that a couple of weeks ago a particular contractor questioned the authority of the Town of Livonia in these matters. The DEC says that we are doing what we are supposed to be doing, and if we were not requiring permits and performing inspections, then we would be in violation of FEMA. They were impressed with how we are keeping records and inspections for properties in flood plains.

FUEL OIL, GASOLINE AND DIESEL PRICES

Supervisor Gott has been keeping tabs on pricing for fuel oil, gasoline and diesel. Right now, Kirkwood is better than state bid. He recently checked pricing with Valley Fuel, however they were not competitive with Kirkwood.

RESOLUTION 51-2015

APPROVE UPDATED CONTRACT FOR CREDIT CARD PAYMENT PROCESSING

Clerk Hay mentioned that BAS has updated the contract for credit card processing. They have deleted the two-year contract requirement and have added that either party can terminate the contract for any reason with 30 days notice.

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

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

Resolved to authorize Clerk Hay to sign the updated contract for credit card processing dated April 16, 2015.

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RESOLUTION 52-2015

AUTHORIZE CLERK HAY TO SEND TERMINATION LETTER FOR LOCKBOX SERVICES TO FIVE STAR BANK

Clerk Hay mentioned that the Lockbox Agreement with Five Star Bank states that either party can cancel the contract with 30 days written notice. She drafted a letter to that effect and asked the board's permission to sign and send it.

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

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

Resolved to authorize Clerk Hay to sign lockbox termination letter and send to Five Star Bank.

CONESUS LAKE ASSOCIATION UPDATE

Councilmember Seelos gave a report from the recent Conesus Lake Association meeting:

- The Watercraft Steward Program will take place again this year.
- There will be presentation at the Chip Holt Nature Center in Vitale Park on May 21 at 7 PM called "What You Need to Know About Blue/Green Algae."
- Storm drain labeling is going to be taken back up this year. Gene Bolster added that there are a few more drains that need labeling in order to complete the entire watershed. Also, some have been knocked off and need to be replaced.
- The Conesus Lake Association would like to sponsor signs to be placed at the top of the hills on roads that drop down to lake reminding people that they drain to the lake. They would like to develop a standard sign that all lake towns could use. Once the signs are completed, Councilmember Seelos will work with the Highway Superintendent regarding placing the signs. A resident asked if the signs will be placed on roads leading to Hemlock Lake as well. The answer was no, because this project is being sponsored by the Conesus Lake Association for Conesus Lake.

CORRESPONDENCE

- Thank you letter from Dawn Woodburn.

RESOLUTION 53-2015

AUDIT OF CLAIMS 4/16/2015

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

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

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Resolved to pay claims 2162-2213 in the amount of \$88,818.41 from the Abstract dated 4/16/2015.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Seelos the meeting was adjourned at 7:41 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, Town Clerk