

REGULAR MEETING, TOWN OF LIVONIA
May 2, 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 May 2, 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. Clerk Hay led the pledge.

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

Following distribution of the proposed Local Law to the Town Board members on March 7, 2019, notice of said Public Hearing was duly published in the Livingston County News on April 18, 2019, with same being posted on the same date at the Town Hall, Livonia post office and Livonia's web site. Referral was also sent to the Livingston County Planning Board and adjacent municipalities.

Clerk Hay read the Notice of Hearing for the record.

Attorney Campbell explained that the proposed moratorium is a prohibition for one year on large scale solar arrays. It would not prohibit residential type installations, or businesses, agriculture, etc. as long as the purpose is to offset their own consumption. The intent is to give the town time to educate itself on the industry and status of regulations in NY State, which are rapidly changing. The Town Board will need to decide what they want in our community, and then develop regulations to support that.

Attorney Campbell added that we have a lot of interest in Livingston County because there is a large transmission line going through the county. He feels we will continue to see an interest in our county, and we need to have regulations in place.

Attorney Campbell shared that Article 10 is a state law pertaining to major electric generating facilities larger than 25 MW whereby the state undertakes the review process rather than it being done at the local level. In theory, they say they will honor local

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regulations if they exist. He suggested that if the Town Board moves forward with the moratorium, they put together a committee to determine what the town wants.

Supervisor Gott declared the Public Hearing open at 7:05 PM.

Comments:

A resident remarked about an article in the news in Farmington where there have been complaints about noise associated with a large solar farm. He suggested looking into what the issues might be.

Supervisor Gott reported that there is a huge one in the Caledonia-Rush area. He added that this Town Board is not against solar development, but want to be able to control it and protect quality farm land.

Another resident reported that the Town of Groveland has put together a local law regulating solar. He does not know if it went into effect, but they want to require the developer to purchase a bond so that if the solar company goes out of business, the Town has some recourse to recoup funds to remove the panels and restore the property. Attorney Campbell added that these are 30 to 40 year projects, and even if a surety bond is put in place, the company that provides the surety bond might go out of business as well. Some Towns are looking at making the landowner responsible, because there will always be a landowner.

A resident asked if a landowner grants permission for solar development on their property, does the contract follow the land if the landowner sells? Attorney Campbell remarked that it should. He stated that this is troubling from a municipal standpoint, because the Town is not a party to that contract. He is trying to put that connectivity in through regulations, but it is a difficult legal process. He added that if someone buys a property, how would they know about the solar contract? He would like to make sure it is in the chain of title for the property, because any buyer's attorney should look at that.

A resident asked how assessors will value the property. Attorney Campbell responded that most assessors are struggling with that. The land is usually agricultural, and may have an Ag exemption. The exemption many have to be pulled out. There are questions about whether to value based on production, value of structure, or some other method.

OPEN SESSION

Education Center:

A resident announced that there are two upcoming events at the Education Center:

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- May 20 from 7:00 PM to 8:30 PM to increase awareness of the dangers of ticks.
- May 30 from 8:00 AM to Noon - Erosion Control Training. Certificates and CEUs will be provided.

Weather Stations:

A resident reported that the weather station at Vitale Park and the one on the south end of Conesus Lake are both functioning, but the data is not available to the public yet. Hopefully, the software will be in place in the next couple of weeks. The resident praised Mo Watson and John Meyers, who work at Vitale Park, for all their help. In the next couple of weeks, there will be a link on the Conesus Lake Association (CLA) web site where folks can go and see all the weather data.

Security Cameras at Vitale Park:

Councilmember English reported that Hurricane Technologies is working on the update for the security cameras next week, and Dave Gilbert doing grass seeding around the building. He asked Supervisor Gott about the maintenance building. Supervisor Gott shared that we have to get specs and prices.

Teen Recognition Awards:

Supervisor Gott shared that the Livingston County Teen Recognition Awards were held last Wednesday night and several youth from Livonia were recognized.

Seniorama:

Supervisor Gott announced that next Saturday is Seniorama, where Gary Patterson, a resident of Lima, will be recognized for the volunteer work he has done for the Livonia community.

Earth Day Clean-up Events:

Supervisor Gott stated that in recognition of Earth Day, we held two Town clean-up events last Saturday – one in Hemlock with 17 volunteers and one at Vitale Park in Lakeville with 33 volunteers. We served hot dogs, chips and water to everyone. The volunteers collected a full pickup load of garbage from each location. Supervisor Gott was proud of the show of support from the community.

Community Choice Aggregation

A resident shared information regarding Community Choice Aggregation (CCA), which is where communities and municipalities can get together and advocate for citizens to have lower utility bills. The idea is that Towns use their collective buying power to lower utility bills for citizens. There is a non-profit to help the towns with the work, and they would be willing to do a presentation for the Town Board. The resident shared that she would love to see citizens go door-to-door to see if residents want to participate.

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PUBLIC HEARING – LARGE SCALE SOLAR MORATORIUM, CONT'D

A resident shared that she went to the town of Rush and talked to people about a project they have called Horseshoe Solar. The resident is concerned about climate change and feels that it is important to explore alternative energy sources. She mentioned that people are concerned about losing agricultural land to solar farms, but some places have instituted sheep grazing or set up beehives in conjunction with the solar farms. She added that farmers are having a hard time making it, and they need an alternative crop. The resident also asked that the Town consider requiring solar developers to provide wildlife corridors through their solar farms.

The resident thought that the tax benefit of solar farms could benefit our schools, etc. Attorney Campbell remarked that in some places, the solar panels are placed 12 feet high so a combine can get through. They were not doing that 2 years ago. He added that no matter what you do regulation-wise, you will have to change it because technology is changing so rapidly.

TOWN CLERK'S REPORT – APRIL 2019

Paid to Supervisor for the General Fund	\$3,885.36
Paid to County Treasurer for Dog Licenses	\$203.00
NYS Comptroller's Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$72.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$282.70
State Health Department (marriage licenses)	\$22.50
TOTAL DISBURSEMENTS	\$4,465.56

RESOLUTION 73-2019

APPROVE TOWN CLERK'S REPORT

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 approve the April 2019 Town Clerk's Report.

RESOLUTION 74-2019

APPROVE MINUTES FROM 4/18/19

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

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

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Resolved to approve the meeting minutes from April 18, 2019.

RESOLUTION 75-2019

ACCEPT RESIGNATION OF DON RICHARDS FROM PLANNING BOARD

Supervisor Gott reported that Don Richards is moving to Fairport, so he must resign from the Planning Board. The Planning Board had cake for Mr. Richards at the last meeting and gave him a card. Supervisor Gott thanked him for his 40 years of service. Mr. Richards filed a letter of resignation with the Town Clerk.

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 accept the resignation of Don Richards from the Joint Planning Board effective 4/22/2019.

RESOLUTION 76-2019

ACCEPT RESIGNATION OF MARY ANN RZESZUTEK FROM ZONING BOARD OF APPEALS

Supervisor Gott shared that Mary Ann Rzeszutek is moving to Wisconsin to be near family and therefore must resign from the Zoning Board of Appeals. Ms. Rzeszutek filed a letter of resignation with the Town Clerk.

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

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

Resolved to accept the resignation of Mary Ann Rzeszutek from the Joint Zoning Board of Appeals effective 6/3/2019.

RESOLUTION 77-2019

APPOINT LARRY WILLOUGHBY TO THE PLANNING BOARD

Supervisor Gott reminded the Board that we had appointed Larry Willoughby as an alternate to the Zoning Board of Appeals, and now the Planning Board would like to appoint him to fill the vacancy left by Mr. Richards' resignation.

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

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

Resolved to appoint Larry Willoughby to the Joint Planning Board effective today through 12/31/2019 to fill the remainder of Don Richards' term.

RESOLUTION 78-2019

APPROVE RECORDS DESTRUCTION

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

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

Resolved to approve the destruction of Town records per the Records Destruction Authorization Form dated 4/25/2019.

RESOLUTION 79-2019

SET COMMUNITY SHREDDING EVENT

Clerk Hay requested to set the date for the Community Shredding Event. She shared that CDD&R will shred the documents on site for the same cost as last year (\$175/hour).

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

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

Resolved to set the date for the Community Shredding Event for Saturday, September 7 from 9-11 AM at the Livonia Town Hall.

RESOLUTION 80-2019

AUTHORIZE SUPERVISOR TO SIGN LETTERS AUTHORIZING THE SALE OF ALCOHOL AT HEMLOCK FAIR AND HOPS IN HEMLOCK

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 authorize Supervisor Gott to sign letters to the Division of Alcoholic Beverage Control giving permission for the service of alcohol at "Hops in Hemlock" on June 1, 2019 and at the Hemlock Fair, July 16-20, 2019.

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RESOLUTION 81-2019

**APPOINT GRACE FRENZEL AS TECHNOLOGY AND YOUTH SERVICES
LIBRARY ASSISTANT**

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 appoint Grace Frenzel as Technology and Youth Services Library Assistant effective 4/18/2019 at an annual salary of \$35,000 (\$24,740 to be paid for the remainder of this year).

**DISCUSSION RE: PURCHASING AND PLANTING TREES ADJACENT TO
TOWN HIGHWAY DEPARTMENT**

Supervisor Gott shared that he was approached by George Harvey about a year ago regarding the fence between his mother's property and the Town Highway Department. Mrs. Harvey put the fence up years ago, and did not realize that it was 15 feet into her property. The Highway Department has been parking their vehicles on her property for years. Part of the fence blew down over the winter, and it needs to come down. Mr. Harvey suggested giving the Town an easement, if the Town would agree to purchase and plant 10-15 pine trees in place of the fence. The board expressed that they are fine with that solution.

Attorney Campbell explained that he is suggesting an easement because it goes with the property if the property were ever sold. He might need to get some mapping done first, because an easement is only as good as its description.

RESOLUTION 82-2019

**INSTRUCT ATTORNEY TO CREATE AND EASEMENT AND CONDUCT
MAPPING IF NEEDED**

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 instruct Attorney Campbell to create an easement for Mrs. Harvey's property located at 2 Ward Avenue, Livonia so that the Town can plant a row of pine trees and allow the Highway Department to park their vehicles on a section of Mrs. Harvey's property; and further

Resolved to authorize Attorney Campbell to arrange for any mapping that may need to be

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completed for this easement.

RESOLUTION 83-2019

AUTHORIZE PURCHASE OF ALUMINUM TRAILER

Supervisor Gott shared that three companies were invited to bid for the purchase of a dump trailer for the Highway Department, either aluminum or steel. In addition, it was advertised in the Livingston County News and on the Town's web site. Two bid packets were picked up. Only one company bid – Regional International Corp. Highway Superintendent Dave Coty is requesting that the Town Board accept the bid from Regional for the Aluminum trailer in the amount of \$67,500. The bid for the steel trailer was \$61,950. Mr. Coty intends to repair and keep the steel dump trailer he currently has for hard jobs. The aluminum one will allow us to haul more because it is lighter. The excavator was on the schedule to be replaced this year, but Mr. Coty feels that it can wait.

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 approve the purchase of an aluminum dump trailer from Regional International Corporation in the amount of \$67,500 per the bid specifications.

Hemlock Lake Park

Grass - Councilmember Gascon brought up Hemlock Lake Park. He would like to get some grass growing where Mr. Coty filled in the holes after the trees fell over. It is very wet there now, but he is going to get pricing so it can be addressed when it is dry enough.

Gazebo - Councilmember Gascon also asked the Board if he could get pricing to purchase a gazebo for Hemlock Lake Park. There is a place in Springwater that does a lot of work for municipalities. Councilmember Gascon would like to get pricing (including delivery) for one similar to the one in Vitale Park. Once it is ordered, it takes 3-6 weeks for delivery. Supervisor Gott shared that he thought it would be great because with only one pavilion at that park, people's options are limited. Councilmember Gascon added that he thinks a steel roof that matches the pavilion would be good. There is a choice of pressure treated or composite. Supervisor Gott stated that he thinks composites are a good idea because they eliminate the need for upkeep. A resident asked if the Town Board goes with composite materials, could they please make sure that it contains the highest amount of recycled materials.

Invasive Eel – Councilmember Gascon also reported that an invasive eel was discovered in Hemlock Lake. The Department of Environmental Conservation (DEC) is on top of it.

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No live eels were discovered, only dead ones. They were found right off the dyke.

PUBLIC HEARING – LARGE SCALE SOLAR CONT'D

Supervisor Gott asked if there were any additional comments for the Public Hearing. A resident echoed previous comments regarding the importance of regulations that would account for wildlife migration and protecting wildlife access to water sources.

With everyone who wished to be heard having been heard, Supervisor Gott declared the Public Hearing closed at 8:05 PM.

RESOLUTION 84-2019

ACKNOWLEDGE THAT SOLAR MORATORIUM IS A TYPE 2 ACTION

Attorney Campbell advised that the County Planning Board has recommended approval of the solar moratorium. They made some advisory comments for after the moratorium is adopted. The record must reflect that this is a Type 2 Action under SEQR, but no further review is required.

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 acknowledge that the proposed solar moratorium is a Type 2 Action under SEQR.

RESOLUTION 85-2019

ADOPT LOCAL LAW #2-2019 – LARGE SCALE SOLAR MORATORIUM

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

ADOPTED by Roll Call Vote
 Supervisor Gott - Aye
 Councilmember English - Aye
 Councilmember Gascon - Aye
 Councilmember Seelos - Aye
 Councilmember Dougherty - Aye

Resolved adopt Local Law #2-2019 – Large Scale Solar Moratorium.

Attorney Campbell advised the Board that they need to give some thought as to how they want to proceed with the committee because there will be a lot of work ahead, and the clock starts right now. Supervisor Gott stated that the Board will appoint committee

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members at the next meeting.

RESOLUTION 86-2019

AUDIT OF CLAIMS

Councilmember Seelos asked why the first installment for mowing was so large. Supervisor Gott answered that it is probably just the way Mike divided it up for the year, but we can look into it.

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 340-370 in the amount of \$48,448.00 from the Abstract dated 5/2/2019.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Seelos the meeting was adjourned at 8:09 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, RMC, CMC
Town Clerk