

## **TOWN BOARD MEETING, TOWN OF LIVONIA**

December 21, 2023

A 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 St, Livonia NY.

**PRESENT:** Eric Gott, Supervisor  
Peter Dougherty, Councilmember  
Andy English, Councilmember  
Matt Gascon, Councilmember  
Joseph Breu, Councilmember-absent  
Jessica Sharp, Deputy Clerk  
Jim Campbell, Attorney, Town of Livonia-present by phone

**OTHERS PRESENT:** Several Residents.

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

### **OPEN SESSION**

Councilman English reported on some Vitale Park concerns. Due to the smaller numbers of patrons on Sundays for Concerts, Mo would like to move the concerts to Saturdays, or earlier in the day on Sundays. Possibly from 5p-7p. Mo would also like to update the rules of the park and signage.

Supervisor Gott advised that if Mo would like, he can supply a new list to the Town Board for review.

Councilman English also noted that Mo's position should be reviewed as he is doing a lot of extra work and when it is time for him to retire the Town is going to need to find someone full time. In addition, would like to see Mo compensated in some way. The Town Board confirmed when the time comes, applicants will be taken, and qualified candidates will be reviewed accordingly.

### **PRESENTATION FROM LISA BENNETT ON NEW CHANGES TO EXEMPTION LAWS**

Livingston County is proposing to opt out of the new changes that Governor Hochul has passed regarding Income levels for Exemptions. Meaning, if we do not opt out, that those with a significant income and those with a shortage of income would be entitled to the same exemptions, and therefore allowing exemptions where they wouldn't otherwise be allowed. Councilman English and Attorney Campbell both stated we need more

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information on this, and Attorney Campbell stated he will speak with Bill Fuller at Livingston County. One public hearing can be held for both exemptions. More information on these changes is available at the Assessor's Office. County is proposing to opt out of the new changes the Governor has passed. See attached.

RESOLUTION 174-2023

## **SET PUBLIC HEARING FOR NEW CHANGES TO EXEMPTION LAWS**

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

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

Resolved to set a public hearing on the new exemption laws for January 18, 2024 at the Livonia Town Hall at 7PM.

RESOLUTION 175-2023

## **AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK DEPARTMENT OF TRANSPORTATION FOR THE 2023 TRANSPORTATION ALTERNATIVES PROGRAM AND APPROVAL OF A LOCAL MATCH CONTRIBUTION AS A TYPE 2 ACTION UNDER SEQR**

### TOWN OF LIVONIA

#### RESOLUTION # 175-2023

AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK DEPARTMENT OF TRANSPORTATION FOR THE 2023 TRANSPORTATION ALTERNATIVES PROGRAM AND APPROVAL OF A LOCAL MATCH CONTRIBUTION

**WHEREAS**, the Town of Livonia seeks to implement pedestrian safety improvements within the corridor of Big Tree Road from West Lake Road to Rochester Road in the Hamlet of Lakeville; and

**WHEREAS**, the New York State Department of Transportation ("NYSDOT") Transportation Alternatives Program ("TAP") grant provides federal aid for projects related surface transportation safety and mobility improvements; and

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**WHEREAS**, the Town of Livonia has opted to submit an application to the NYSDOT TAP grant (#DOT01-TPCM23-2023-00080) for the Town of Livonia Safety Improvements which comes at a cost of \$4,345,000; and

**WHEREAS**, the NYSDOT TAP grant will fund up to 80% of the total project cost and requires a local match of at least 20% of the total project cost; and

**WHEREAS**, the Town of Livonia is requesting a grant in the amount of \$3,476,000 (80%) and is committed to funding the remaining \$869,000 (20%) through local funds.

**NOW, THEREFORE BE IT RESOLVED**, that the governing body of the Town of Livonia (Town Board) has determined the above proposed action to be a Type 2 action under the NYS Environmental Quality Review Act and that no additional SEQR review is required; and be it further

**RESOLVED**, that the governing body of the Town of Livonia (Town Board) does hereby authorize the submission of the above application and does approve the required local match.

The question of the adoption of the foregoing Resolution was duly submitted for approval by vote of the Livonia Town Board on Thursday, December 21, 2023, recorded as follows:

<b>Vote of the Board:</b>	<b>Councilperson Joseph Breau</b>	<b>absent</b>
	<b>Councilperson Peter Dougherty</b>	<b>aye</b>
	<b>Councilperson Andrew English</b>	<b>aye</b>
	<b>Councilperson Matt Gascon</b>	<b>aye</b>
	<b>Supervisor Eric R. Gott</b>	<b>aye</b>

This is to certify that I, the undersigned, Clerk of the Town Board of the Town of Livonia, Livingston County, New York, was duly adopted by the Town Board of said Town on date above, and that the same is a true and correct transcript of said resolution.

In witness whereof I have hereunto set my hand and the official seal of the Town Clerk this 21st day of December, 2023.

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Hayley Anderson – Town Clerk

RESOLUTION 176-2023

**APPROVE USE OF ARPA FUNDS FOR ENGINEERING FEES ASSOCIATED WITH BLANK ROAD PROJECT TO CLARK PATTERSON LEE**

On motion of Councilmember English seconded by Councilmember Gascon the

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following resolution was

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LIVONIA, NEW YORK, ACCEPTING FUNDING FROM THE AMERICAN RESCUE PLAN ACT AND AMENDING THE TOWN’S ADOPTED BUDGET FOR THE FISCAL YEAR ENDING DECMBER 31, 2022 SO AS TO APPROPRIATE THE FUNDS RECEIVED BY THE TOWN FROM THE AMERICAN RESCUE PLAN ACT**

**WHEREAS**, on March 11, 2021, Joe Biden, the President of the United States of America, signed into law the American Rescue Plan Act (ARPA) which provides financial assistance to assist in the continued relief from the impact of the Covid-19 pandemic; and

**WHEREAS**, approximately \$350 billion of The ARPA funding was allotted to assist the United States’ state, local, tribal, and territory governments in responding to the coronavirus pandemic; and

**WHEREAS**, Sections 602(b) and 603(b) of the Social Security Act as added by section 9901 of the American Rescue Plan Act, Pub. L No. 117-2 (March 11, 2021) authorized the Department of the Treasury to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund; and

**WHEREAS**, the Town of Livonia (the Town) is expected to receive \$627,485.28 in funding; such funding to be received in two tranches, with approximately one half within 60 days of the plan passage, and the remaining funding approximately 12 months later; and

**WHEREAS**, the Town has received the first tranche of ARPA funds from the United States Department of Treasury via transfer from the State of New York in the amount of \$313,742.64; and

**WHEREAS**, the Town previously allocated \$156,871.32 for the purchase of Ambulance Equipment on April 21, 2022 leaving a balance received of \$156,871.33; and

**WHEREAS**, the Town Board recognizes that periodic modifications to the adopted budget for the fiscal year are necessary for fiscal management purposes and to implement changes to the Town Board’s fiscal policy which have occurred after the adoption of the Fiscal Year 2022 Budget;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF LIVONIA, NEW YORK :**

SECTION 1. The Town Board hereby amends the Town’s adopted Budget for Fiscal Year 2022, to allocate ARPA funds in the amount of \$1700.11 and \$1581.20, to Clark Patterson Lee for engineering fees associated with Blank road and authorizes an interfund transfer from the Town’s (A) 691 Deferred Revenues Account (where the ARPA funds are being held) to the (A) 1440.4 Engineer Contractual line.

SECTION 2. This Resolution shall become effective immediately upon execution.

## TOWN BOARD MEETING, TOWN OF LIVONIA

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RESOLUTION 177-2023

### **ALLOCATE REMAINDER OF UNALLOCATED ARPA FUNDS FOR AMBULANCE PROJECT AND BLANK ROAD PROJECT**

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

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LIVONIA, NEW YORK, ACCEPTING FUNDING FROM THE AMERICAN RESCUE PLAN ACT AND AMENDING THE TOWN'S ADOPTED BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022 SO AS TO APPROPRIATE THE FUNDS RECEIVED BY THE TOWN FROM THE AMERICAN RESCUE PLAN ACT**

**WHEREAS**, on March 11, 2021, Joe Biden, the President of the United States of America, signed into law the American Rescue Plan Act (ARPA) which provides financial assistance to assist in the continued relief from the impact of the Covid-19 pandemic; and

**WHEREAS**, approximately \$350 billion of The ARPA funding was allotted to assist the United States' state, local, tribal, and territory governments in responding to the coronavirus pandemic; and

**WHEREAS**, Sections 602(b) and 603(b) of the Social Security Act as added by section 9901 of the American Rescue Plan Act, Pub. L No. 117-2 (March 11, 2021) authorized the Department of the Treasury to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund; and

**WHEREAS**, the Town of Livonia (the Town) is expected to receive \$627,485.28 in funding; such funding to be received in two tranches, with approximately one half within 60 days of the plan passage, and the remaining funding approximately 12 months later; and

**WHEREAS**, the Town has received the first tranche of ARPA funds from the United States Department of Treasury via transfer from the State of New York in the amount of \$313,742.64; and

**WHEREAS**, the Town previously allocated \$156,871.32 for the purchase of Ambulance Equipment on April 21, 2022 leaving a balance received of \$156,871.33; and

**WHEREAS**, the Town Board recognizes that periodic modifications to the adopted budget for the fiscal year are necessary for fiscal management purposes and to implement changes to the Town Board's fiscal policy which have occurred after the adoption of the Fiscal Year 2022 Budget;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF LIVONIA, NEW YORK :**

SECTION 1. The Town Board hereby amends the Town's adopted Budget for Fiscal Year 2022, to allocate ARPA funds in the amount of \$9,209.16, to Clark Patterson Lee for engineering fees associated with Blank Road and authorizes an interfund transfer from the Town's (A) 691 Deferred Revenues Account (where the ARPA funds are being held) to the (A) 1440.4 Engineer Contractual line.

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. The Town Board hereby amends the Town’s adopted Budget for Fiscal Year 2022, to allocate ARPA funds in the amount of \$3007.46, to the ambulance project and authorizes an interfund transfer from the Town’s (A) 691 Deferred Revenues Account (where the ARPA funds are being held) to the (A) 1440.4 Engineer Contractual line.

SECTION 2. This Resolution shall become effective immediately upon execution.

RESOLUTION 178-2023

**APPOINT HOWARD SEXTON AS NEW FIRE COMMISSIONER**

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

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

Resolved to appoint Howard Sexton as Fire Commissioner effective January 1, 2024 with a term of 5 years.

RESOLUTION 179-2023

**APPROVE WAGE INCREASES FOR 2024 TO BE EFFECTIVE 12/25/2023**

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

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

Resolved to approve staff wage increases for 2024 to be effective 12/25/2023.

RESOLUTION 180-2023

**TOWN CLERK REPORT**

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

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

Paid to Supervisor for the General Fund	\$4,918.49
Paid to County Treasurer for Dog Licenses	\$119.00
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$44.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$4,052.17
State Health Department (marriage licenses)	\$67.50

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<b>TOTAL DISBURSEMENTS</b>	<b>\$9,133.66</b>
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Tax Bills and Warrant have been received, and bills will be mailed out by the county on December 26<sup>th</sup>. The first day of collection will be December 28<sup>th</sup>, 2023.

Resolved to approve Clerk Anderson's report.

RESOLUTION 181-2023

**APPROVE CELL PHONE USE FOR BUILDING AND ZONING COMPLIANCE ASSISTANT**

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

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

Resolved to reimburse the Building and Zoning Compliance Assistant for use of their personal cell phone in the amount of \$90 quarterly.

**DISCUSSION ON AUDIT SERVICES FOR 2023**

Supervisor Gott advised the pricing for the audit has increased \$1000.00 but the leased audits will only be 2 out of the 6, and that will be substantially lower than it was this year. Due to the trouble in the past with others, and how well Bonadio handled the change in Bookkeeper this year, the Board feels strongly about sticking with Bonadio Group.

RESOLUTION 182-2023

**AUTHORIZE SUPERVISOR GOTT TO SIGN ENGAGEMENT LETTER WITH BONADIO GROUP FOR THE 2023 AUDIT SERVICES**

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

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

Resolved to authorize Supervisor Gott to sign the engagement letter with the Bonadio Group for audit services for the 2023 Audit in the amount of \$17,500

**DISCUSSION ON PROPERTY SALE**

The Eichas Family would like to buy a portion of the town land behind the town barns including a right of way. Supervisor Gott and Superintendent Dwyer discussed this and

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while neither are opposed, the purpose of doing so does not seem overly apparent. Attorney Campbell stated that the value of the property unfortunately is comparable to the cost of the selling process and there really is no benefit to the Town to sell at this point. Currently, the Town is not interested in selling.

RESOLUTION 183-2023

**APPROVE MEETING MINUTES FROM 11/16/2023**

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

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

Resolved to approve the meeting minutes from 11/16/2023

RESOLUTION 184-2023

**AUDIT OF CLAIMS**

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

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

Resolved to pay claims 975-989 in the amount of \$48,019.97 from the abstract dated November 28, 2023.

RESOLUTION 185-2023

**AUDIT OF CLAIMS**

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

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

Resolved to pay claims 990-1014 in the amount of \$29,059.12 from the Abstract dated December 7, 2023.

RESOLUTION 186-2023

**AUDIT OF CLAIMS**

On motion of Councilmember Dougherty seconded by Councilmember Gascon the



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following resolution was

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

Resolved to pay claims 1015-1053 in the amount of \$66,295.98 from the Abstract dated December 21, 2023.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Dougherty the meeting was adjourned at 7:40PM Carried unanimously.

Respectfully Submitted,

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Hayley Anderson  
Town Clerk