

## REGULAR MEETING, TOWN OF LIVONIA

January 16, 2014

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 January 16, 2014.

**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

**OTHERS PRESENT:** Building and Zoning Director Adam Backus; Several Residents.

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

### **PRIVILEGE OF THE FLOOR**

Supervisor Gott extended his congratulations to the re-elected town officers and welcomed Building and Zoning Director Adam Backus to the meeting.

Gene Bolster asked Supervisor Gott about placing a Conesus Lake Association (CLA) sign at Vitale Park. Supervisor Gott stated that he did receive a printout and we will address it at the next meeting. He informed the board that the CLA would like a sign with their logo on it at the park. His initial thoughts are that the proposed sign is a little big and bold for the site, but he will defer to the town board. Mr. Bolster replied that the CLA is open to discussion.

Gene Bolster reported that the NYS DEC has issued draft regulations for invasive species control at boat launches. There is a comment period through the end of February. Supervisor Gott added that he did call the DEC to report that there is no carry-in boat launch at Vitale Park. He hopes that it gets updated on their web site.

Supervisor Gott reminded everyone that Victory Church is having their ice fishing derby at Vitale Park on January 25. Tom will let them in to the CLA building.

Supervisor Gott reported that we are over in our revenue projections for 2013 by almost \$200,000. Expenditures were \$150,000 to \$160,000 under budget.

Supervisor Gott reported that NYMIR inspected the Town Highway Barn and found a few things that need to be corrected. The hot water heater doesn't have a vent on it, and the lower portion of the roof is worn over the Highway Superintendent's office. Supervisor Gott will talk with Dave Coty about getting a budget figure to replace the worn section of roof with a metal roof.

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RESOLUTION 1-2014

**APPROVE MEETING MINUTES FROM 12/5/2013**

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

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

Resolved to approve the meeting minutes from December 5, 2013.

RESOLUTION 2-2014

**APPROVE MEETING MINUTES FROM 12/11/2013 (SPECIAL MEETING)**

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

ADOPTED Ayes - 3 (Gott, Gascon, Seelos)  
Nays – 0  
Abstain - 1 (English)

Resolved to approve the meeting minutes from December 11, 2013 Special Meeting. (Councilmember English explained that he abstained because he was not present at the meeting on December 11.)

RESOLUTION 3-2014

**APPROVE MEETING MINUTES FROM 1/8/2014 (JOINT MEETING)**

Councilmember Seelos introduced two letters, which he asked to have attached to the official minutes. One letter was to Mr. Brinkeroff congratulating him on his re-appointment to the Board of Fire Commissioners for the Livonia Joint Fire District. The other was to applicants who were not selected.

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

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

Resolved to approve the meeting minutes from December 11, 2013 Special Meeting.

**TOWN CLERK'S REPORT – DECEMBER 2013**

Clerk Hay gave the following financial report for December 2013:

<i>Paid To</i>	<i>Amount Remitted</i>
Supervisor (General Fund)	\$1,387.10
County Treasurer for Dog Licenses	\$234.50
NYS Ag & Mkts for Spay/neuter Program	\$83.00
NYS DECALS	\$479.75

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State Health Department (Marriage Licenses)	\$45.00
<b>Total Disbursements</b>	<b>\$2,848.10</b>

**TOWN CLERK 2013 ANNUAL REPORT**

Clerk Hay gave the following Annual Report for 2013:

<i>Paid To</i>	<i>Amount Remitted</i>
Supervisor (General Fund)	\$33,165.43
County Treasurer for Dog Licenses	\$3,132.50
NYS Comptroller's Office	\$652.50
NYS Ag & Mkts for Spay/neuter Program	\$1,222.00
NYS DECALS	\$17,911.92
State Health Department (Marriage Licenses)	\$877.50
<b>Total Disbursements</b>	<b>\$56,961.85</b>

(See attached report for more details.)

Clerk Hay noted the following:

- "Paid to the Supervisor" was down about \$2,000 from 2012. There was a decrease in Registrar Fees of about \$1,000, and the 2012 figures include enumeration fees for the dog census we conducted. All other fees remained about the same.
- We issued 39 marriage licenses in 2013, compared to 37 in 2012.
- We issued 10 Bulk Cleanup tickets in 2013 compared to 14 in 2012.
- The local share of Bingo proceeds totaled \$448.43 in 2013 compared to \$472.26 in 2012.
- Dog licenses remain consistent at about 905 dogs.

RESOLUTION 4-2014

**APPROVE DECEMBER 2013 TOWN CLERK'S REPORT**

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

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

Resolved to approve the December 2013 Town Clerk's Report.

RESOLUTION 5-2014

**APPROVE 2013 ANNUAL TOWN CLERK'S REPORT**

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

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

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Nays – 0

Resolved to approve the Annual 2013 Town Clerk’s Report.

**Background Checks for Bingo/Games of Chance Licenses**

Clerk Hay explained that General Municipal Law, Article 9-A, §191.(a) states that the Town Clerk can issue a license to conduct games of chance after determining “that the member or members of the applicant designated in the application to manage games of chance ...have never been convicted of a crime.”

In the past, the Sheriff’s Department would perform background checks and sign the Findings and Determinations Form stating that the persons named have never been convicted of a crime. They will no longer sign the form, but will instead issue a letter stating that the persons named have not been convicted of a crime in Livingston County.

The Town Clerk must do due diligence to determine that the members in charge and assistants to members in charge have not been convicted of a crime. This means any misdemeanor or felony anywhere, ever.

We received three applications for Bell Jar licenses and two applications for Bingo licenses for 2014. The Sheriff’s Department signed some of the forms, but not all of them. Clerk Hay received permission from Supervisor Gott to perform background checks via “Protect Your Youth Sports” on a total of twelve people so that the last two licenses could be issued. She would like to know how the board would like to handle this in the future. She suggested some options:

- Use PYYS to perform these checks, at a cost of about \$9 per person, or \$558 total and absorb the cost.
- Use PYYS to perform these checks and pass the cost on to the organization applying for the license.
- Change the law so that we do not allow games of chance. (She did not think that this would be a good choice because these organizations rely on this income.)

Discussion followed. Attorney Campbell has done some research and feels that we can charge the organizations for the background checks. He is still waiting to get a definite answer from the Association of Towns. Supervisor Gott agrees that we should use Protect Your Youth Sports and not just check Livingston County.

RESOLUTION            6-2014

**CHANGE FEE SCHEDULE TO INCLUDE BACKGROUND CHECKS**

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

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

Resolved to update the Town of Livonia Fee Schedule to include a fee for background checks for

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organizations applying for Games of Chance and Bingo Licenses, subject to confirmation that this is allowed. The amount of the fee will equal the amount that we are charged to perform the background check and will be required for every Member-in-Charge and Assistant-to-Member-in-Charge listed on the license.

Clerk Hay will follow up with the Association of Towns to ensure that passing on this cost is allowed. She will also inform the currently licensed organizations if this change takes place.

### **TAX COLLECTION UPDATE**

Clerk Hay reported that the 2014 Town and County Tax Bills were mailed out on December 31. Payments are steadily coming in. The county changed the size of the bill this year to 8 ½" X 14" and added a payment coupon on the bottom. The coupon is coded to make it easier for Five Star Bank to process it. Clerk Hay checked with Five Star Bank, and they stated that the fee would have gone up from 20 cents to 30 cents per bill processed if the county had not made the changes. People can still pay their taxes in person at the Town Clerk's Office, and there is no processing fee for those payments because they do not go through lockbox.

### **UPDATE ON SCANNING PROJECT**

Clerk Hay reported that a representative from Rochester Rehab came out to look at the burial and cremation permits so that they could give a more accurate quote for scanning. We will prepare the records for scanning by removing staples and making sure that all the records are oriented in the same direction. Once the records are prepared, we will give them to Rochester Rehab to scan. They will then hand off the files to NanoArk to place them on the Waferfiche. This project is on hold while we process taxes.

### **BUILDING & ZONING DEPARTMENT 2013 ANNUAL REPORT (SEE ATTACHED)**

Building & Zoning Director Adam Backus presented board members with his department's 2013 Annual Report. He reported that building permit numbers were close to what they were in 2012. He generated these reports from the Williamson Law Book program, but 2012 permits were done more by hand, so it is hard for him to compare.

He stated that he will print a report for Dawn Woodburn in the Assessor's Office each month. Supervisor Gott stated that he likes the new format for the reports.

Mr. Backus stated that project cost is very subjective, but he can track the fees for permits accurately with this program.

Supervisor Gott shared that Kevin Masterson is staying on two days a week for the first few months of this year until we can move forward with job duties and descriptions.

Mr. Backus is going to work on updating the code for Hemlock Park.

RESOLUTION 7-2014

### **ACCEPT BUILDING & ZONING DEPARTMENT 2013 ANNUAL REPORT**

On motion of Councilmember Seelos seconded by Councilmember English the following

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resolution was

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

Resolved to accept the Building & Zoning Department 2013 Annual Report.

RESOLUTION            8-2014

**APPROVE 2014 SALARY SCHEDULE**

Supervisor Gott indicated that the board has discussed paying the Zoning Board of Appeals and Planning Board members a set amount for the year, rather than an hourly rate. They will discuss this further, but for now it will stay hourly.

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

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

Resolved to approve the following 2014 Salary Schedule:

<u>POSITION</u>	<u>SALARY/RATE</u>	
<b>ELECTED OFFICIALS</b>		
Councilman	6,995	
Supervisor	36,830	
Highway Superintendent	61,212	
Justice	12,426	
Town Clerk	39,673	
<b>GENERAL STAFF</b>		
Clerk to Justice	14.72/hr.	
Deputy Town Clerk	14.72/hr.	
Assessor (part-time)	34,058	
Clerk to Assessor	13.95/hr.	
Secretary to Supervisor	39,740	
Cleaner (Sheila)	12.55/hr.	
<b>HIGHWAY DEPARTMENT</b>		
M.E.O.	22.35/hr.	(contract)
Deputy Highway Supt.	23.35/hr.	(contract)
<b>LIBRARY</b>		
Library Manager	40,339	
Senior Library Clerk	18,865	
Library Clerk (Pam)	21,119	

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Clerk (Lysa)	9.40/hr.
Clerk (Marian)	9.27/hr.
Clerk (Eileen)	9.27/hr.
Page (Jeanne)	10.19/hr.
Page (Amanda)	8.16/hr.
Cleaner (Pam)	10.98/hr.
<b>BUILDING &amp; ZONING</b>	
Code Enforcement Officer	55,550
Code Enforcement Officer (part-time)	32.00/hr.
<b>PARKS &amp; RECREATION</b>	
Recreation Director	17,029
Recreation Leader(s)	TBD
Recreation Aides	TBD
Baseball Commissioners	TBD
Cleaner (Tom)	14.32/hr.
Cleaner (Tara)	10.72/hr.
Historian	3,960
<b>JOINT ZONING BOARD OF APPEALS</b>	
ZBA Member	14.54/hr.
ZBA Chairperson	1,313; plus 14.54/hr.
<b>JOINT PLANNING BOARD</b>	
Board Member	14.54/hr.
Board Chairperson	1,783; plus 14.54/hr.
<b>RESOLUTION 9-2014</b>	
<b><u>APPROVE 2014 TOWN BOARD APPOINTMENTS</u></b>	
On motion of Councilmember English seconded by Councilmember Gascon the following resolution was	
ADOPTED	Ayes - 4 (Gott, English, Gascon, Seelos)
	Nays - 0
Resolved to approve the following 2014 Town Board Appointments:	
<b>2014 TOWN BOARD APPOINTMENTS</b>	
DEPUTY SUPERVISOR	FRANK SEELOS
TOWN HISTORIAN	DOROTHY WILKINS
REGISTRAR	COLLEEN WEST HAY
DEPUTY REGISTRAR	LEANNE HOLT
DEPUTY TOWN CLERK	LEANNE HOLT

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RECORDS MANAGEMENT OFFICER	COLLEEN WEST HAY
MARRIAGE OFFICER	COLLEEN WEST HAY
MILEAGE RATE	.56cents /MILE
TOWN ENGINEER	CLARK PATTERSON LEE
MEETING DATES	1 <sup>ST</sup> AND 3 <sup>RD</sup> Thursday, 7PM
TOWN ATTORNEY	JAMES CAMPBELL
CHAIRMAN OF JOINT ZONING BOARD	PETER NILSSON
CHAIRMAN OF JOINT PLANNING BOARD	RICHARD BENNETT
OFFICIAL BANK	FIVE STAR BANK
PLANNING BOARD SECRETARY	TBD
OFFICIAL NEWSPAPER	LIVINGSTON COUNTY NEWS
COUNTY TRAFFIC SAFETY BOARD	ERIC GOTT
“ “ALTERNATE	ANGELA GROUSE
BOARD OF ASSESSMENT REVIEW	LAURIE FOE
MEMBER OF PLANNING BOARD	CHUCK CASACELI
MEMBER OF ZONING BOARD OF APPEALS	PETER NILSSON
OFFICIAL RADIO STATION	1040 WYSL

### **SUPERVISOR'S APPOINTMENTS**

SECRETARY TO SUPERVISOR	MIKE LAWTON
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### **TOWN BOARD COMMITTEE APPOINTMENTS**

HIGHWAY	MATT GASCON
RECREATION/YOUTH	ANGELA GROUSE
BASEBALL /RECREATION SPORTS	ANDREW ENGLISH
LIBRARY	ANGELA GROUSE
EMERGENCY SERVICES LIASON	FRANK SEELOS
JOINT WATER WORKS	ERIC GOTT AND FRANK SEELOS
CLA LIASON	FRANK SEELOS
TRAIL LIAISON	MATT GASCON

### **DISCUSS PURCHASE OF 6 WHEEL DUMP TRUCK**

Supervisor Gott reminded everyone that we received one bid (from Peterbilt) for the purchase of a 6 wheel dump truck. He did some research and found that the Mack truck on state bid was \$6,000 more than the Peterbilt quote we received. He mentioned that if we were to piggy back on another county's contract, Oneida County has a contract with Western Star that is \$4,000 less than the quote we received from Peterbilt.

Supervisor Gott added that the last time we purchased a truck, both Western Star and Peterbilt bid. We went with the Peterbilt even though their bid was slightly higher because the Peterbilt was supposed to be a better truck. Supervisor Gott thinks we can justify going with the Peterbilt again because they were the only responsible bidder this time. He just wanted to have something to compare it to.



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Councilmember Seelos remarked that Peterbilt has a good reputation and he thinks it is the right choice.

Attorney Campbell interjected that in order for us to piggy back on a county contract, we would have to pass a local law authorizing the town to do so. Supervisor Gott stated that he would like to have the board consider the piggy back law and if passed, it would become part of the procurement policy.

RESOLUTION 10-2014

**AUTHORIZE PURCHASE OF PETERBILT TRUCK**

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

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

Resolved to authorize the purchase of a 6-wheel truck from Peterbilt with plow equipment from Tenco.

**DISCUSS REPLACEMENT OF TOWN HIGHWAY TRUCK #1**

Supervisor Gott stated that there has been discussion about the replacement of Highway Truck #1. The board talked about several options, including purchasing a lighter weight truck or purchasing a truck without a snow plow. Dave Schubert called Supervisor Gott and told him that Highway Superintendent Coty plows the cemetery with his truck. Mr. Coty has also told the board he uses the truck to plow the bus turn-arounds, small streets, and the Town Hall parking lot.

There is a truck available on state bid identical to what Mr. Coty has now. The truck has a V-10 engine, 9 ft. snow plow package, steel wheels and is steel gray color. Mr. Coty has asked that a switch panel be installed for the fuel tank. There is a truck matching this description in Pennsylvania. The price for the total package is \$33,403.

The board wants the truck color to match the fleet – either red or orange.

Mr. Coty reports that it is too late to order a 2014 truck from the factory and too early to order a 2015. We would either have to buy one from a dealer's lot or wait until the 2015 model year can be ordered.

Councilmember Gascon feels that a V10 is not economical or feasible. Mr. Coty rarely tows a trailer. He would like to see it dropped down to an F250 (or ¾ ton), with plow, V8 engine, color orange or red. He said that Chevy also has a ¾ ton truck available on state bid. Supervisor Gott will let Mr. Coty know the direction the board wants to take.

**DISCUSS ZUMBA REQUEST FOR JECC**

Supervisor Gott reported that Danielle Wallman is interested in using the gym at the Jack Evans Community Center for Zumba classes. She intends to charge for the lessons.

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Supervisor Gott stated that we have not allowed others to use the building for a for-profit venture without charging them rent. Howard Teed from the Hemlock Fire Department would like to sponsor the classes on drill nights so firefighters' significant others would have something to do. They want to use this as an incentive program to increase participation.

If we allowed this, Hemlock Fire Department would put it on their insurance and they would pay Ms. Wallman. The classes would be open to all three fire departments, but he does not know what the schedule would be. Supervisor Gott will let Mr. Teed know that the board will discuss this further.

**BOARD OF SUPERVISORS**

Attorney Campbell informed everyone that our Supervisor has recently been elected Chairman of the Board of Supervisors for the county. He feels we are very fortunate and it will be good for Livingston County.

**INTRODUCTION OF PROPOSED LOCAL LAW #1-2014 – RIGHT TO FARM**

Attorney Campbell presented a draft of proposed "Local Law #1-2014 Right to Farm" to the board for consideration. He explained that it is a legislative endorsement of farming as a preferred and preeminent use of land in Livonia. These types of laws are intended to protect land owners and farmers from nuisance suits brought by a party claiming they are aggrieved by someone else's use of the land. They are basically legislative pronouncements that these activities are not considered nuisances in our community. They affirm that we consider farming to be important to us and our way of life. In addition, they state that from a planning and zoning perspective, we will keep this in mind when making pronouncements. He asked the board to review the proposed law and let him know what they think.

Councilmember English asked if this proposed law reflect what surrounding towns have done. Attorney Campbell stated that the language is consistent.

Attorney Campbell explained that once the law is presented, ten days must elapse before we conduct a public hearing. Although it is not required, he is willing to send it to the County Planning Board before the next meeting so they can see it.

RESOLUTION            11-2014

**DEDICATION OF PHASE III ROADWAY AT CAMBRIDGE HEIGHTS SUBDIVISION**

Attorney Campbell stated that we have received a request for the board to pass a resolution accepting dedication of Phase III of the roadway at Cambridge Heights Subdivision. This would include the portion of the loop of Kensington Ct. that has not been formally dedicated. He disclosed that Chuck Smith has been and is currently a client of his, but he did not feel that it presented a conflict of interest.

Attorney Campbell reported that all of the issues have been addressed, including drainage and restoring any parts of the roadway that have deteriorated. Highway Superintendent Coty, Kevin Masterson and Adam Backus are all in agreement.

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Supervisor Gott remarked that adding this road to the town's highway inventory will help with CHIPS money.

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

ADOPTED      by ROLL CALL VOTE  
Supervisor Gott -                      Aye  
Councilmember English -              Aye  
Councilmember Gascon -              Aye  
Councilmember Grouse -              Absent  
Councilmember Seelos -              Aye

Resolved to accept dedication of Phase III (part of Kensington Court right-of-way) of the roadway at Cambridge Heights Subdivision.

**SPECIAL MEETING REGARDING THE POSSIBILITY OF CONSOLIDATING FIRE DISTRICTS**

Councilmember Seelos reported that there will be a special meeting of the Town Board at the Village Hall on Tuesday, January 21. The purpose of this meeting will be to discuss the possibility of consolidating the three fire districts located in the Town of Livonia. Supervisor Gott added that due to an error, it was published in the legal notice that the meeting would be on Friday, January 24. Clerk Hay notified the paper of the correct date and posted it at the Town Hall and on the Town's web site. Because Tuesday night is a court night, the Town Hall was not available for the meeting. Supervisor Gott thanked Mayor Lathan for allowing the meeting to take place at the Village Hall. This meeting will be open to the public.

**BASEBALL SIGN-UPS**

Councilmember English announced that Spring league sign-ups will be held on January 29 at the Town Hall from 6-8 PM and on Feb 1<sup>st</sup> from 9 AM to Noon. He added that we are looking to add the fourth field at Bowen Park. The Village is doing much of the work trying to add some dugouts and portable raised mounds.

RESOLUTION                              12-2014

**AUDIT OF CLAIMS**

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

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

Resolved to pay claims 836-947 in the amount of \$144,279.97 from the 2013 budget.

RESOLUTION                              13-2014

**AUDIT OF CLAIMS**

On motion of Councilmember Seelos seconded by Councilmember English the following

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resolution was

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

Resolved to pay claims # 1 thru 16, in the amount of \$51,232.33 paid from the 2014 budget.

Councilmember English asked about the invoice for Cornell Cooperative Extension. Supervisor Gott explained that the town pays \$3,500 toward programming at the Chip Holt Center. This year, we still committed the same amount, but talked about providing programming ourselves. We ended up deciding that Cornell will still run the programming and they will give us more services. Supervisor Gott will ask Councilmember Grouse to provide the board with an update on this and on the library at the next meeting

**JACK EVANS COMMUNITY CENTER UPDATE**

Supervisor Gott reported that Kirkwood is saving us \$.20 per gallon over the state bid price for fuel oil for the Jack Evans Community Center.

We have not gained or lost any tenants at the JECC.

**SIDEWALKS**

Councilmember Gascon asked if the sidewalks at the Town Hall have been sealed. Supervisor Gott replied that they have been sealed and we are using an ice melt product that is concrete friendly.

**CORRESPONDENCE**

Supervisor Gott mentioned that we received a thank you note from Kevin Masterson thanking the board for the clock and his retirement dinner.

With no further business, on a motion of Councilmember English seconded by Councilmember Seelos the meeting was adjourned at 8:13 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, Town Clerk