

REGULAR MEETING, TOWN OF LIVONIA
October 20, 2016

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 October 20, 2016.

PRESENT: Eric Gott, Supervisor
Andy English, Councilmember
Matt Gascon, Councilmember
Angela Grouse, Councilmember
Frank Seelos, 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. Attorney Campbell led the pledge.

PUBLIC HEARINGS – 2017 PROPOSED BUDGET / WATER & SEWER UNIT CHARGES

Supervisor Gott declared the public hearings for the 2017 Proposed Budget, and the Water & Sewer Unit Charges open at 7:01 PM.

Notice of both Public Hearings were duly published in the Livingston County News on October 13, with same being posted on the same date at the Town Hall and on the Town's web site. In addition, notices regarding the Public Hearing for the Hemlock Sewer and Cadyville Road Water unit charges were mailed to owners of property in said districts. Clerk Hay read the notices of hearings for the record.

Supervisor Gott explained that the Town Board conducted a Budget Workshop last week. He stated that the proposed budget provides for:

- One full-time seasonal employee added to the Highway Department
- A 2% raise for all employees
- Drainage work for the Vitale Park parking lot
- Fully funding our obligations for health care, retirement and Worker's Compensation Insurance
- Purchasing equipment for the Highway Department per the equipment replacement schedule
- Continuing services at the same level as taxpayers are accustomed to
- No rent income or expenditures for the Jack Evans Community Center (JECC)

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He asked if anyone in attendance had any comments or questions on either the proposed budget or the water and sewer unit charges.

Mary Ann Thompson spoke at length against cutting the expenses and income for the JECC from the budget. She stated that the volunteer group that has been trying to save the building does not yet have their 501(c)3, and without that, they do not feel they take on ownership at this time. She referenced the Comprehensive Plan and talked about the Jack Evans Community Center being a resource for the region, not just the Town of Livonia. She shared that she is interested in working with the Town Board to keep the building open.

Supervisor Gott stated that this is the time to make comments on the budget. There will be time at the end of the meeting for individuals to make comments on other topics. He added that this proposed budget is under the tax cap at a time when many municipalities are overriding the tax cap.

Bob Nielson shared that is very disappointed that Town is not planning on putting any money into the JECC next year. He said he would love to see his tax dollars go to supporting the building, and he asked the Town Board to help the volunteer group get to a place that they can take it over.

Sharon Mistretta asked if we are under the tax cap does that mean that the Town has extra money? Supervisor Gott said no, that is not what it means.

Mike Barnard presented the Board with a budget sheet he created regarding the JECC. He said that this group of people is committed to keeping the building open. He said that they can keep the building full and the activities going. He said that there is grant money available, and he thinks they can keep it open at no cost to the Town.

Karen Evans shared that she is Jack Evans' daughter. She said that she knows he would have been disappointed to let it go.

Supervisor Gott reminded everyone that this is the Budget Public Hearing; comments on the Jack Evans Community Center can be shared during the Open Session at the end of the meeting.

A resident said she is concerned that the JECC will be removed from the budget. She thinks that it will negatively impact property values and other businesses in the hamlet of Hemlock.

A resident asked who pays for it if the building becomes damaged beyond use and needs

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to be torn down. Supervisor Gott answered that we are a long way off from that happening. He reminded everyone that the Town has offered to give the building to a 501(c)3 organization.

A resident mentioned that Leicester rents out a school to BOCES. He wanted to know if the law is different for villages and towns. Attorney Campbell answered Town and Village law can be different. He clarified that a Town should not be primarily in the business of subsidizing rent to businesses. If a building is not self-sustaining, then you are subsidizing businesses with taxpayer dollars. In the case of the JECC, the Town might be justified in carrying some of the costs if the weight of the usage were to change, and the building were to be utilized more as a community center. The Town has tried to do that and it hasn't worked out. In the case of the Village of Leicester, that building doesn't cost them anything, in fact it brings them income over and above expenses. Attorney Campbell added that what is happening in Leicester is very different from what is happening here. He also shared that if the building were to be completely rented out, then it might have to be put back on the tax rolls.

Several in attendance asked the Town Board to keep the JECC open and to give the group more time to obtain their 501(c)3 status before declaring the building surplus.

Supervisor Gott asked if there were any further comments regarding the proposed budget. There were none.

RESOLUTION 128-2016
APPROVE MEETING MINUTES FROM 10/6/2016

Clerk Hay mentioned that Adam Backus notified her of a clarification to the 10/6/2016 minutes. Mr. Kozeracki is not putting an addition on his home, he is erecting an RV/Car car-port. Clerk Hay has already made that correction to the minutes.

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

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

Resolved to approve the meeting minutes from October 6, 2016 with the clarification mentioned above.

RESOLUTION 129-2016
HIRE WENDY LIESEGANG AS DEPUTY CLERK

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

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

Resolved to hire Wendy Liesegang effective 10/14/2016 at a rate of pay of \$15.32/hour with a probationary period of six months, and a 2% raise at the successful completion of the probationary period.

TOWN CLERK UPDATES

DOG CENSUS

- Clerk Hay reported that out of the 1,079 second notices sent at the end of September, there are still about 630 homes that have not responded. She asked the board if they wanted her to do a third mailing. They do not.
- Forty-nine dogs are still pending – thirty-four owners responded that they have a dog or dogs, but they have not licensed them yet. Clerk Hay gives people 30 days to license their dogs, then turns them over to dog control.

RECORDS SCANNING GRANT

- Clerk Hay shared that we are making progress in preparing the records for scanning. They must be prepared by November 30. Betty Miles, Rhonda Roeser, Jim Kier, Wendy Liesegang and Clerk Hay are all working on the records preparation.
 - All of the E-911 Records are done (one box total)
 - Half of the three boxes of Planning Board and ZBA minutes are done.
 - Planning files – 7 boxes are done, which is 1/3 to ½ way complete.
 - SBLs – 18 boxes are done, which are 21 file drawers, out of 63 file drawers.
 - Maps – We have not started the maps. We are leaving these for the end, so that they are not folded or rolled for any longer than they have to be.
- We should be scheduling the equipment installation soon.
- Laserfiche install and training is scheduled for 12/12 and 12/13.
- Image Data will take 90 days to complete the scanning. They revised their quote to break it into 2 quotes – one for the planning files and one for the building/zoning files. The reason is that if the quote goes over \$50,000, it must go to OGS for approval, which takes about 9 months. By making two separate quotes, they can keep each part under the \$50,000 limit, so that we can complete the project in the time allowed. They will need separate checks and P.O.s for the each project.

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doesn't look like the pipe is a town facility.

Supervisor Gott explained that East Lake Road is a county road, and McPherson Point is a private road. He shared that Ms. Conklin also spoke with County Highway Superintendent Mr. Higgins, who has been in contact with the county attorney. The consensus is that it is a private pipe that runs along private property.

Ms. Conklin said that she cannot believe that a private person could hook up to a county conduit across private property. Supervisor Gott shared that he told Ms. Conklin she should get legal advice, because if she does something with that pipe, and it causes damage to other people's property, she might be held responsible.

Attorney Campbell advised that there is very little ability for the town to do anything other than encourage the county to listen to Ms. Conklin's concerns. Councilmember Gascon, who works for the Livingston County Water & Sewer Authority, stated that he has dug hundreds of holes around East Lake Road, and there are many places where private people have placed pipes. He has even seen homes built on top of pipes and creeks.

Attorney Campbell offered to put something in writing to Ms. Conklin that he has researched the records and made a determination that the Town did not place the pipe, if the board wishes him to do so, and if it would be helpful for Ms. Conklin. The Board was in agreement. Supervisor Gott wrote down the county attorney's name and number and gave them to Mrs. Conklin.

Community Choice Aggregation Energy Program

Bill Green shared with the Board information about an Energy program offered by the state to help people lower their energy costs through municipal bidding. Supervisor Gott asked Attorney Campbell to look over the information and report back to the Board at a later date.

PUBLIC HEARINGS

Supervisor Gott gave everyone another opportunity to speak on the public hearings.

A resident asked to have a couple of line items explained, which Supervisor Gott did.

Councilmember English shared that is glad we could get a flat budget again. Supervisor Gott mentioned that there is a potential for a 14% increase in health care costs.

CLOSE PUBLIC HEARINGS

With everyone who wished to be heard having been heard, Supervisor Gott declared both

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Public Hearings closed at 9:03 PM.

RESOLUTION 131-2016

ADOPT BUDGET

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

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

Resolved to adopt the 2017 budget (see attached).

RESOLUTION 132-2016

AUDIT OF CLAIMS

On motion of Councilmember Grouse seconded by Councilmember Gascon on the following resolution was

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

Resolved to pay claims 763 to 806 in the amount of \$49,648.44 from the Abstract dated 10/20/2016.

RESOLUTION 133-2016

EXECUTIVE SESSION

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

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

Resolved to enter into Executive Session at 9:05 PM with Attorney Campbell regarding contract negotiations.

RESOLUTION 134-2016

COME OUT OF EXECUTIVE SESSION

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

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

Resolved to come out of Executive Session at 9:31 PM.

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RESOLUTION 135-2016

HIRE JASON SEELEY

On motion of Councilmember Grouse seconded by Councilmember Gascon on the following resolution was

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

Resolved to hire Jason Seeley to build the educational building at Vitale Park for \$33,000.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember English the meeting was adjourned at 9:33 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, Town Clerk