

REGULAR MEETING, TOWN OF LIVONIA
November 1, 2018

A regular 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 Street, Livonia, NY on November 1, 2018.

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. Councilmember Seelos led the pledge.

OPEN SESSION / PRIVILEGE OF THE FLOOR

Historian Betty Miles informed the board that on Saturday, November 10, from 2-4 PM there is going to be an Open House at the American Legion for the local veterans. She will have snack foods and a cake to celebrate the Marine Corps' birthday.

RESOLUTION 153 - 2018

APPROVE MINUTES

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

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

Resolved to approve the minutes from October 18, 2018.

TOWN CLERK'S UPDATES

Clerk Hay reported that the bank statements are not available yet, so she will give the financial report at the next board meeting.

She also informed the board that the County will no longer be offering the Access program or the online program for Town and County tax payments. They decided to contract with BAS for the iTax program. By doing this county-wide, there will be substantial savings for Towns and the County.

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Clerk Hay mentioned that she received a call from the NYS Department of Health, and they told her that the Village and Town Vital Records Registration Districts were consolidated in 1954. Therefore, no further resolutions are needed. The change will begin to be implemented starting November 1, 2018.

RESOLUTION 154 - 2018

EXTENDING JOINT SERVICES AGREEMENT FOR MACHINERY, TOOLS, EQUIPMENT AND SERVICES SHARING ACCESS

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

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

WHEREAS, New York State Highway Law Sec. 133-a authorizes the Town to enter into agreements to permit the use of County-owned machinery, tools or equipment by other municipal corporations, and

WHEREAS, it would be in the Town's interest to enter into such an agreement with the County, now, therefore, be it

RESOLVED, that the Supervisor of the Town of Livonia is hereby authorized to sign the extension of the joint services agreement with the County (originally for the term of January 1, 2017 through December 31, 2017 with the option to renew for up to five (5) additional one-year terms through December 31, 2022) for a term of one year commencing January 1, 2019 and terminating December 31, 2019.

ZONING UPDATES

Supervisor Gott asked Attorney Campbell to update the Board on his research into the zoning issues that were discussed at previous meetings.

Waterfront Development District

Attorney Campbell reviewed the current Town Code and Zoning map in relation to the Waterfront Development District (WDD). The current Code does not permit residential use in the WDD. Any current residences in the WDD are considered pre-existing, non-conforming. He thinks the Town Board could change that without having to do a comprehensive plan study. If the Town Board is inclined to change that back to a permitted use, it can be done with a local law.

Councilmember English remarked that the Town Board has not elected to purchase any residential properties in the WDD since the Comprehensive Plan was adopted. He is glad that residential use can be added to the WDD. If it is the Board's pleasure, Attorney

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Campbell stated, he will draft proposed legislation and submit it to the board for review. Then it must go to the County Planning Board for review. Before it can be adopted, a Public Hearing and SEQR review is required.

RESOLUTION 155-2018

DIRECT ATTORNEY TO DRAFT LOCAL LAW TO ADD RESIDENTIAL USE TO THE WATERFRONT DEVELOPMENT DISTRICT AS A PERMITTED USE

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 direct Attorney Campbell to draft a local law to add residential use as a permitted use to the Waterfront Development District.

Bruckel's Property

Attorney Campbell shared that he looked at the Town Code and Zoning Map in regards to Bruckel's property (the old airport). He reminded everyone that the Bruckels came to the last meeting to inform the Town Board about a project they wanted to propose, which included an event venue, grape vineyard and villas to rent. The Bruckels cannot currently develop the property the way they hoped because it is not compatible with the current zoning of the property. Attorney Campbell informed the Board that if they want to facilitate the development of the Bruckel's property, the Board would need to change the classification of the property. This could be done by changing the boundaries of the adjacent Gateway Commercial district to include this property. Even with the zoning change, the project would still need to go before the Planning Board for site plan approval, etc. He added that if the Board decides to handle it this way, there will still need to be tweaks to the Gateway Commercial district to allow the vineyard (agricultural) use and the villas.

Councilmember English wanted to know if the Board could ask the Bruckels for a 5-10 year concept. Attorney Campbell thought that it made sense to get an idea of their vision for legislative planning purposes. Supervisor Gott would like the Board members to look at the current Gateway Commercial regulations. He will email those to the Board to review before we move forward. Supervisor Gott asked if the Bruckels could work with the Building & Zoning Department on the planning stages at the same time that we consider these changes. Attorney Campbell answered yes, they can at their own risk.

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RESOLUTION 156-2018

**DIRECT ATTORNEY TO DRAFT LOCAL LAW TO ADD BRUCKEL'S
PROPERTY TO GATEWAY COMMERCIAL AND TO MAKE
MODIFICATIONS TO THE GATEWAY COMMERCIAL DISTRICT**

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 direct Attorney Campbell to draft a local law to modify the boundaries of the Gateway Commercial District to include Bruckel's property and to make modifications to the allowed uses in the Gateway Commercial District.

DISCUSSION REGARDING SHOVELING/SALTING OF TOWN PROPERTIES

Supervisor Gott reported that he received two calls in response to the ad for someone to shovel and salt Town properties but it ended up that both calls were for the same person. The person is between jobs and looking for work. Extreme Lawncare saw the ad and left a quote with the Town Clerk. They dropped the price significantly from last year, and quoted \$60 per trip for the Town Hall and \$65 per trip for the Library. Last year, it was \$75 and \$95 respectively. If the Town Board goes with Extreme Lawn Care, it could easily add up to \$2,500 for the winter. He asked the Board how they wanted to proceed.

A member of the audience asked if they are going to be using the concrete friendly material, because last year they used regular salt. Supervisor Gott remarked that they are supposed to be using the ice melt, not salt. The Board decided that Supervisor Gott should check with Library Manager Frank Sykes in the morning to see if he has someone in mind for the Library and if that person could do the Town Hall too. The Board will decide on what direction they want to go after Supervisor Gott talks to Mr. Sykes.

RESOLUTION 157 - 2018

AUDIT OF CLAIMS

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 pay claims 851-879 in the amount of \$21,382.58 from the Abstract dated 11/1/2018.

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RESOLUTION 158 - 2018

EXECUTIVE SESSION

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

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

Resolved to enter into Executive Session with Attorney Campbell at 7:27 PM to discuss the employment history of a particular person.

RESOLUTION 159 - 2018

RETURN TO REGULAR SESSION

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 return to Regular Session at 8:05 PM.

With no further business, on motion of Councilmember English seconded by Councilmember Seelos, the meeting was adjourned at 8:05 PM.

Respectfully Submitted,

Colleen West Hay, RMC, CMC
Town Clerk