

REGULAR MEETING, TOWN OF LIVONIA
November 21, 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 the Livonia Town Hall, 35 Commercial Street, Livonia on November 21, 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. Mya Morphy led the pledge.

PRIVILEGE OF THE FLOOR

Mya Morphy shared that she is a scout in Scouts BSA and is working on her Citizenship in the Community Merit Badge. She is here to take notes and observe.

Supervisor Gott shared that he received a letter from Judge Margaret Linsner stating that the court records are available for audit. He stated that the Town Board will audit the records, then the Town Board will need to pass a resolution noting that the records have been duly examined. The resolution and report will then be forwarded to the Office of Court Administration’s Internal Audit Services unit.

Supervisor Gott mentioned that the Livingston County Water & Sewer Authority (LCWSA) met Wednesday and they did adopt the sewer use agreement with the ten-year term. Attorney Campbell informed the board that the next step is for him to craft the local law regarding this.

RESOLUTION 155-2019

APPROVE MEETING MINUTES

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 meeting minutes from 11/7/2019.

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DISCUSS NEXT STEPS FOR REZONING ON WEST LAKE ROAD

Supervisor Gott reminded the board that the last time the Bruckels were here regarding rezoning property on West Lake Road, we asked that they visit our Planning Board, which they have done. He asked Attorney Campbell to give an update.

Attorney Campbell shared that Justin Bruckel and his engineer gave a presentation to the Planning Board regarding their proposed development, goals and what they would like to achieve. The Planning Board seemed to look favorably on the project, but they did cite concerns regarding noise, traffic, and lights. The Planning Board let them know what their expectations are, and they want to make sure that the process would include extensive opportunity for the public to give input. They are concerned that property owners, especially below and to the east, would be impacted. The Planning Board was not aware that Bruckels had met with some of the neighbors and had been well received. If the project does move forward, the planning process will involve extensive site plan review and multiple meetings, which are appropriate for a project of that scope.

Attorney Campbell stated that if the Town Board wishes to proceed with the rezoning, their next steps would be to instruct him to work on preparing the Local Law documents required to change the zoning boundary. The Bruckels will need to provide Attorney Campbell with additional information regarding property boundaries and address the Town Board's concerns regarding additional development of the property. Mechanisms will need to be put in place to prevent them from using the property for a hotel, etc.

Councilmember English asked what happens if we extend the zoning boundary to do what they want to do. Attorney Campbell advised that there is more comfort in limiting than being more expansive. We need to see what they are proposing in order to minimize the area to be rezoned. Councilmember English explained that he does not want to open up the entire parcel for development. Attorney Campbell responded that the Bruckels are receptive to that. They have the project where they want it to be now.

Councilmember Gascon asked if the Bruckels can start their project by spring. Attorney Campbell answered that if the Town Board authorizes him to go forward, we would be ready to send the local law change to the County Planning Board in January. The soonest the local law could be adopted would be February or March. The Bruckels would have to go through the local Planning Board process and could possibly do that contemporaneously with the local law process. The local Planning Board process could take a couple of months.

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RESOLUTION 156-2019

INSTRUCT ATTORNEY CAMPBELL TO DRAFT LOCAL LAW REGARDING ZONING CHANGE

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 instruct Attorney Campbell to draft a Local Law to change the boundaries of the Gateway Commercial Zoning District.

DISCUSS HEMLOCK SIDEWALKS

Supervisor Gott reminded the board that we re-bid the Hemlock sidewalks project. The first time we bid this out, there was only one bid and it was very high. This time, there were five bids ranging from \$522,500 to \$293,805. Clark Patterson Lee met with the lowest bidder. They agreed they would come down to \$225,000. They also agreed to a price of \$210,000 if the Town Highway Department does the topsoil and seeding. Supervisor Gott does not think Highway Superintendent Coty will do the topsoil and seeding. He added that there will likely be additional expenses for easements, etc. He explained that this is a DB project, and there is plenty of fund balance available. He asked the Board what they wanted to do.

The Board discussed the pros and cons of moving forward now versus waiting and concluded that prices will just continue to go up. Councilmember English remarked that the price is a big jump from what we were thinking.

RESOLUTION 157-2019

ACCEPT BID FOR HEMLOCK SIDEWALK PROJECT

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

ADOPTED Ayes - 4 (Gott, Gascon, Seelos, Dougherty)
 Nays – 1 (English)

Resolved to award the bid for the Hemlock Sidewalk Project at a price of \$225,000 if the Highway Department does not do the topsoil and seeding or \$210,000 if the Highway Department agrees to do the topsoil and seeding.

DISCUSS HIGHWAY TRUCK #1

Supervisor Gott reported that he spoke with Dave Coty regarding replacing the Highway Truck #1. The new truck will be a 2020 model, but it will not be available until January. The cost from Dansville Dodge will be Mr. Coty's truck as a trade-in, plus an additional

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\$9,500. This price does not include a new plow. The state bid price for a plow is \$6,500. It would cost \$9,500 if we got it elsewhere. Supervisor Gott added that Mr. Coty uses that truck day and night, and he thinks that is a good deal. Councilmember Gascon agreed.

RESOLUTION 158-2019

AUTHORIZE HIGHWAY SUPERINTENDENT TO ORDER A NEW TRUCK AND PLOW

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 authorize Highway Superintendent Dave Coty to order a new 2020 truck from Dansville Dodge to replace Highway Truck #1 at a price of \$9,500 plus trade-in; and further

Resolved to authorize Highway Superintendent Dave Coty to order a plow on state bid through Thru-Way Spring.

DISCUSSION REGARDING PERRY PET

Attorney Campbell recounted that he received a couple of communications over the last month from a representative for Perry Vet in Livonia Center. The current facility is located in the Mixed Use Hamlet zoning district. They are interested in adding services for large animals, but their current location cannot support an expansion. They want to stay in Livonia and have identified a property just to the east of St. Matthew Catholic Church. They want to purchase 5-7 acres and move over there. That parcel is zoned Neighborhood Residential and does not currently allow that type of use. Obtaining a use variance is not an option.

Attorney Campbell looked to see if zoning boundaries could be adjusted, but there is nothing contiguous. Attorney Campbell shared that in some communities, certain service-related professional offices are allowed in Neighborhood Residential, such as a vet, dentist or law office. These are not home occupations. If the board was willing to add that as a permitted use, that could be a mechanism to allow Perry Pet to do this. He explained that this is not spot zoning, but the Town would be saying that this is now a permitted use in all of the Neighborhood Residential District. He cautioned that making this change has the potential to result in a spate of vets or other offices springing up all over the residential area. He clarified that they are not talking about adding outdoor kennels, and the impact of this project will likely not be any different than where they are now. They do not want to house large animals, they just want to treat them.

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Supervisor Gott mentioned that he takes his horses to Cornell and it would be nice to have something more local. There is nothing in this neck of the woods. Attorney Campbell reported that this particular property is fairly open. But if we change the zoning, someone could make an application in a more densely populated residential area. Councilmember English stated that he would like to see exactly what they are thinking about doing.

Attorney Campbell shared that in the Town of York there were a couple of “zombie” properties, and there was one where a land surveyor wanted to open an office. This was not a home occupation, but a low intensity commercial use in a residential area. The Town of York added certain types of professional use as permitted uses in their Neighborhood Residential area.

Councilmember English asked when the Town is due for a comprehensive plan update. Supervisor Gott said now. Attorney Campbell urged the Town Board to think about the Town outside the Village. Supervisor Gott added that if it was just about Perry Pet, fine, but need to think about what the impact would be. The Town Board agreed that they want to keep them here, but that is a significant change. The Board also discussed two other parcels that may be an option. One was further to the east of the current location where a glass business used to be located, and the other was property owned by Frank West between the old Gibbs and Dollar General, and also back by the cell tower and beyond. With Wildbriar Drive, that area is now very accessible.

DISCUSS MAKING CHANGES TO DOG LICENSING LAW

Clerk Hay mentioned that Deputy Clerk Liesegang has asked if we could allow for 1-, 2-, or 3-year dog license renewals instead of only allowing people to renew for one year at a time. She is researching other towns that allow this and gathering information about the pros and cons. Residents have requested this and she thinks it would be a good idea to offer residents the choice. If we decide to make that change, it would have to be done by local law, and the renewal form would have to indicate that the fee is not refundable in if the dog dies before the license expires. In addition, the license cannot extend past the date of the rabies vaccination expiration.

Clerk Hay also talked about Deputy Clerk Liesegang’s idea to offer a dog license discount for senior citizens. Supervisor Gott shared that companionship is very important for the health and well-being of senior citizens, and he is in favor of anything that would make it easier for a senior citizen to have that companionship.

The Board looked favorably on the proposed changes and asked Clerk Hay to move forward with a proposal.

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PRIVILEGE OF THE FLOOR

Councilmember Dougherty announced that Assemblywoman Marjorie Byrnes would be visiting Livonia Public Library on Monday Dec 9th.

Councilmember Seelos revealed that it is the Town's turn to host the joint Village-Town meeting to appoint a Fire Commissioner, and he asked to do that at the next Town Board meeting on December 5. Supervisor Gott asked the Town Board if we could instead go to the Village Board meeting on December 11th to appoint a Fire Commissioner and to award bids for the surplus sheds at Vitale Park at the same time. Supervisor Gott added that Clerk Hay has advertised the sheds, and we will be opening bids on the 11th. Otherwise, the Town Board would have to wait until the first meeting in January to award bids. Councilmember Seelos might not be able to attend the Village Board Meeting, but he said he is okay with having the joint meeting at the Village meeting on the 11th if that works for everyone else.

RESOLUTION 159-2019

SET SPECIAL TOWN BOARD MEETING

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 set a special meeting on December 11, 2019 at 7 PM at the Village Hall for the purpose of appointing a Fire Commissioner to the Livonia Joint Fire District, awarding bids for the surplus sheds, and any other business that may come before the Board.

Councilmember English reported that we have not gotten anywhere regarding the stain on the new shed. We still have not paid the balance due. He thinks that the company might tell us to just go ahead and deal with it ourselves. Park Manager Mo Watson said it is not a big deal if we have to stain it.

RESOLUTION 160-2019

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 932-970 in the amount of \$167,876.50 from the Abstract dated November 7, 2019.

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RESOLUTION 161-2019

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 at 7:43 PM with Attorney Campbell to discuss the employment history of specific individual.

RESOLUTION 162-2019

EXECUTIVE SESSION

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

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

Resolved to return to Regular Session at 8:01 PM.

With no further business, on a motion of Councilmember Seelos seconded by Councilmember English the meeting was adjourned at 8:01 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, RMC, CMC
Town Clerk