

REGULAR MEETING, TOWN OF LIVONIA
February 15, 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 Livonia Town Hall, 35 Commercial Street, Livonia on February 15, 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.
A veteran from the audience led the pledge.

PUBLIC HEARING – LOCAL LAW #2-2018 – COLD WAR VETERAN’S EXEMPTION

Attorney Campbell explained the background on this proposed local law: In 2006/2007, most municipalities in Livingston County passed a local law to allow for the partial exemption of real property taxes for certain veterans as authorized by Real Property Tax Law Section 458-b. That statute stated that the exemption would be available for a period of 10 years, which means that it expired in 2017. We need to take action to preserve this exemption by adopting a local law before the end of February in order to make the cutoff for taxable status.

Attorney Campbell added that the version he prepared and was introduced in January didn’t make specific reference to the 10 years in the future. The County recommends specifically waiving the 10 year limit. He encouraged the Town Board to take action tonight because of the timing. There is almost no difference between the two versions.

Supervisor Gott declared the Public Hearing open at 7:04 PM.

Following the distribution of the proposed local law to the Town Board members on January 15, 2018, Notice of said Public Hearing was duly published in the Livingston County News on February 1, 2018, with same being posted on same date at the Town Hall, Livonia Post Office and municipal web site.

Clerk Hay read the Notice of Hearing for the record.

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Supervisor Gott asked for comment.

A veteran spoke in favor of the proposed law. He would like us to do the same as the county did by doing away with the 10 year limit. He stated that there are many older veterans who subsist only on Social Security, and this exemption would be a big help to them. Anything that could be done to help veterans would be appreciated.

A resident asked what the service dates were in order for a veteran to qualify. Attorney Campbell checked and verified that the service dates listed in Real Property Tax Law Section 458-b are September 2, 1945 to December 26, 1991.

Supervisor Gott added that this Town Board has always been supportive of veterans. He thinks we should go with the never ending version. The Board members agreed.

The Public Hearing was kept open in case there were additional comments.

OPEN SESSION / PRIVILEGE OF THE FLOOR

Educational Opportunities

A resident announced upcoming educational opportunities:

- February 28, 2018 at 6:30 PM at the Chip Holt Nature Center, Vitale Park regarding terrestrial invasive species. Everyone in the community is invited.
- March 3, 2018 from 9 AM - 4 PM at the Livingston County Highway Department conference room regarding storm water management. Training is open to the public but specifically geared toward members of Town Boards, Zoning Boards, Planning Boards, and Code Enforcement Officers. The class will provide 7 hours of Continuing Education Units (CEUs). Hook & Spoon will donate lunches, and the cost is free.
- March 15, 2018 at 6:30 PM at the Chip Holt Nature Center, Vitale Park geared toward anyone who lives in a flood plain, primarily Flood Plain A.

Snow Blower Replaced at Vitale Park

Councilmember English reported that the snow blower at Vitale Park is broken. He thanked the board for their support in getting a new one. We purchased the new one from C&B Equipment for under \$1,500. They have been very good to us – delivering the snow blower the next day and being willing to wait for payment.

Fund Balance Update

Supervisor Gott gave a Fund Balance update.

- We have added to Fund Balance again this year in the General Fund, and the B Fund (Code Enforcement).

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- The DB Fund went up. Highway Superintendent Dave Coty and his crew worked non-stop for the county this year, which created a lot of revenue.

Supervisor Gott thanked the Town Board, department heads and employees for their work.

Request to Photograph Milky Way from Hemlock Lake Park

Supervisor Gott reported that he received a request from Western New York Photowalkers for permission to access Hemlock Lake Park at night to photograph the Milky Way. They have done this in the past, but they always ask first. Board members indicated that they have no issue with it.

Coffee with the County

Supervisor Gott announced that everyone in our community is invited to attend “Coffee with the County” at the Livonia Public Library March 5 at 10 AM. County Administrator Ian Coyle has asked for residents to come and talk about what is on their minds. Supervisor Gott encourages everyone to attend.

Accidents at Route 15A and Big Tree Rd

A resident mentioned that there are a lot of serious accidents at the intersection of Route 15A and Big Tree Road in Hemlock. He feels that it has to do with the speed limit and wondered if anything could be done about it. Supervisor Gott answered that if it is okay with the Town Board, he will take it to the Traffic Safety Committee and have them take a look at it.

RESOLUTION 27-2018

INSTALL FOUR-WAY STOP AT PENNEMITE AND VANZANDT ROADS

Supervisor Gott shared that a recent change to the law now gives the authority to towns to determine if a four-way stop should be placed at the intersection of two town roads. That means that the Town Board can order that a four-way stop be installed at the intersection of Pennemite and VanZandt Roads. He added that this change only applies to the intersection of two town roads, not a town road with a county road, or a town road with a state road.

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 change the intersection of Pennemite and VanZandt Roads to a four-way stop.

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Name Badges

Supervisor Gott shared that he reached out to the Sheriff's office, and they will help us out with name badges. He asked Clerk Hay to work with Stephanie at the Sheriff's Office to obtain name badges for everyone.

Essential Employee Permits

Councilmember Gascon asked if the Highway Department has "Essential Employee Permits," which would allow them to legally be on the roads if needed when the roads are closed. Supervisor Gott said not at this point, but he asked Attorney Campbell to look into it.

Automatic Doors for Town Hall

Supervisor Gott reported that he had a hard time locating a company in the area that installs automatic doors. He finally found Access Doors and Ramps. He received an estimate of \$5,000 to do one door on the outside and one on the inside with a push button. Building and Zoning Director Adam Backus found another company, and Supervisor Gott is waiting to hear back from them. He will also try to find out who installed the automatic door on the post office and ask for a price from them. Mr. Backus suggested that the automatic door be installed on "Door 4," because the automatic openers make it more difficult to open the door manually. Door 4 is the "out" door at the entrance by the Town Clerk's Office. Supervisor Gott will also ask if a button could be installed in the Town Clerk's office, so she can press it if someone is having difficulty.

Parking Lot Drainage Issues at Vitale Park/Sidewalk Engineering

Supervisor Gott shared that he would like ask Clark Patterson for suggestions for addressing the parking lot drainage issues at Vitale Park. He added that he would also like guidance on engineering work for sidewalks. He asked the board if they wanted to address Hemlock (East side of 15A heading toward Graywood) or Lakeville (from the firehouse to Leisure's) this year. He would like to have one project engineered this summer. Councilmember English remarked that he thinks Lakeville has a lot more traffic flow. Supervisor Gott agreed, but added the he doesn't want Hemlock to think we are slighting them either. He asked the Town Board to think about it and let him know.

Water Surveys for Pennemite/Cleary Roads and South Lima/Bronson Hill Roads

Supervisor Gott shared that there are places in Livonia in dire need of water. The Town has worked with Livingston County Water & Sewer Authority (LCWSA) a couple of times in the past, but the income studies have not worked. He would like to survey both areas again, because things can change. The Board was in favor.

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RESOLUTION 28-2018

APPROVE MEETING MINUTES FROM 2/1/2018

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 approve the meeting minutes from February 1, 2018.

TOWN CLERK’S REPORT – JANUARY 2018

Clerk Hay gave the following financial report for January 2018:

Paid to Supervisor for the General Fund	\$2,522.03
Paid to County Treasurer for Dog Licenses	\$353.50
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	\$0
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$148.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$172.92
State Health Department (marriage licenses)	\$22.50
TOTAL DISBURSEMENTS	\$3,218.95

TAX COLLECTION REPORT – JANUARY 2018

Total Taxes Collected	\$6,546,841.33	
Total Penalty Collected (2/1-2/6)	\$93.63	
Total Dup/Overpayments	\$33,177.38	
TOTAL		\$6,580,112.34
Total Refunded Dup/Overpayments	\$33,154.97	
Disbursements to Supervisor	\$3,069,014.00	
Disbursements to County	\$1,500,000.00	
TOTAL		\$4,602,168.97
Bank Balance 1/31/18		\$1,977,943.37
Bank Balance as of 2/6/18 (includes beginning balance and deposits 2/1-2/6)		\$1,978,122.67

Updates:

- Earth Day Awards: Nomination forms are on the table, and information is on our web site.
- Tax Update: The refund of duplicate/overpayments is high because several people who had their taxes in escrow paid their taxes on December 31, due to the last minute changes to the 2018 tax code. Escrow companies then paid the taxes in January and Clerk Hay had to make several refunds. A few people overpaid by

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amounts less than \$1, which are not refunded. This is why the total overpayments do not exactly match the total refunded.

- Hurricane’s Quote Regarding Cyber Security: Clerk Hay asked how the board wanted to proceed with the quote from Hurricane. She suggested signing up for the Gold Plan (\$5,000 retainer) in order to get the reduced hourly rate. She stated that if we were to complete all the work in the plan, the hourly cost alone would be slightly more than \$5,000. Supervisor Gott stated that he thought the cost would be \$5,000 including the purchase of equipment. Attorney Campbell said that we should ask Hurricane if they would allow us to use any balance from the retainer to purchase equipment. Supervisor Gott asked Clerk Hay to see what she could work out with Hurricane.
- Workplace Violence: Most staff have received training. Clerk Hay is still receiving some self-verification forms. She has gone through the Evaluation of Physical Environment Forms and is in the process of updating the Identified Risks and Mitigation forms with help from staff.
- Records Management:
 - Deputy Clerk Liesegang has entered 45 years of Town Board minutes in Laserfiche.
 - Karen Sweeting, Town Clerk in Sweden, is coming to see our records management program on February 22. This will be the 4th clerk to do so.
- Change in Town Clerk Office Hours: Clerk Hay reported that she has decided to close the Town Clerk window at 3:30 on the first and second Tuesday of the month. The reason for this is that the court has changed their start time to 4 PM. With the number of people who come and wait in the foyer area, she cannot hear on the phone or concentrate to get her work done. She has asked to have the deputy stationed in the foyer area to keep people quiet and to sign them in before court starts, but the deputies feel that their job is to be in the courtroom. In addition, nearly everyone that comes in for court comes to the Town Clerk window to ask court related questions and gets upset when Clerk Hay can’t answer them. Kolleen has posted signs, but no one reads them. Dawn Woodburn remarked that she can hear the people all the way down to her office. Supervisor Gott said he would talk to the judges about it.

RESOLUTION 29-2018

ACCEPT TOWN CLERK REPORT

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 accept the January 2018 Town Clerk Report.

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RESOLUTION 30-2018

ACCEPT TAX COLLECTION REPORT

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 accept the January 2018 Tax Collection Report.

DISCUSS ANNUAL CONTRACT WITH CORNELL COOPERATIVE EXTENSION

Supervisor Gott indicated that he is not prepared to make a decision tonight regarding the contract with Cornell Cooperative Extension, therefore the matter was tabled.

RESOLUTION 31-2018

AUTHORIZE PURCHASE OF HIGHWAY DEPARTMENT 10-WHEEL TRUCK

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 piggyback off the Oneida County bid and approve the purchase of the Peterbilt truck in the amount of \$130,915.00 along with the Tenco equipment at a cost of \$71,988.31.

DISCUSS TOWN BULK CLEAN-UP EVENT

Supervisor Gott indicated that we are not prepared to set date for the Bulk Clean-up yet, but we do have Benson Roll-off Service operating in Livonia, and they are interested in providing pricing. Shanks has done a great job every year, but Supervisor Gott thinks we should get pricing from both. In the past, Shanks has charged \$2,500-\$2,800 for 4 men and all the dumpsters. He thinks we should get prices from both and set date at next meeting. Councilmember English remarked that Shanks knows how we work. He asked Supervisor Gott to make sure that the pricing he gets from Benson is for the same service that Shanks provides.

RESOLUTION 32-2018

BUDGET AMENDMENT – LIBRARY FUND

Per Bookkeeper Mike Lawton, there were additional purchases (e.g. A/V equipment, six HP computers) related to the library building project, but not charged to the Capital Fund which caused the Contractual account to go over budget. To help offset these costs, there

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was an additional donation as well as an increase in aid from the Pioneer Library System. The final balance of the General Reserve (raised through private donations) should be closed to fund the Capital Interfund transfer.

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

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

Resolved to increase the Library Fund budget in the amount of \$102,400

L510/Estimated Revenues	11,500	
L2760/System Grants	6,500	
L2705/Gifts & Donations	5,000	
L511/Appropriated Reserves	90,900	
L960/Appropriations		102,400
L9950.9/Capital Fund Transfers	90,900	
L7410.4/Contractual Expend.	11,500	

RESOLUTION 33-2018

BUDGET AMENDMENT – GENERAL FUND

Per Bookkeeper Mike Lawton, a resolution is needed to fund equipment purchases and continued construction of the new CLA building at Vitale Park by increasing the General Fund (A) budget in the amount of \$50,000.

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

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

Resolved to increase the General Fund (A) budget in the amount of \$50,000

A599/Appropriated Fund Balance	50,000	
A960/Appropriations		50,000
A7110.2/Park Improvements	50,000	

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RESOLUTION 34-2018

INTERFUND TRANSFERS

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 approve the transfer of \$90,900 from the Library Fund to the Capital Projects Fund.

PUBLIC HEARING COMMENTS

Supervisor Gott asked if there were any further comments regarding the proposed local law. Councilmember Seelos remarked that he thinks the exemption should be approved without limit.

With everyone who wished to be heard having been heard, Supervisor Gott closed the Public Hearing at 7:53 PM.

RESOLUTION 35-2018

ADOPT LOCAL LAW #2-2018 - COLD WAR VETERAN'S EXEMPTION

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

ADOPTED by ROLL CALL VOTE
Supervisor Gott - Aye
Councilmember Seelos - Aye
Councilmember English - Aye
Councilmember Dougherty – Aye
Councilmember Gascon – Aye

Resolved to adopt Local Law #2-2018 as follows:

A LOCAL LAW PROVIDING A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES TO COLD WAR VETERANS.

Be it enacted by the Town Board of the Town of Livonia as follows:

Section 1.

This local law is adopted pursuant to the authorization granted by Real Property Tax Law §458-b. All definitions, terms and conditions of such statute shall apply to this local law.

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Section 2.

Qualifying residential real property owned by a Cold War Veteran, or other qualified owner, shall be entitled to a partial exemption from taxation to the extent of fifteen per cent (15%) of the assessed valuation, not to exceed \$12,000.00 or the product of \$12,000.00 multiplied by the latest State equalization rate. Additionally, where the Cold War Veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent (50%) of the Cold War Veteran disability rating, not to exceed Forty Thousand Dollars or the product of Forty Thousand Dollars multiplied by the latest State equalization rate.

Any other Local Law, ordinance or resolution inconsistent herewith is hereby repealed. This Local Law expressly repeals and replaces any prior local law adopted by this Board establishing such exemption.

Section 3.

Pursuant to subsection 2(c)(iii) of §458-b of the NYS Real Property Tax Law, the exemption authorized shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to the ten year limitation otherwise stated therein.

Any other Local Law, ordinance or resolution inconsistent herewith is hereby repealed. This Local Law expressly repeals and replaces any prior local law adopted by this Board establishing such exemption.

Section 4.

This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State and be effective with the 2018 assessment roll.

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RESOLUTION 36-2018

AUDIT OF CLAIMS

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

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

Resolved to pay claims 116-186 in the amount of \$70,737.44 from the Abstract dated 2/15/2018.

RESOLUTION 37-2018

AUTHORIZE CLERK HAY TO MOVE FORWARD WITH THE RECOMMENDATIONS MADE BY HURRICANE TECHNOLOGIES

Regarding the proposal from Hurricane Technologies, Supervisor Gott stated that we need some new equipment and there will be some ongoing costs. He thinks about \$5,000 will probably do it all. The costs will be split amongst various accounts and departments. He recommends we do it because he thinks we are at risk right now. The work was not budgeted, but we have strong fund balances and contingency funds.

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

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

Resolved to authorize Clerk Hay to move forward with the recommendations made by Hurricane Technologies in their proposal. Further resolved that Clerk Hay should email the board with what she is able to negotiate.

With no further business, on motion of Councilmember Gascon seconded by Councilmember Seelos, the meeting was adjourned at 8:02 PM.

Respectfully Submitted,

Colleen West Hay, RMC
Town Clerk