

REGULAR MEETING, TOWN OF LIVONIA
February 5, 2015

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 5, 2015.

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: Building & 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

“Wilkins Tract Association Docking” Question

Christopher Cowell addressed the board with questions about the dock law. He wanted to know who could use the parcel referred to in the dock law as used by the Wilkins Tract Association Docking.

Supervisor Gott and Attorney Campbell gave some background on the situation. When the dock law was written, certain parcels were exempted from the law and considered “grandfathered in.” One of those parcels identified in the law is called “Wilkins Tract Association Docking.” This parcel is referred to that way because a group of people who lived in that vicinity and believed that they had rights to use that parcel called themselves that.

Attorney Campbell explained that the law was written with single family homes in mind. Certain parcels did not meet that criteria, and the intent of the law was to not restrict those parcels. As far as the Wilkins Tract Association Docking goes, we could not determine who had rights to that parcel. In order to determine that, we would have had to research all the deeds in that area and then interpret them, which is not something that the town can do.

Attorney Campbell added that he is the attorney for the Town of Livonia, and as such, it would be a conflict of interest for him to advise Mr. Cowell as to what rights he may or may not have regarding that parcel. In order to give a legal opinion, an attorney would have to look at a specific person’s rights as they relate to the specific situation. If Mr. Cowell engaged the services of an attorney, then Mr. Campbell would be willing to speak to that attorney. Mr. Campbell again stated that it would not be appropriate for him to advise Mr. Cowell.

Mr. Campbell conceded that there are problems with that parcel, but it is not the Town Board’s job to sort it out, nor would it be appropriate for them to do so. Supervisor Gott mentioned that he

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wanted to be clear that Attorney Campbell is not saying that any specific person has rights regarding that parcel.

Kwik Fill

A resident asked what the status is of the Kwik Fill property in Lakeville. Supervisor Gott answered that they have a demolition permit to take down the building that was damaged when it was hit by a truck. The Department of Environmental Conservation is involved regarding the buried tanks. Kwik Fill is still looking at what their options might be and have not come back to the town with a proposal for re-building.

DISCUSSION REGARDING REQUEST FOR BUILDING PERMIT RENEWAL

Sam Benigni requested a renewal for his Building Permit for the home he is building at 3436 Plank Road, Hemlock. The Building Permit has been renewed to the point that it must come before the town board before it can be renewed again. Mr. Benigni informed the board that the problem has been getting the septic system in. The septic system cost him \$40,000.

According to the fee schedule, the board can approve the renewing of the permit, and the scheduled fee would be double the original fee. In this case, that would be \$446 times two, or \$892. The board has the ability to lower that fee, on a case by case basis. Supervisor Gott talked with Attorney Campbell and Building & Zoning Director Adam Backus about this, and he recommends renewing the permit at a cost of \$225.

Mr. Backus remarked that for three years, Mr. Benigni has been paying full taxes on a home that he cannot live in. Councilmember Seelos asked if the permit could be extended to July 1. Mr. Backus replied that this is a request for a renewal, not an extension. A renewal would be for one year. He added that the health department permit is good through December. They are just waiting for the weather to cooperate so that the septic system can be finished and inspected.

RESOLUTION 15-2015

APPROVE RENEWAL OF BUILDING PERMIT FOR MR. BENIGNI

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

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

Resolved to approve renewing Mr. Benigni's building permit for 3436 Plank Rd., Hemlock at a cost of \$225.

BUILDING & ZONING 2014 ANNUAL REPORT

Building & Zoning Director Adam Backus gave the following 2014 Annual Report:

- Livonia Joint Zoning Board of Appeals Cases – 30 total
- Livonia Joint Planning Board Cases – 15 total
- Building Permits Issued – 176 total
- Certificates of Occupancy Issued – 10 total
- Certificates of Compliance Issued – 102 total

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- Violations – 78 total

Mr. Backus shared that he is working on providing a more comprehensive report next year. He shared that the above numbers do not present an accurate picture of what he does on a day-to-day basis. He added that Planning and Zoning take up a lot of his time, while a building permit is one of the easiest things to do.

Attorney Campbell remarked that he has been working with Mr. Backus on a number of things and he thinks Mr. Backus is doing a spectacular job.

Supervisor Gott added that it is a pleasure working with Mr. Backus and his clerk, Jeanne Brown. He gave an example of how he personally interacted with the Building & Zoning Department recently. There was a carbon monoxide scare on one of the properties that Supervisor Gott owns. No one was hurt and it ended up not being a carbon monoxide situation. However, Supervisor Gott was impressed with how Mr. Backus handled the situation and how he interacted with the Fire Departments and contractors.

Dawn Woodburn, Assessor Clerk, mentioned that it is a pleasure to work with both Mr. Backus and Ms. Brown. They are quick to answer any questions that the Assessor's Office has.

Mr. Backus revealed that he is falling behind on fire inspections. Ms. Brown is working to develop a system to help him stay on track. Supervisor Gott clarified that we recently decided to conform with the New York State Fire Code regarding fire inspections. When we had more staff in that department, we went above and beyond what is required according to the NYS Fire Code. Supervisor Gott asked Mr. Backus to keep the board up to speed on this issue.

Councilmember Grouse informed the board that Ms. Brown may be out of the office for a period of time. She asked if any extra staffing had been discussed. Supervisor Gott replied that he and Mr. Backus have already talked about a specific individual that might be able to help out. They will be talking about this more.

RESOLUTION 16-2015

APPROVE MEETING MINUTES FROM 1/15/15

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

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

Resolved to approve the meeting minutes from January 15, 2015.

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RESOLUTION 17-2015

APPROVE MEETING MINUTES FROM 1/18/15

Supervisor Gott recounted that the Town Board attended the Village Board meeting on January 18 to appoint a Fire Commissioner for the Livonia Joint Fire District. Supervisor Gott took minutes of the Town Board portion of the meeting.

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

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

Resolved to approve the meeting minutes from January 18, 2015.

RESOLUTION 18-2015

APPROVE AIS DISPOSAL SITE FOR VITALE PARK

Supervisor Gott suggested approving the placement of an AIS Disposal site in the parking lot near the basketball court at Vitale Park. People who launch kayaks and canoes tend to enter the outlet near there, so it makes sense. The AIS Disposal is a place where people can dispose of vegetative matter that they have cleaned off their watercraft. The hope is to prevent the spread of invasive species. Gene Bolster commented that they are hoping to install them near Memorial Day.

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

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

Resolved to approve the placement of an AIS Disposal at Vitale Park.

TOWN CLERK’S REPORT – JANUARY 2015

Clerk Hay gave the following financial report for January 2015:

<i>Paid To</i>	<i>Amount Remitted</i>
Supervisor (General Fund)	\$2,019.79
NYS Comptroller’s Office (Bingo and Games of Chance)	\$0
County Treasurer for Dog Licenses	\$199.50
NYS Ag & Mkts for Spay/neuter Program	\$69.00
NYS DECALS	\$427.78
State Health Department (Marriage Licenses)	\$45.00
Total Disbursements	\$2,761.07

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Five Star Bank Lockbox Service for Tax Collection

Clerk Hay mentioned that she has had some issues with the Five Star Bank Lockbox service for tax collection. She has been trying to work with Five Star to try correct these issues, but they continue be a problem.

One of the reasons that she had decided to use Five Star Bank Lockbox Services was so that she could ensure that payments would be deposited in a timely fashion. However, it is taking 4-5 days after the bank receives the payments before the payments are deposited. It then takes 4-5 days after that before she receives the back-up documentation in the mail.

This is of special concern near the end of the month. If someone makes a mistake such as underpaying, by the time the bank gets the information back to her, we are in the penalty period. She feels that if the information is coming directly to her, taxpayer mistakes can be addressed in a more timely fashion, and hopefully before the taxpayer incurs a penalty.

In order to collect taxes at the Town Hall in 2015, Clerk Hay estimates that she will need a part-time, temporary person for about 80 hours total to help with opening mail and mailing receipts.

Supervisor Gott explained that he and Clerk Hay have spoken about the issue, and he is in support of collecting taxes at the Town Hall, if that is what Clerk Hay thinks is best. He also wants to make some changes to the Town Hall to safeguard all employees' safety, whether or not changes are made to tax collection. He has spoken to the Livingston County Sheriff, and the Sheriff is willing to look at safety issues.

Code Enforcement Office Adam Backus concurred that the need is there. He described times when he has had to stand guard near the Assessor's Office because of people's aggressive behavior.

RESOLUTION 19-2015

APPROVE TOWN CLERK'S REPORT

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 January 2015 Town Clerk's Report.

RESOLUTION 20-2015

SET DATE AND REFUSE SERVICE FOR BULK CLEAN-UP DAY

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

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

Resolved to set the date for the Annual Bulk Clean-up for Saturday, June 6 and to use Shanks

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again as the refuse vendor.

CORNELL COOPERATIVE EXTENSION TRANSFER

Councilmember Grouse asked if the \$3,500 transfer to Cornell Cooperative Extension (CCE) happened last year. Supervisor Gott will check, but he said that CCE would have had to submit a voucher for payment. If they did not submit a voucher, then they would not have been paid.

RESOLUTION 21-2015

BUDGET AMENDMENTS

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

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

WHEREAS, the Town of Livonia received state aid totaling \$107,137 and disbursed the same to the Livingston County Planning Dept. for Phases I & II of the Streambank Remediation Project, and

WHEREAS, the board also authorized (resolution dated 2/5/2015) an interfund transfer in the amount of \$25,000 to the Library fund for its Building Project reserve, now be it therefore

RESOLVED to increase the General Fund (A) budget in the amount of \$132,137:

A3989 State Aid - \$107,137
A599 Appropriated Fund Balance - \$25,000
A8745.41 Flood & Erosion Control - \$107,137
A9901.9 Transfers To Other Funds - \$25,000

And further,

WHEREAS, the Town of Livonia received additional NYS (C.H.I.P.S) aid for winter storm recovery in the amount of \$14,095.00, now be it therefore

RESOLVED to increase the Highway Fund (DB) budget in the amount of \$14,095.00
DB3510-State Aide/DB5112.2-Highway Improvements

And further,

WHEREAS, Expenditures (asbestos survey & architect fees) totaling \$30,486.50 were made for the Library building expansion & renovation project, and including the I/F transfer referenced above, the ending balance (12/31/14) in the reserve account will be \$73,995, and

WHEREAS, The Library received an insurance check from NYMIR in the amount of \$6,278 as a result of damages/cleanup costs following heavy rains during the month of May, now be it therefore

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RESOLVED to increase the Library Fund budget in the amount of \$36,765;

L511/Appropriated Reserves \$30,487
L2680/Insurance Recoveries \$6,278
L7410.4/Contractual Expenditures \$6,278
L9950.9/Capital Fund Transfers \$30,487

FUND BALANCE REPORT

Supervisor Gott gave a report on the fund balances.

- Despite appropriating \$131,000 in fund balance in the A Fund in 2014, this fund balance increased by \$135,000. What we might do is approve a loan to the Hemlock Sewer District to pay off their debt, which would save them some interest.
- The B Fund balance increased by about \$12,000.
- The DA Fund balance increased by about \$150,000.
- The DB fund balance decreased by about \$100,000.
- The library fund balance increased by about \$10,000.

VITALE PARK BREAKWALL

Supervisor Gott also mentioned that the breakwall work that was done at Vitale Park was nearly all paid for in 2014, so the amount budgeted in 2015 will not all be spent. The project came in well under budget. He thanked Highway Superintendent Dave Coty and Steve Morsch and their crews for doing a nice job.

STREAMBANK WORK

The first streambank that will be worked on in 2015 will be the one by Shoreless Acres in June. Three total streambanks are scheduled to be done by the end of September.

RESOLUTION 22-2015

APPOINT GREG MAYO AS SUBSTITUTE RECREATION AIDE

Councilmember Grouse shared that Craig Emmerling would like to have a substitute recreation aide so that they can have enough staff if someone calls in sick or needs a day off. The substitute would not add any additional hours, they would only work if a scheduled employee cannot work.

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

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

Resolved to appoint Greg Mayo as a substitute recreation aide at a rate of pay of \$8.75 an hour effective 2/5/2015.

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RESOLUTION 23-2015

RENEW MOU WITH CORNELL COOPERATIVE EXTENSION

Councilmember Grouse stated that Cornell Cooperative Extension is asking to renew the Memorandum of Understanding for a cost of \$3,500 for the year. The contract has not changed and the cost has not changed.

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

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

Resolved to approve the 2015 Memorandum of Understanding with Cornell Cooperative Extension for a cost of \$3,500.

RESOLUTION 24-2015

APPROVE USAGE AGREEMENT WITH CORNELL COOPERATIVE EXTENSION

Councilmember Grouse explained that we also have a usage agreement with Cornell Cooperative Extension for the Chip Holt Center. We jointly insure the space, therefore we have to authorize the types of users that will be allowed, i.e. not-for-profit organizations.

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

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

Resolved to approve the 2015 usage agreement with Cornell Cooperative Extension.

RESOLUTION 25-2015

AUDIT OF CLAIMS 1/28/15

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

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

Resolved to pay claims 1974-1986 in the amount of \$684,406.77 from the Abstract dated 1/28/2015.

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RESOLUTION 26-2015

AUDIT OF CLAIMS 2/5/15

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

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

Resolved to pay claims 1987-2018, in the amount of \$126,816.63 from the Abstract dated 2/5/2015.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Seelos the meeting was adjourned at 8:16 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, Town Clerk