

## **REGULAR MEETING, TOWN OF LIVONIA**

June 18, 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 Vitale Park, Big Tree Road, Lakeville on June 18, 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:** Miranda Reid, Watershed Manager; Gene Bolster, Conesus Lake Association; Several residents.

The meeting was called to order by Supervisor Gott at 7:00 PM.  
Councilmember Seelos led the pledge.

### **PRIVILEGE OF THE FLOOR**

#### **Bridge for Vitale Park**

Supervisor Gott informed the board that he has drafted a letter to Assemblyman Nojay and Senator Young regarding the historical bridge at Hemlock Lake Park. He wants to make one more attempt at securing the bridge for Vitale Park. This would enable us to remove the pipes in the outlet area. The board was in approval.

#### **Vitale Park Concert Schedules**

Supervisor Gott brought concert schedules and reminded everyone that the concerts start June 28<sup>th</sup>. He reported that the breakwall area will not be back in shape by the time of the first concert due to the wet weather. While the breakwall is repaired, the dirt needs to be graded and the path needs to be re-done. Depending on the weather, it might be thirty days before it can be finished.

#### **Significant Rain Causes Damage last Sunday**

Supervisor Gott talked about the significant rainfall that the Town of Livonia received this past Sunday. He reported that 1,000 ton of large rock and 2,000 ton of stone were used to repair Rix Hill Road, Cleary Road, Price Road, Big Tree Road, Van Zandt Road, Pennemite Road and Blank Road. There are still culverts on Blank Road that are plugged with shale, and Fineline Pipeline will be helping us to unplug them this coming week. He thanked Highway Superintendent Dave Coty and his crew, Fineline Pipeline, Morsch Pipeline, the County Highway Department and the Towns of Lima and Avon Highway Departments for their help.

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### **Wilkins Tract Flooding**

Several residents who reside on Wilkins Tract addressed the Town Board regarding their concerns over flooding of Wilkins Creek and damage to the bridge in the area. One resident reported that the water flows right under her house through the crawl space, and that the bridge is separated on both sides. They said that this is not the first time that this area has flooded, and they wanted to know what the Town was going to do about it. They feel that the flooding is a result of development elsewhere in the town creating more run-off.

Supervisor Gott stated that the damage from Sunday's storm was on a level that we have never seen before. Many areas of the town were affected, some even worse than the Wilkins Tract area. Because of the extent and scope of the damage, it will take some time to see what can be done to try to prevent this in the future. Right now, we are still in crisis mode trying to repair roads.

Supervisor Gott and Attorney Campbell outlined what we have done and what we plan to do:

- First and foremost is to repair the damage to infrastructure from the most recent storm.
- The Town of Livonia, along with the County Planning Department and the other lake towns, has applied for and been approved for a grant to perform streambank remediation. The grant was to address the North Gully of Wilkins Creek, starting in the Village of Livonia. We are petitioning the state to request to re-purpose the grant to work on the lower part of Wilkins Creek, but the state would have to approve it. One challenge we are facing right now is that one homeowner will not grant an easement so that the work can be done on the part of the creek that goes through her property.
- The county planning department has contacted an engineering firm and a study has been done of Wilkins Creek. Copies of the study are available from Miranda Reid, the Watershed Manager.
- We will work with the county planning department, the highway department, and the code enforcement officer to develop stream/storm best practices and research funding sources and to identify problem areas.
- Right now, our building code requires thoughtful planning and engineering for new development, but that was not always the case. The Town has no authority to enter private property to do drainage work, unless a drainage district has been set up and/or there are easements on file.

Chris Shepard mentioned that there is a five acre lot currently owned by Claire Sandrock which would be great for retention ponds. He suggested that someone ask her if she

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would be willing to work with the town.

Sharon Sparling, a Shoreline Drive resident, asked if the Town can help on private roads. She reported that there is a culvert that is plugged, and no one has the equipment or resources to fix it. Supervisor Gott replied that unfortunately the Town cannot fix it. He offered to make contact with the Department of Environmental Conservation (DEC) and to give her names of contractors who might be able to help, but the residents would have to bear the cost. He said that the folks on McPherson's Point are in the same boat. Attorney Campbell cautioned that the law has no flexibility regarding using tax dollars to improve private property. That is why the Town wants to take dedication of new roads first, so we can do maintenance and repairs. Ms. Sparling expressed frustration at paying the same taxes as everyone else and not being able to have that service.

### **Vitale Park**

Supervisor Gott reported that we will probably not be able to get the stone and dirt leveled out in the park before July 3<sup>rd</sup> because it is just too wet. If things dry out enough, then we will. John asked if we could get extra portable bathrooms by the basketball court for July 3<sup>rd</sup>. Supervisor Gott stated that he will order more. He commended John and Mo for their work to get the park up to snuff. Gail Colwell said that the bridge needs to be sealed. John said that it is on the list to do this year, but the weather has been a problem.

RESOLUTION 72-2015

### **APPROVE MEETING MINUTES FROM 5/21/2015**

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 May 21, 2015.

### **TOWN CLERK UPDATES**

Clerk Hay gave the following updates on projects she has been working on:

#### **Bulk Clean-up Tickets**

There were 150 free tickets, and 17 @ \$10 each given out for the 2015 Bulk Clean-up. Those numbers are nearly identical to 2012-2014.

#### **Public Access Defibrillation**

**Training** – Clerk Hay reports she is working with Erin and Larry Ebersol to arrange training for staff.

**Tracking** – Clerk Hay has received the SafeTrack information with our

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defibrillator listed and is setting it up to track trainings and testing.

**Paperwork** - Cardiac Life will take care of filing all the paperwork with the state and with the local emergency services once our training is complete. We need to sign three forms and return to Cardiac Life – Notice of Intent, Collaborative Agreement, and the Medical Direction Agreement.

RESOLUTION 73-2015

**AUTHORIZE CLERK HAY TO SIGN PAPERWORK FOR PAD PROGRAM**

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

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

Resolved to authorize Clerk Hay to sign the Notice of Intent, Collaborative Agreement and the Medical Direction Agreement for the Town of Livonia Public Access Defibrillation Program.

**Installation & Signage** - We have received the defibrillator and it needs to be installed where it will be easily accessible. As part of state law requirements, we must put signage on each entrance that lists the location of the device.

**Newsletter**

Clerk Hay reported that the Newsletter page has been created on the web site, and she has completed the first issue (June). Hard copies are available at the town hall, library and Shurfine.

The July newsletter is in the works and should be done by June 25. She reminded everyone that they can sign up to receive newsletter notifications by going to the web site. She will also continue to have hard copies available for those who don't have internet access.

RESOLUTION 74-2015

**APPROVE DESTRUCTION OF RECORDS**

Clerk Hay presented a Records Destruction Authorization Form for the Town Clerk Department dated June 18, 2015. Attorney Campbell reported that he reviewed the form and has no problem with the destruction of the records listed.

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

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

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Nays – 0

Resolved to authorize destruction of Town Clerk records per the June 18, 2015 Records Destruction Authorization Form.

RESOLUTION 75-2015

**DECLARE WAERFICHE OFFICIAL RECORD COPY OF  
BURIAL/CREMATION PERMITS AND AUTHORIZE DESTRUCTION OF  
PAPER COPIES**

Clerk Hay reported that she has received the waerfiche containing the burial and cremation permits for the period of time up to April 2014. The records have been checked for accuracy.

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

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

Nays – 0

Resolved to declare the waerfiche copy as the official record copy of burial and cremation permits for the Town of Livonia. Further resolved to authorize the destruction of the paper copies that have been preserved on waerfiche.

**Glass for Town Clerk Counter**

Clerk Hay contacted Glass Act and Deputy Clerk Holt contacted Moran Glass out of Nunda. Neither company has shown up to look at the counter. Councilmember Seelos suggested Clerk Hay contact Countywide Glass in Avon, which she did.

**Credit Cards**

Clerk Hay reported that her department started accepting credit/debit cards June 1. Only one person complained about the convenience fee and elected to pay cash instead. Everyone else has had no problem with the extra fee.

**Dog Licenses**

Deputy Clerk Leanne Holt is working on trying to get lapsed dog licenses renewed or identified as moved or deceased. She started out with about 118 lapsed dogs and has the list pared down to 79. She is working with dog control on tracking down the remaining dogs.

**Banking Fees/Charges**

At the last meeting, Supervisor Gott informed the board that Five Star Bank sent us notification that they will now charge us for printing checks and deposit slips, and they

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intend to deduct those charges directly from the account for which they are ordered.

Clerk Hay researched this and found out from the NYS Comptroller's Office that the bank should not deduct those charges directly from town accounts because that would be bypassing the audit of vouchers. There are only a few instances where money can be disbursed before it is audited, as in the case of payroll, for example.

Our choices are:

- Have the town attorney work with the bank to see if the bank would agree to invoice the town instead of directly debiting those funds from the account. (Court Clerk Kolleen Redman has already been informed that Five Star is not willing to do this.)
- Contract with another party for check printing and printing deposit tickets and simply complete a voucher and have the check sent in with the order.
- Change the Town Clerk, Tax Collection, and Court accounts to Community Bank, as they have indicated that they will print checks and deposit slips at no charge.

The board discussed this briefly. Supervisor Gott asked that if the accounts are moved to Community Bank, we get any promises in writing. Board members thought it would be reasonable to change banks. Councilmember Grouse added that she also had no problem with the town ordering checks and deposit tickets from a third party.

RESOLUTION 76-2015

### **DECLARE COMMUNITY BANK AS ADDITIONAL REPOSITORY**

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 declare Community Bank as an additional repository for Town funds.

### **DECALS**

Clerk Hay reported that the state released updated software for hunting and fishing license sales. So far, it seems to work much better than the last version. We should be receiving information and supplies next month for the 2015-2016 hunting license sales.

### **Laserfiche/Server**

This project is on hold for now, pending efficiency committee discussions.

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**May 2015 Financial Report**

Clerk Hay gave the following financial report for May 2015:

<i>Paid To</i>	<i>Amount Remitted</i>
Supervisor (General Fund)	\$3,472.75
County Treasurer for Dog Licenses	\$255.50
NYS Ag & Mkts for Spay/neuter Program	\$97.00
NYS DECALS	\$782.27
State Health Department (Marriage Licenses)	\$67.50
<b>Total Disbursements</b>	<b>\$4,675.02</b>

RESOLUTION 77-2015

**APPROVE CLERK'S REPORT**

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

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

Resolved to approve the May 2015 Town Clerk's Report.

**EFFICIENCY COMMITTEE**

Supervisor Gott reported that the Efficiency Committee has started meeting. He reminded everyone that this is the committee that will be working on trying to find ways for the school, village and town to share services and resources to save tax dollars.

He met with Attorney Campbell, Clerk Hay, Code Enforcement Officer Adam Backus and Bookkeeper Mike Lawton regarding his action items. He will keep the board informed.

**DISCUSSION REGARDING REQUEST FOR NEW RADIO**

Supervisor Gott reported that Ontario County has switched frequencies for their emergency radios and the Livonia Joint Fire District asked the Town of Livonia to fund the purchase a radio that would be compatible. The cost of the radio would be about \$3,500. Councilmember Seelos added that they are asking for portable radios as well, for a total cost of \$5,000.

Discussion followed. Board members were reluctant to fund the purchase because Livingston County may be changing frequencies also. They felt it was best to wait and see if the problem will be solved when Livingston County changes.

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**ALL HAZARDS MITIGATION PLAN**

Supervisor Gott stated that Kevin Niedermaier will attend the July meeting to talk about the All Hazards Mitigation Plan and answer any questions that the board may have.

RESOLUTION 78-2015

**APPROVE BASEBALL COMMISSIONERS' PAY**

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 payment to the following Joshua Trubia - \$450, Sandy Phelps-Vogt - \$900 (2 divisions), Taylor Mallaber - \$450, Jason Kretchmer - \$450.

**HIGHWAY EQUIPMENT REPLACEMENT**

Supervisor Gott mentioned that highway Superintendent Dave Coty provided specs for the truck that is due to be replaced this year. He found an International truck and Tenco Equipment. We should be able to piggyback on Ontario County's bid. We had expected the expense to be about \$100,000 and had budgeted that amount, but it will cost more like \$137,000. We can pay the remaining balance next year, or we can take it out of fund balance. He asked the board to look over the materials and stated it was not necessary to make a decision at this meeting.

**LIVINGSTON COUNTY WATER & SEWER AUTHORITY**

Supervisor Gott recognized Cathy VanHorne and Mark Kosakowski from the Livingston County Water & Sewer Authority (LCWSA) and thanked them for coming to the meeting and for their response during the storms on Sunday.

Ms. VanHorne presented the board with an update document regarding overflow problems in the area of Camp Run Drive and Big Tree Road. Engineers are in the process of evaluating data collected in the field study and will complete a report by July with solutions, costs, and funding sources.

The LCWSA believes that illegal connections are having an impact on inflow to the system. They are working on educating residents about this problem and starting an inspection program. They are also working on evaluating the collection system and performing any repairs that are needed. In addition, they are implementing stop gap measures to lessen the impact of future overflows, including installing shut off valves and



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backflow prevention for residents in the Camp Run area.

### **CHLOROFORM LEVELS**

The Health Department performed checks of chloroform levels at various lake locations during and after the storm Sunday. Levels were high Sunday and Monday and back to normal by Tuesday.

### **WATERSHED MANAGER UPDATES**

Miranda Reid brought copies of the Conesus Lake Watershed Management Plan, the Conesus Lake Watershed 2014 Report Card, the blue-green algae brochure, the Conesus Lake Bathymetric Survey, the Economic Impact of Agriculture in New York State flyer, and State of the Lake: Conesus Lake Watershed Characterization Report Ten Year Update. She made copies of all information available for the board and meeting attendees.

### **DISCUSSION REGARDING BULK CLEAN-UP ISSUES WITH SHANKS**

Councilmember English asked if the supervisor had a chance to talk with Lee Shanks regarding Bulk Clean-up Day. Supervisor Gott replied that he did talk with Mr. Shanks about that and also about the dumpster at the highway garage. Mr. Shanks assured Supervisor Gott that the issues we had this year will not be repeated. They will make sure that roll-offs are delivered the night before. Supervisor Gott also reported that the bill for this year was only \$2,400.

### **WATERCRAFT STEWARD PROGRAM**

Gene Bolster reported that the Watercraft Steward Program is now in its third year. The program is supported by the Conesus Lake Association, the Livingston County Planning Department, Cornell Cooperative Extension, and the NYS Parks Department.

Last year, 3,800 boats were voluntarily inspected involving 9,600 people. Over 1,000 of those boats came from other lakes.

They are expanding coverage this year and have found boaters to be very supportive of the program. They are looking into adding a decontamination station at some point in the future. He also reported that the seaplanes pilot group has been very cooperative with the program as well.

RESOLUTION 79-2015

### **AUDIT OF CLAIMS 6/4/2015**

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

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

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Nays – 0

Resolved to pay claims 2302-2338 in the amount of \$83,344.19 from the Abstract dated 6/4/2015.

RESOLUTION 80-2015

**AUDIT OF CLAIMS 6/18/15**

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

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

Resolved to pay claims 2339-2396 in the amount of \$44,896.16 from the Abstract dated 6/18/2015.

RESOLUTION 81-2015

**ENTER INTO EXECUTIVE SESSION**

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

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

Resolved that this board enter into Executive Session at 8:23 PM to discuss the medical and employment history of a particular person.

RESOLUTION 82-2015

**RESUME REGULAR SESSION**

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 come out of Executive Session at 8:42 PM.

RESOLUTION 83-2015

**ADJUST DISABILITY PAY FOR AN EMPLOYEE'S PARTIAL RETURN TO WORK**

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

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

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Resolved to adjust disability pay for Dawn Woodburn, in anticipation of her part-time return to work in July, as follows: any hours that she works will be paid to her at her normal rate of pay. The number of those hours will then be deducted from forty, and she will be paid the remaining hours at a rate of 90% of her usual rate of pay.

With no further business, on a motion of Councilmember Seelos seconded by Councilmember English the meeting was adjourned at 8:42 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, Town Clerk