

TOWN BOARD MEETING, TOWN OF LIVONIA

April 18, 2024

A 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 St Livonia NY 14487

PRESENT: Eric Gott, Supervisor
Joseph Breu, Councilmember
Peter Dougherty, Councilmember
Andy English, Councilmember
Matt Gascon, Councilmember-absent
Hayley Anderson, 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.
Eric Gott led the pledge.

PRIVILEGE OF THE FLOOR

A resident came and spoke about Fire District 3's tax increase. He told everyone he had submitted FOIL requests to the Fire Commissioners and that what was submitted to him through the FOIL request was not an actual budget form. In his opinion this is not very transparent. He spoke about their audit in 2021 and stated he would think they would make this information much more publicly available. His concern is that they received a levy payment in excess of 1.3 million and over their 20 year budget they would receive over 26 million dollars without ANY inflation. He pointed out they have gone above the allowed rate increases for the past two years. He is not opposed to purchasing equipment or training and supports the fire dept and EMS fully, but in their worksheet they are stating they need about 6 million in 20 years and are budgeted to get 26 million. He expressed he understands there are challenges from the past being made up for, but this information should be more open to the general public.

Another resident came and stated they are interested in purchasing some property from the Town. Currently it is wooded and they would like to keep it that way, if the town would consider selling it to them. Supervisor Gott stated that after the meeting two months ago, a decision was made not to sell any town property at this time. Councilman Breu advised that superintendent Dwyer wants to replace the fence on the property line.

A resident asked about the status of old hickory golf club and Supervisor Gott stated there is currently a stop work order and the golf course needs to report complete documents to the Building and Zoning office.

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A resident stated a fire commissioner told him that the Town Board has no control over what the fire commissioners do. He would like to know if it is true there is in fact nothing the Town Board can do. Supervisor Gott advised that is true that there is no control at this time. He asked if there was anything we could do besides appointing someone new. Unfortunately, that is not the case. Supervisor Gott advised that he did offer to help the fire commissioners with their budget by giving them knowledge and ideas. They never reached out of any other ideas on how to manage their needs. The resident asked if there is anything the public can do? Supervisor Gott advised despite when the one commissioner has told them, they're obligated to listen to the public. The resident asked if there is any way the public has a say in purchases, unfortunately that is not something that can be done at this time. He asked if the residents could vote to consolidate into one district instead of three.

Another resident stated they posted a sign on the fire hall door that the commissioners will not be taking questions at their meeting. Questions will need to be emailed prior to the meeting and may be addressed at the meeting.

Another resident stated, residents have done a ton of work, and that had he completed the fire commissioners' budget, that he would have already lost his job. He is thankful to the firefighters and EMS, and has a ton of respect for the job, but there are a lot of things to question here and based on what he has seen the fire commission is opposed to being held accountable to the questions residents have. His position is that the Town Board take the stance that the fire commissioners step down at this time, to save face and save the reputation of the fireman and women who do actually work their butts off. He does not care if they want to hear it or not, they are going to. He understands the Town Board at this point cannot undo the damage, but heavily asked that the Town Board takes action on this situation.

Another resident asked how the levy can be raised to that level without the Town having anything to say about that. How is the Town Board not looking out for the budget? Supervisor Gott stated the fire commission is just like the Town Board, they post meeting times just like the Town Board, and unfortunately nobody attended-himself included-and nobody came for the public hearings. Supervisor Gott stated "You can bet it wont go missed any longer". Supervisor Gott stated they are only accountable to themselves. Attorney Campbell advised that they have the legal ability to levy taxes. He compared the commission to the school board and taxes. The resident asked how it changes to protect the taxpayers in the future? She asked how we bring everyone together so that the taxpayers are protected. The Town Board stated they are in complete agreement that the three districts should consolidate, but when they were close to that, Lakeville pulled out.

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Another resident stated that the Town Board and Village Boards appoints the commissioners and they need to remove them then. Supervisor Gott and Attorney Campbell have explored positions they can take to rectify this situation. The Town Board is not done talking about how to complete this.

Another resident asked if the Town would consider consolidating districts again. He stated that Livonia is servicing all three districts and they do need the equipment, and a consolidation will really help all involved.

Attorney Campbell stated a resident at the last meeting asked for a AG exemption for fire districts-the concern is if that happens it will shift an even greater burden on the rest of these properties

Off of that Lisa Bennet spoke and advised that 19 million dollars of ag land would have to be placed on the remainder of the tax payers not receiving this exemption. She brought to light that, while we are concerned for the farmers, we have seniors living on 21k a year. Another resident chimed in “then we are back to controlling the fire commissioners”. 128 parcels and 19 million dollars is how this exemption would affect just the Livonia Fire District. Currently we have 280 veterans who only get Eight million in exemptions where farmers are getting 19 million in exemptions. 2% or 4.5% isn't a lot to everyone, but to someone living on 21k a year, that is a lot, Lisa Stated.

RESOLUTION

50-2024

AUTHORIZE SUPERVISOR GOTT TO SIGN TE-9 TRAFFIC FORM FOR AN ADDITIONAL TRAFFIC STUDY ON INTERSECTION OF BRONSON HILL ROAD AND STONE HILL ROAD, STONE HILL ROAD AND LIVONIA CENTER ROAD AND 20A AND 15A AND BIG TREE AND NORTH MAIN ST. AND SPEED POSTED AT PENNSYLVANIA AVE-SPEED REDUCTION ON RICHMOND MILLS ROAD FROM VILLAGE TO LIVONIA CENTER ROAD

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

ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
 Nays – 0

Resolved to authorize the Town Clerk to complete a TE-9 Form requesting the Department of Transportation, pursuant to section 1622.1 of the Vehicle and Traffic Law, establish a traffic study to determine what measures of safety can be taken to prevent further accidents.

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Resolved that such form shall be submitted to the Livingston County Traffic Safety Board and Livingston County Highway Superintendent for comments, and further

Resolved that upon receipt of the notice that the regulation herein requested has been established, the Town of Livonia will provide, install, and maintain signs in accordance with the Vehicle and Traffic Law and conform to the Manual of Uniform Traffic Control Devices of the Department of Transportation.

RESOLUTION 51-2024

CREATE ASSESSOR AIDE POSITION

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

TOWN BOARD

TOWN OF LIVONIA

COUNTY OF LIVINGSTON

RESOLUTION

At a regular meeting of the Town Board of the Town of Livonia, Livingston County, State of New York, held at the Livonia Town Hall on the 18th day of April, 2024.

WHEREAS, the Livonia Town Board finds it to be in the best interest of the Town of Livonia to create a new permanent position of employment titled “Assessor’s Aide;” and

WHEREAS, such position will have the following duties associated with it:

- Accompany Assessor on field trips to assist in keeping notes and records;
- Assist in maintaining property sales records;
- Answer inquiries from the public and provides routine information;
- Attend schools, training and seminars as directed by the Assessor;
- Receives instruction from the Assessor in the duties and responsibilities of the Assessor;
- Complete necessary data forms for various computer systems;
- Assist taxpayers in completing various types of exemption forms;
- Do necessary research to obtain statistical data;
- Processes data received from Real Property Tax Services Agency to update tax maps and property identification titles;
- Perform routine clerical tasks such as typing, filing and recording of information.

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WHEREAS, a New Position Duties Statement has been filed with and accepted by the Livingston County Personnel Officer; and

WHEREAS, the Town Board believes it to be in the best interest of the Town to fill such position immediately in order to address certain imminent employment and administrative needs of the Town.

NOW THEREFORE BE IT RESOLVED, after due deliberation and consideration of all information received concerning the proposed action, the Town Board of the Town of Livonia hereby:

RESOLVES, to create the position of Assessor’s Aide, which such position will be up to a full-time position as defined by the Town of Livonia; and it is further

RESOLVED, that the Town Board does hereby authorize the provisional appointment and hiring of Carlton Maxwell to such position with an effective starting date of April 1, 2024 and a compensation rate of \$20.50 per hour; and be it further

RESOLVED, that a sealed copy of this Resolution shall be provided to the Livingston County Personnel Office.

DATED: April 18, 2024

VOTE OF THE BOARD:

Eric Gott, Supervisor	AYE
Andrew English	AYE
Matt Gascon	Absent
Pete Dougherty	AYE
Joseph Breu	AYE

**BY ORDER OF THE
TOWN BOARD OF THE
TOWN OF LIVONIA**

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Hayley Anderson, Town Clerk

RESOLUTION 52-2024

LIBRARY BOARD OF TRUSTEES RE-APPOINTMENTS

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

ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
Nays – 0

Resolved to re-appoint the following individuals to the Library Board of Trustee’s with the below term schedules.

Mae Sharman- January 2023-Decemeber 2027

Brian Donnelly- January 2024-December 2028

Rick Williams- January 2022-Decemeber 2026

Denise Cendoma- January 2024-Decemeber 2028

Christine Cruso- January 2024-Decemeber 2028

RESOLUTION 53-2024

APPROVE MEETING MINUTES FROM 3/21/2024

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

ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
Nays – 0

Resolved to approve the Meeting Minutes from March 21, 2024.

RESOLUTION 54-2024

TOWN CLERK REPORT

Paid to Supervisor for the General Fund	\$1,432.43
Paid to County Treasurer for Dog Licenses	\$210.00
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$94.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$193.68
State Health Department (marriage licenses)	\$0.00
TOTAL DISBURSEMENTS	\$1,930.11

Tax Collection is done. Everything balanced perfectly, closing out was seamless and the

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final payment receipt was received from the treasurer's office.

Shredding event will be June 8th from 9am-11am at the Town Barns, 50 Commercial St.

Clerk Anderson received a quote from Genesee Valley Web Marketing for a new website. While the current website has been an upgrade from the last, there have been some glitches removing important postings, or not publishing them. This site will incorporate the village still.

Other towns that use this company include

- Dansville, NY [relaunch in progress]
- Geneseo, NY [manage only – relaunch in progress]
- Leicester, NY
- Lima, NY
- Mount Morris, NY
- Mount Morris, NY [relaunch in progress]
- North Dansville, NY
- Nunda, NY
- Sparta, NY [relaunch in progress]
- Springwater, NY
- Caledonia Fire, NY
- Dansville Chamber of Commerce

The Town Board will wait until Clerk Anderson can get more information on how the Village of Livonia feels about the new site manager.

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

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

Resolved to approve Clerk Anderson's monthly report.

RESOLUTION 55-2024

HIRE AUDREY WEHR AS CLEANER

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

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ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
Nays – 0

Resolved to hire Audrey Wehr as a Cleaner effective 4/20/2024 at a rate of pay of \$15.00 an hour.

RESOLUTION 56-2024

AMEND THE AMOUNT ALLOCATED IN RESOLUTION 42-2024- USE OF ARPA FUNDS FOR BOX CULVERT FEES ASSOCIATED WITH BLANK ROAD PROJECT TO THE L.C. WHITFORD CO., INC

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

ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
Nays – 0

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF LIVONIA, NEW YORK, ACCEPTING FUNDING FROM THE AMERICAN RESCUE PLAN ACT AND AMENDING THE TOWN’S ADOPTED BUDGET FOR THE FISCAL YEAR ENDING DECMBER 31, 2022 SO AS TO APPROPRIATE THE FUNDS RECEIVED BY THE TOWN FROM THE AMERICAN RESCUE PLAN ACT

WHEREAS, on March 11, 2021, Joe Biden, the President of the United States of America, signed into law the American Rescue Plan Act (ARPA) which provides financial assistance to assist in the continued relief from the impact of the Covid-19 pandemic; and

WHEREAS, approximately \$350 billion of The ARPA funding was allotted to assist the United States’ state, local, tribal, and territory governments in responding to the coronavirus pandemic; and

WHEREAS, Sections 602(b) and 603(b) of the Social Security Act as added by section 9901 of the American Rescue Plan Act, Pub. L No. 117-2 (March 11, 2021) authorized the Department of the Treasury to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund; and

WHEREAS, the Town of Livonia (the Town) is expected to receive \$627,485.28 in funding; such funding to be received in two tranches, with approximately one half within 60 days of the plan passage, and the remaining funding approximately 12 months later; and **WHEREAS**, the Town has received the first tranche of ARPA funds from the United States Department of Treasury via transfer from the State of New York in the amount of \$313,742.64; and

WHEREAS, the Town previously allocated \$156,871.32 for the purchase of Ambulance Equipment on April 21, 2022 leaving a balance received of \$156,871.33; and

WHEREAS, the Town Board recognizes that periodic modifications to the adopted budget for the fiscal year are necessary for fiscal management purposes and to implement changes to the Town Board’s fiscal policy which have occurred after the adoption of the Fiscal Year

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2022 Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF LIVONIA, NEW YORK :

SECTION 1. The Town Board hereby amends the Town's adopted Budget for Fiscal Year 2022, to allocate ARPA funds in the amount of \$93,365.03, to L.C. Whitford for box culvert fees associated with Blank road and authorizes an interfund transfer from the Town's (A) 691 Deferred Revenues Account (where the ARPA funds are being held) to the (A) 1440.4 Engineer Contractual line.

SECTION 2. This Resolution shall become effective immediately upon execution.

RESOLUTION 57-2024

AUTHORIZE SUPERVISOR GOTT TO SIGN PROPERTY ACCESS REQUEST FOR USDA TO TRAP INVASIVE PESTS BOX TREE MOTH AND EUROPEAN CHERRY FRUIT FLY

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

ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
Nays - 0

Resolved to authorize Supervisor Gott to grant access to property in the Town of Livonia to the USDA to place traps for BTM's and/or ECFF's which will be serviced every three weeks and removed on or before November 30th.

RESOLUTION 58-2024

AUDIT OF CLAIMS

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

ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
Nays - 0

Resolved to pay claims 241-277 in the amount of \$167,242.60 from the Abstract dated April 4, 2024.

RESOLUTION 59-2024

AUDIT OF CLAIMS

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

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ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
Nays – 0

Resolved to pay claims 278-318 in the amount of \$223,177.05 from the Abstract dated April 18, 2024.

RESOLUTION 60-2024

ENTER EXECUTIVE SESSION TO DISCUSS PENDING OR THREATENING LITIGATION WITH LIBRARY DIRECTOR AND LIBRARY BOARD OF TRUSTEES AND ATTORNEY CAMPBELL

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

ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
Nays – 0

Resolved to enter executive session at 8:13pm

RESOLUTION 61-2024

RETURN TO OPEN SESSION

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

ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
Nays – 0

Resolved to return to open session at 8:36pm

RESOLUTION 62-2024

ENTER EXECUTIVE SESSION TO DISCUSS PENDING OR THREATENING LITIGATION WITH ADAM BACKUS AND ATTORNEY CAMPBELL

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

ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
Nays – 0

Resolved to enter executive session at 8:38pm

RESOLUTION 63-2024

RETURN TO OPEN SESSION

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

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ADOPTED Ayes - 4 (Gott, Breu, Dougherty, English)
 Nays – 0

Resolved to return to open session at 8:58pm

With no further business, on a motion of Councilmember Dougherty seconded by Councilmember English the meeting was adjourned at 8:58PM . Carried unanimously.

Respectfully Submitted,

Hayley Anderson
Town Clerk