

TOWN BOARD MEETING, TOWN OF LIVONIA

November 16, 2023

A 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 St, Livonia NY.

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

PUBLIC HEARINGS – 2024 PROPOSED BUDGET / WATER & SEWER UNIT CHARGES

Supervisor Gott declared the public hearings open at 7:07 PM for the 2024 Proposed Budget, and the Water & Sewer Unit Charges.

Notices for both Public Hearings were duly published in the Livingston County News on October 19th and 26th, with same being posted on the same date at the Town Hall and on the Town's web site. In addition, notices regarding the Public Hearing for the Hemlock Sewer and Cadyville Road Water unit charges were mailed to owners of property in said districts.

Attorney Campbell read the hearing notices for the record.

Supervisor Gott announced that the Proposed Budget was difficult to prepare and overriding the tax cap is because of the blank road debacle. Due to grant funding not being available, \$800,000 needs to be paid out of the Towns Funds. In addition, Highway, salaries, wheel loader, pickup truck and mower were all budgeted for. The increase works out to be\$.20 per thousand. The Blank Rd project will be completed in the spring.

Supervisor Gott thanked the board members and department heads for all their work on the budget and feels it was very conservative. Special thanks and appreciation were given to Tessa Taylor from the board for her diligent work on this budget. This budget fully funds the Town's obligations to employees, and includes wage increases for employees,

TOWN BOARD MEETING, TOWN OF LIVONIA

November 16, 2023

and the day-to-day operations of the Town. Copies of the proposed budget were provided for the public. He asked if there were any questions or comments for either one of the Public Hearings.

With everyone who wished to be heard having been heard, the Public Hearing was closed at 7:38PM. Let the record reflect that nobody came to comment on unit charges public hearing or budget public hearing.

PUBLIC HEARING – LOCAL LAW #5 – 2023 -TAX LEVY LIMIT OVERRIDE AS TYPE II UNDER SEQR

Following distribution of the proposed Local Law to the Town Board members on September 21, 2023 notice of said Public Hearing was duly published in the Livingston County News on October 19, 2023, with same being posted on the same date at the Town Hall, and Livonia's web site.

Attorney Campbell read the Notices of Hearing for the record.

Supervisor Gott declared the Public Hearings open at 7:07 PM.

Asked for Public Comment:

Let the record reflect that nobody came to comment on the Tax Levy Limit Override public hearing.

With everyone who wished to be heard having been heard, the Public Hearing was closed at 7:38PM

PRESENTATION OF AUDIT FINDINGS BY BONADIO GROUP

Erica Proctor presented and thanked Eric and Tessa for their diligent work through this rigorous process. She supplied all findings and explained all the changes that have been made in the standards and which impacted overall operations, and which were just recording differences. All significant transactions have been accounted for. No significant difficulties dealing with management and no disagreements with management either. The Audit was successfully completed without any findings.

RESOLUTION 162-2023

TOWN BOARD MEETING, TOWN OF LIVONIA

November 16, 2023

ACCEPT RESIGNATION OF ALEXANDRA DIMATTEO FROM LIBRARY

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

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

Resolved to accept the resignation of Alexandra DiMatteo effective November 10, 2023.

RESOLUTION 163-2023

APPROVE USE OF ARPA FUNDS FOR ENGINEERING FEES ASSOCIATED WITH BLANK ROAD PROJECT TO CLARK PATTERSON LEE

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

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

TOWN BOARD MEETING, TOWN OF LIVONIA

November 16, 2023

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 \$1,999.52, to Clark Patterson Lee for engineering 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.

The Town Board hereby amends the Town’s adopted Budget for Fiscal Year 2022, to allocate ARPA funds in the amount of \$1,612.30, to Clark Patterson Lee for engineering 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 (DB) 51104 General Repairs Contractual Line.

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

RESOLUTION 164-2023

APPROVE USE OF ARPA FUNDS FOR Materials FEES ASSOCIATED WITH BLANK ROAD PROJECT TO CLARK PATTERSON LEE

On motion of Councilmember xx seconded by Councilmember xx the following resolution was

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

TOWN BOARD MEETING, TOWN OF LIVONIA

November 16, 2023

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 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 \$6,870.11, to Heidelberg Materials Northeast-NY LLC for materials 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 (DB) 51104 General Repairs Contractual Line.

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

RESOLUTION 165-2023

RE-APPOINT DAWN LOPRESTO TO BOARD OF ASSESSMENT REVIEW

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

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

Resolved to re-appoint Dawn Lopresto to the Board of Assessment Review for a term of 5 years from 10/1/23-9/30/2028

OPEN SESSION

Scott Marshall came and presented the 2024 budget for the ambulance district. After his presentation, Supervisor Gott spoke and mentioned that third party billing and the small donation from the Town is only allowing the ambulance district to squeak by. This is not enough money to keep the ambulance district running at the high rate of efficiency and care that our residents have come to know and expect. Supervisor Gott mentioned that it may be in the best interest of the Town to consider getting the ambulance district a tax line of their own. Losing our ambulance district would be devastating for our residents.

Attorney Campbell commented on another letter received from the cannabis management department regarding a microbusiness retail sale at a proposed location on Price Road.

TOWN BOARD MEETING, TOWN OF LIVONIA

November 16, 2023

The notification is an opportunity for the Town to express any concern or question to the Cannabis management before they hear the applicant's proposal for the microbusiness. The town does not feel necessary to request extra time to review before the cannabis management reviews this applicants request.

RESOLUTION 166-2023

APPROVE MEETING MINUTES FROM 10/19/2023

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

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

Resolved to approve the meeting minutes from 10/19/2023

RESOLUTION 167-2023

ADOPT LOCAL LAW #5-2023 TAX LEVY LIMIT OVERRIDE AS TYPE II UNDER SEQOR

On motion of Councilmember English seconded by Councilmember Breu

Roll Call Vote-

Supervisor Gott- Aye
Councilman Dougherty- Aye
Councilman English-Aye
Councilman Gascon- Aye
Councilman Breu-Aye

Resolved to adopt Local Law #5-2023.

RESOLUTION 168-2023

TOWN CLERK REPORT

Paid to Supervisor for the General Fund	\$5,645.29
Paid to County Treasurer for Dog Licenses	\$217.00
NYS Comptroller's Office (Bingo and Games of Chance Licenses)	\$33.75
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$94.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$2263.16
State Health Department (marriage licenses)	\$67.50
TOTAL DISBURSEMENTS	\$8,320.70

TOWN BOARD MEETING, TOWN OF LIVONIA

November 16, 2023

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

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

Resolved to approve Clerk Anderson’s report.

RESOLUTION 169-2023

CLOSE THE PUBLIC HEARING FOR 2024 BUDGET AND WATER/SEWER UNIT CHARGES

On motion of Councilmember xx seconded by Councilmember xx the following resolution was

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

Resolved to close the public hearing for the proposed 2024 Budget and Water/Sewer Unit Charges at 7:38PM

RESOLUTION 170-2023

ADOPT 2024 BUDGET

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

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

Resolved to adopt the 2024 Budget and spending plan as presented. (See end of minutes.)

RESOLUTION 171-2023

APPROVE ANNUAL AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

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

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

TOWN BOARD MEETING, TOWN OF LIVONIA

November 16, 2023

Resolved to approve the 2024 Agreement to Spend Town Highway Funds in the amount of \$250,000 for general repairs on 5 miles of town highways to include payroll, crushed stone, culvert pipes, ditching, chip sealing, striping, black top, Stone Hill Rd, Adams Rd, Federal Rd, Niver Rd, Florence Lane, Harder Rd.

RESOLUTION 172-2023

AUDIT OF CLAIMS

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

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

Resolved to pay claims 903-930 in the amount of \$44,755.90 from the abstract dated November 2, 2023.

RESOLUTION 173-2023

AUDIT OF CLAIMS

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

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

Resolved to pay claims 931-974 in the amount of \$156,594.15 from the Abstract dated November 16, 2023.

With no further business, on a motion of Councilmember Dougherty seconded by Councilmember Gascon the meeting was adjourned at 7:53 Carried unanimously.

Respectfully Submitted,

Hayley Anderson
Town Clerk