

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

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
Hayley Woodruff, 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.
Jason Molino Sr. and Jason Molino Jr. led the pledge.

PRIVILEGE OF THE FLOOR

Councilman English reported that everything is underway for July 3rd at Vitale Park. He has already spoken to LCSO about arriving around noon that day to help with parking. Moe happily reported he now has two staff members who are great, and he really trusts. He is planning to not have to stay the entire night now and has already lined up the porta potty's and everything should be all set for a great day.

Councilman English also reported on the Playground project. The committee met at Vitale Park on June 11th with Andy from Parkitects which Kelly Strauss was kind enough to set up. The committee still agrees that the Horseshoe pit area would be a good area for the updates. They concluded there would possibly be a need for some fencing along the walkway, but more to come on that. Andy will have a financial amount drawn up so we can see where we are at, and what will be needed as far as fundraising goes. Mike Mallaber will meet with someone from Canandaigua about how they raised so much money to be able to build their inclusive playground. Councilman English also met earlier last week with ingredients plus, and he really believes they are going to help in some financial form for the playground.

Maryann Thompson reported that there are new tenants at little lakes community center. The Hemlock food pantry is moving back in and a historical modern train will be moving in as well and should kick off fair week. They are having a fundraiser Golf Tournament on August 8th.

Councilman Breu reported that he spoke with Highway Superintendent Dwyer about the

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

current flags we have becoming worn and needing to be replaced. The Board agrees to address this at budget time. In addition, Livonia EMS has submitted their proposed plans, and the Town Board will need to come up with a date to meet with them.

Supervisor Gott reported that prior to the water vote, the Board had been asked multiple times for a water dispensary for small refillable containers and asked to check out how Honeoye operates theirs. He met with the Honeoye Clerk and will present pictures, specs and pricing at the next meeting.

Union cemetery needed help with stone for the driveway and Highway Superintendent Dwyer was able to help them out. The Board expressed their appreciation for that, as without volunteers in our community taking care of the cemetery's it would fall on the Town completely.

Councilman English reminded the board that advertising for jam in the park event will begin this month.

A resident asked about upgrading the hometown hero program and will share what he's learned from the Geneseo program. Clerk Woodruff will help investigate that as well.

RESOLUTION 80-2025

APPROVE MEETING MINUTES 05/15/2025

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

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

Nays – 0

Resolved to approve the Meeting Minutes from 05/15/2025.

RESOLUTION 81-2025

TOWN CLERK REPORT

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

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

Nays – 0

Paid to Supervisor for the General Fund	\$2,942.81
Paid to County Treasurer for Dog Licenses	\$154.00
NYS Comptroller's Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$50.00

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$491.28
State Health Department (marriage licenses)	\$45.00
TOTAL DISBURSEMENTS	\$3,683.09

DISCUSSION: WATER DISTRICT VOTE RESULTS

Supervisor Gott spoke on the water district not being successful and voted down by 10 votes. He states “After several years that project is wrapped up”. The board unanimously expressed their disappointment, not only in the result, but the voter turnout, after all the time and money that was spent on this for the residents who are in dire need.

DISCUSSION: HEMLOCK FAIR SEQR

Attorney Campbell advised that the town has had a request from MRB, which is an engineering firm in the city who works with members of the Fair Board. The Fair Board has applied for grant funds to construct drainage improvements on the property. They would like to put in 600 linear ft of 12” storm pipe, 6 pre-cast catch basins. Approximately 300-feet for French drain with 4” perforated pipe as well. In order to obtain the grant they need to have a SEQR determination be made. The Fair Board doesn’t really have the capacity to do that, so they asked the Town Board to do the SEQR review. SEQR determination is really to determine if there is the ability to conclude if the project would have a negative environmental impact. Attorney Campbell suspects this will be of no significance, and they should be able to move forward. If the Town Board is ok with doing this, we can complete this tonight.

Supervisor Gott stated he doesn’t understand how this could do anything but positively impact the fairgrounds. Councilman English asked if there were any legal repercussions, and Attorney Campbell advised he see’s no risk in moving forward with the SEQR.

RESOLUTION 82-2025

ADOPT FINDINGS FOR PART II OF SHORT ENVIRONMENTAL ASSESSMENT FORM

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

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

Nays – 0

Resolved to adopt the findings for Part II of the Short Environmental Assessment Form.

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

RESOLUTION 83-2025

DECLARE NEGATIVE DECLARATION UNDER SEQR PART III

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

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

Nays – 0

Resolved to declare negative declaration under SEQR part III.

RESOLUTION 84-2025

ADOPT SEQR

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

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

Nays – 0

WHEREAS, the Town of Livonia Town Board, (hereinafter referred to as Town Board) is considering approval for the proposed drainage improvements at the Hemlock Fairgrounds. The proposed project involves the installation of approximately 600 linear feet of 12” storm pipe, and 6 pre-cast catch basins. Approximately 300-feet of French drain with 4" perforated pipe will also be installed; and

WHEREAS, the Town Board has determined the above referenced application (hereinafter referred to as Action) to be an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has determined that the proposed development is subject to a single agency review pursuant to Part 617.6(b) (4) of the SEQR Regulations; and

WHEREAS, the Town Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

WHEREAS, the Town Board has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby designate itself as lead agency for the proposed development above herein; and

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

NOW, THEREFORE, BE IT RESOLVED that the Town Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action;
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site, or will the proposed action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a substantial change in the use, or intensity of use, of land including open space or recreational resources, or in its capacity to support existing uses;
- (ix) there will not be a large number of persons attracted to the site for more than a few days when compared to the number of persons who would come to such a place absent the action;
- (x) there will not be created a material demand for other actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are not two or more related actions which would have a significant impact upon the environment.

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

BE IT FURTHER RESOLVED that based upon the information and analysis above and the supporting documentation, the Town Board determines that the proposed action **WILL NOT** result in any significant adverse environmental impacts.

BE IT FURTHER RESOLVED that the Town Board directs the Supervisor to sign and date Part 3 of the Short Environmental Assessment Form and to identify on the Form that the proposed Action will not result in any significant adverse impacts.

BE IT FINALLY RESOLVED that the Town Board directs that copies of this determination be filed as provided for under the SEQR Regulations.

Note: It is the hope that this work will be completed by the start of the Hemlock Fair 2025.

DISCUSSION: HEMLOCK SEWER PUMP STATION PROJECT

The LCWSA would like to apply for a grant for the replacement of 5 pump stations.

RESOLUTION 85-2025

RESOLUTION TO SCHEDULE A PUBLIC HEARING REGARDING THE TOWN OF LIVONIA INTENT TO APPLY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR THE HEMLOCK PUMP STATION IMPROVEMENT PROJECT

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

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

WHEREAS the Town of Livonia intends to submit an application to the New York State Office of Homes and Community Renewal for funding under the Community Development Block Grant (CDBG) Program for the 2025 program year; and

WHEREAS, the State of New York has announced that up to \$40 million is available through the 2025 CDBG Program, and

WHEREAS the Town of Livonia is considering submitting an application for up to \$2 million in CDBG funds to support the Hemlock Pump Station Improvement Project and

WHEREAS, as part of the application process, the Town of Livonia must hold a

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

public hearing to gather input from citizens, public agencies, and other stakeholders on the proposed CDBG application, community needs, and CDBG funding priorities.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby schedules a public hearing to be held on **July 17, 2025** at the regular Town Board meeting to receive public comments on the Town's proposed CDBG application for the Hemlock Pump Station Improvement Project and

BE IT FURTHER RESOLVED that the Town Clerk is directed to publish notice of said public hearing in accordance with applicable laws and regulations.

RESOLUTION 86-2025

A RESOLUTION TO DESIGNATE THE TOWN CLERK AS THE FAIR HOUSING OFFICER

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

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

WHEREAS, the Town of Livonia is applying for a Community Development Block Grant ("CDBG") Application and has the need to designate a primary point of contact for fair housing duties between the public and the locality, and

WHEREAS, the Town Clerk has the most contact with the public in the Town of Livonia and will be able to receive any communications with regards to fair housing in the Town of Livonia, and

BE IT FURTHER RESOLVED, that the Town Board designates Hayley Woodruff, Town Clerk, as the Fair Housing Officer, responsible for all community development programs in order to carry out all local town obligations relating to Fair Housing opportunities.

RESOLUTION 87-2025

RESOLUTION TO WAIVE SUBDIVISION REQUIREMENTS FOR NEW PARCEL TO BE TRANSFERRED FROM THE LIVONIA CENTRAL SCHOOL DISTRICT TO THE LIVINGSTON COUNTY WATER AND SEWER

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

AUTHORITY

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

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

WHEREAS, the Livingston County Water and Sewer Authority (“Authority”) has undertaken a capital improvement project to construct a new approximately 3-million-gallon water storage tank and appurtenant improvements to supplement the existing Shelly Road Water Tank, located in the Town of Livonia; and

WHEREAS, the Authority desires to construct the new water tank on a 0.553 acre parcel (“new tank parcel”) of real property currently owned by the Livonia Central School District (“LCSD”), which is contiguous to real property owned by the Livonia Joint Water Works that contains the existing Shelly Road Water Tank that is operated and maintained by the Authority pursuant to the lease agreement between the Town and Authority, whereby the Authority operates and maintains the entire water storage and delivery system located within the Town of Livonia; and

WHEREAS, the Authority must own or have exclusive control over the parcel of land that the new water tank will be located on in order to comply with the financing requirements related to the debt that the Authority will undertake for the construction of the tank; and

WHEREAS, in order to take title to the new tank parcel from the LCSD, the 0.553 acre lot must be divided from the larger portion of property owned by the LCSD; and

WHEREAS, typically, the Town requires that any division of land that creates a new lot be accomplished by a formal subdivision process undertaken by the Town of Livonia Planning Board; and

WHEREAS, because the Authority is a public service entity that was created by special legislation of the State of New York to act as an instrumentality of the State for the public purpose of providing public water and sewer services to the residents and businesses of Livingston County, the Town has the power to waive the subdivision review and approval process under certain terms and conditions after applying a balancing of public interest test as established in the Matter of the City of Rochester case (72 N.Y.2d 338, 533 N.Y.S.2d 702, 530 N.E.2d 202 (1988)); and

WHEREAS, the Authority has requested that the Town waive the subdivision review and approval process so that the new tank parcel can be transferred from the LCSD

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

to the Authority immediately and without the need to seek and obtain approval from the Livonia Planning Board; and

WHEREAS, upon review of the requested waiver, the Town Board of the Town of Livonia desires to waive the otherwise necessary subdivision review and approval process so that the Authority can take title to the new tank parcel from the LCSD in an unimpeded fashion and further desires to document that intention herewith.

NOW THEREFORE BE IT

RESOLVED, that the Livonia Town Board approves the request of the Livingston County Water and Sewer Authority, on behalf of itself as Grantee and the Livonia Central School District as Grantor to effect the transfer of title of a portion of the LCSD property known as Tax Identifier Map Parcel Number 75.-1-45.111, being shown as “Lot 1” on a map dated January 10, 2025 and being styled as the “Shelly Road Subdivision” as prepared by Ravi Engineering & Land Surveying, P.C. and designated as Project # 20-23-190; and be it further

RESOLVED, that Livonia Town Board makes the following findings to support its decision to exempt the above transfer from the Town of Livonia subdivision review and approval process:

- While not specifically set forth in the Town of Livonia Subdivision Regulations, the general intent of requiring compliance with such regulations is to promote thoughtful and ordered development that promotes public health, safety, convenience and general welfare. The Town Board finds that waiving the otherwise required subdivision process for the Authority acquisition of land from the LCSD will not negatively impact the goal of promoting thoughtful and ordered development that promotes public health, safety, convenience and general welfare in the Town of Livonia.
- That absent the consent granted hereby, the Authority and LCSD would be required to seek and obtain approval for the proposed subdivision from the Town of Livonia Planning Board.
- That the nature of the Livingston County Water and Sewer Authority is as a public service entity that was created by special legislation of the State of New York and that said Authority acts as an extension of the State of New York for the public purpose of providing drinking water and sewer services to residents and businesses throughout Livingston County.
- That the intended use of the subject parcel to house a new water tank will serve and benefit the water customers and residents of the Town of Livonia, Village of Livonia and those customers of the Authority outside of the Town

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

of Livonia, but within Livingston County and that such benefits are legitimate local interests.

- That requiring the Authority and LCSD to make application to and seek approval for the desired subdivision from the Livonia Planning Board will likely require multiple meetings and could result in significant delay or possible disapproval of the requested subdivision, each of which would jeopardize the construction of the new water tank and the important public benefits resulting from the construction and implementation of such tank.
- That the construction of the new water tank will better allow the Authority to serve its customers within the Town and Village of Livonia by providing significantly greater water storage capacity and reducing the strain on the existing Shelly Road water storage tank, which is intended to stay operative.
- That the location of the proposed new water storage tank property is unique in that it abuts and is proximate to an existing water storage and delivery infrastructure that it will connect to and is located at the proper elevation. Additionally, the subject property is owned by the Livonia Central School District and is currently not used in furtherance of school activities, making it uniquely available for achieving the desired interconnectivity of the new tank with the existing water storage and delivery system.
- That the Authority must own or have exclusive control over the parcel of land that the new water tank will be located on in order to comply with the financing requirements related to the debt that the Authority will undertake for the construction of the tank.
- That the subject parcel is surrounded by property owned by the LCSD, Joint Water Works and one neighboring property owned by Michael J. Bunce and Patricia M. Bunce, who have provided a temporary construction easement (signed and dated May 12, 2025) to the Authority to use a portion of their property during the tank construction process.
- That the proposed new water tank project has intermunicipal involvement/benefit between the Authority, the Town of Livonia (as lessor of its water system operation and maintenance to the Authority), the Village of Livonia (as lessor of its water system operation and maintenance to the Authority) and the Livonia Central School District; and be it further

RESOLVED, that after applying the balancing of interest test of the Matter of the City of Rochester case as set forth in the above findings, the approved waiver serves the best interest of the residents of the Town of Livonia; and be it

RESOLVED, that should the Livonia Central School District determine not to transfer ownership of the subject property to the Authority for purposes of constructing a new water storage tank, the waiver of subdivision review and

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

approval intended hereunder shall become null and void.

Adopted on June 18, 2025

VOTE OF THE BOARD:

The vote duly taken resulted as follows:

Eric Gott, Supervisor	aye
Joseph Breu, Deputy Supervisor	aye
Andrew English	aye
Matthew Gascon	aye
Peter Dougherty	aye

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LIVONIA

Hayley Woodruff, Town Clerk

RESOLUTION 88-2025

APPROVE CONTRACT WITH LU ENGINEERING FOR LAKEVILLE PEDESTRIAN IMPROVEMENT PROJECT

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

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

Resolved to approve contract with Lu Engineering for Lakeville Pedestrian Improvement Project not to exceed the amount of \$565,083.00

RESOLUTION 89-2025

AUTHORIZE SUPERVISOR GOTT TO SIGN ENGINEERING CONSULTANT

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

AGREEMENT WITH LU ENGINEERING FOR LAKEVILLE PEDESTRIAN IMPROVEMENT PROJECT

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

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

Resolved to authorize Supervisor Gott to sign engineering consultant agreement with Lu Engineering for Lakeville Pedestrian Improvement Project.

RESOLUTION 90-2025

AUTHORIZE SUPERVISOR GOTT TO SIGN AGREEMENT BETWEEN THE TOWN OF LIVONIA AND LIVINGSTON COUNTY PLANNING BOARD TO EXEMPT REFERRAL OF CERTAIN LOCAL ZONING AND SUBDIVISION APPLICATIONS

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

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

Resolved to Authorize Supervisor Gott to sign the agreement between the Town of Livonia and Livingston County Planning Board

RESOLUTION 91-2025

HIRE JAMES DAVIS AS LABORER FOR VITALE PARK

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

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

Resolved to hire James Davis as a Laborer at Vitale Park at a rate of pay of \$18 an hour effective June 2, 2025.

Supervisor Gott advised there was an employee at Vitale Park who needed to be released of his duties. Since then, a notice of a hearing has been received. At this point Supervisor Gott advises that the Town may want to consider hiring separate legal counsel as has been done in the past with these situations.

RESOLUTION 92-2025

HIRE HEATHER DECHERT FROM WEBSTER SZANYI TO REPRESENT THE TOWN OF LIVONIA IN A PERSONNEL MATTER

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

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

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

Nays – 0

Resolved to hire Heather Dechert from Webster Szanyi Law Firm to represent the Town of Livonia in a Personnel Matter.

DISCUSSION: WINDOWS IN THE TOWN HALL AND MEETING ROOM

Clerk Woodruff and Adam Backus worked together to get a quote for tint on the windows in the Lobby, the Main Doors, and all the meeting room windows. With the new technology in the room, the back windows also present the issue of glares on the TV's and the view of them. The quote received from the Tint Shop for supplies and labor came back at \$1,852.01.

RESOLUTION 93-2025

APPROVE QUOTE FOR WINDOW TINT SERVICES FROM THE TINT SHOP FOR THE TOWN HALL LOBBY, MAIN DOORS AND MEETING ROOM WINDOWS

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

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

Nays – 0

Resolved to hire the Tint Shop to tint the windows in the meeting room, the lobby and the main doors at the Town Hall. The amount not to exceed \$1,852.01

RESOLUTION 94-2025

AUDIT OF CLAIMS

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

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

Nays – 0

Resolved to pay claims 427-451 in the amount of \$62,111.66 from the Abstract dated May 27, 2025.

RESOLUTION 95-2025

AUDIT OF CLAIMS

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

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

Nays – 0

Resolved to pay claims 452-476 in the amount of \$20,020.31 from the Abstract dated

TOWN BOARD MEETING, TOWN OF LIVONIA

June 18, 2025

June 5, 2025.

RESOLUTION 96-2025

AUDIT OF CLAIMS

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

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

Resolved to pay claims 477-519 in the amount of \$259,648.88 from the Abstract dated June 18, 2025.

With no further business, on the motion of Councilmember Dougherty seconded by Councilmember Gascon the meeting was adjourned at 8:05PM. Carried unanimously.

Respectfully Submitted,

Hayley Woodruff
Town Clerk