

**REGULAR MEETING, TOWN OF LIVONIA**  
June 1, 2017

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, Lakeville on June 1, 2017.

**PRESENT:** Eric Gott, Supervisor  
Matt Gascon, Councilmember  
Angela Grouse, Councilmember  
Frank Seelos, Councilmember  
Colleen West Hay, Clerk  
Jim Campbell, Attorney, Town of Livonia

**ABSENT:** Andy English, Councilmember

**OTHERS PRESENT:** Miranda Reid, Conesus Lake Watershed Manager; Several Residents.

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

**PRIVILEGE OF THE FLOOR**

Supervisor Gott thanked Joe Murphy for restringing the flag at Vitale Park.

**CONESUS LAKE WATERSHED MANAGER REPORT**

Supervisor Gott introduced Conesus Lake Watershed Manager Miranda Reid. Ms. Reid gave the following report on what her department has been working on:

- Grant for Sub-watershed Storm Water Study of Wilkins Creek: The study will focus on analyzing storm water connections and remediation of problems such as reducing flash flooding risk by slowing down storm water. They are currently in the consultant selection process.
- Vitale Park Green Infrastructure and Shoreline Restoration Grant (NY Sea Grant \$25,000): In the process of selecting a consultant. Project will include rain barrels and a rain garden for storm water management of the new building and natural shoreline restoration on the east side of the park.
- Watershed Education Center: In partnership with the Conesus Lake Association (CLA), Cornell Cooperative Extension and other partners to develop citizen science programming, invasive species monitoring, and a monthly speakers series on watershed topics for the new community building at Vitale Park.
- Shorescaping Initiative: Working with the CLA and other partners on developing an educational program to promote natural shorelines and lake friendly landscaping

A resident asked if the Wilkins Creek study was going to include the entire reach all the way to the shoreline. Ms. Reid responded yes. The resident asked about two proposed

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projects in the Village of Livonia and how they might impact drainage. Supervisor Gott responded that no application has been filed for either of those projects, so it is hard to comment on any impacts. If any new development is proposed, part of the planning process involves reviewing any possible drainage impact.

RESOLUTION 74-2017

**APPROVE MEETING MINUTES FROM 5/4/2017**

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

ADOPTED	Ayes -	4 (Gott, Gascon, Grouse, Seelos)
	Nays -	0

Resolved to approve the meeting minutes from May 4, 2017.

**TOWN CLERK'S REPORT – MAY 2017**

Clerk Hay reported that the Financial Report for May will be given at the July meeting because the bank statements are not ready yet.

**Town Clerk Updates**

**Electronic Death Registry System (EDRS)**

The Department of Health has been rolling out the EDRS System across New York State for the last few years. They are now ready to implement the system in Livonia. In the beginning, only deaths that occur at a facility (Conesus Lake Nursing Home), due to natural causes, with no need for an autopsy, will be filed electronically. The rest will continue to be paper filed.

The system is set to be implemented in Livonia starting August 2. Clerk Hay and Deputy Clerk Liesegang are scheduled for a training webinar on June 21 at 10 AM, during which time that office will be closed.

We must have an agreement in place with the Health Commerce System. In the agreement, we must name a Director (same as the Registrar), a Coordinator (same as Deputy Registrar), and an Organizational Security Coordinator (OSC). The OSC should have a background in information technology and security and currently serve in an information technology security capacity for the organization. The OSC is held personally accountable by the organization for execution of the security policies contained in the agreement. Clerk Hay indicated that she is not comfortable serving in that capacity and asked for direction from the Town Board as to how to proceed. She asked if it would be possible to have a shared services agreement with other towns for

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the purpose of employing a part-time IT person. Supervisor Gott stated that he would have to talk to the County Administrator to see if this is a viable option. He instructed Clerk Hay to hold off on signing the agreement for now.

### **Email Disclaimer**

Clerk Hay mentioned that she has been asked if we should have a disclaimer attached to our outgoing email message, like some other towns do. Attorney Campbell stated that a disclaimer might be in conflict with Freedom of Information Law. We can check with Bob Freeman at the training next Wednesday.

### **Youth Employment Program**

Clerk Hay reported that Councilmember Grouse asked if we would have some office work for a Youth Employment Program participant. The program runs July 5-August 9. Students work 20-25 hours/week and are paid through Workforce Development at no cost to the town. Clerk Hay has some scanning work, Historian Betty Miles has some indexing and the Building & Zoning Department could also utilize a student.

The Board was in favor of proceeding and authorized Clerk Hay to complete the Worksite Position Request Form.

### **AED/CPR Training**

Clerk Hay reported that as part of our AED Program, it is time to renew AED/CPR Training. Margaret Linsner, Bob Lemen, Wendy Liesegang and Clerk Hay completed training last night. Upcoming training dates are Friday June 23, Wednesday July 12 and Thursday July 13. All dates are 9 AM to 12 PM. Location is tentatively set for the Livonia Fire Hall. Employees should RSVP to Clerk Hay.

### **Town Hall Maintenance**

Clerk Hay reported that several of the bushes planted at the Town Hall have died. Weeds are also starting to grow again. She asked about removing the dead plants and weeds. Supervisor Gott said he is working with Councilmember English to replace the dead bushes. He will also follow up with the lawn care company about the weeds.

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### **Records Management Grant**

Clerk Hay reported that we received a six month grant extension, so we now have until December 31, 2017 to complete the grant work and until January 31, 2018 to complete the reports.

### **Freedom of Information and Open Meetings Law Training**

- There are 50 elected/appointed officials from several counties registered for the FOIL/OML training Wednesday, June 7 from 12-2 PM at the Emergency Management Training facility on Gypsy Lane in Mt. Morris.

### **Other Updates:**

- Deputy Clerk Liesegang took the Notary exam and is waiting for results.
- Bulk Clean-up tickets: 144 free and 14 paid tickets have been issued.

Supervisor Gott reported that he received a press release from the New York State Town Clerks' Association notifying him that Clerk Hay received the designation of Registered Municipal Clerk. He read that this prestigious award recognizes her professional competency in fulfilling the duties of the office of Town Clerk. He congratulated Clerk Hay.

### **SHORT TERM RENTALS ON CONESUS LAKE**

Several residents of Pebble Beach Road addressed the Town Board regarding short term (mostly weekly) rentals. The listed their concerns:

- Noise – They indicated that people are in “Party Mode” all week, often playing loud music, drinking, arguing and talking loudly late at night, even on weeknights. The noise often includes foul language.
- Trespassing/Privacy – They indicated that other people and their pets often wander into their yards and even use their docks. One resident reporting planting bushes on the property line so that the renters would know where the lot line is, and the came out one morning to find a child hitting the bushes with a baseball bat. Another resident reported that she has had people urinate on her front yard.
- Safety – The weekly influx of new renters often bring their friends, family and pets. The people who live in the area year-round have no idea who the renters are or what their backgrounds are.
- Traffic/Parking – There are currently four rental houses that are advertised to accommodate a total of 47 people, 38 cars and a boat trailer. When the renters bring their friends and family that means even more cars and congestion on their narrow street. Residents complain that they are sometimes blocked in so they can't leave their driveways.
- The possibility that another home will be rented out weekly, bringing the total of the weekly rental homes to five.

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Several of the residents indicated that they did reach out to the property owner regarding their concerns, and the property owner responded that renters who do not follow the rules would not be allowed back. The residents stated that they have seen the violators come back the following year. The residents also reach out to the Sheriff's department when things get bad, but then the renters retaliate by acting worse.

The residents feel that the weekly rentals constitute a business that is not compatible with Neighborhood Residential (NR). They requested that rentals of less than 30 days not be allowed in areas zoned NR. They also requested that the Town pass a noise ordinance.

A gentleman who owns the four properties was at the meeting and addressed the board as well. He stated that he lives in one of the homes on Pebble Beach Road and is trying to address the neighbors' concerns. He thanked people for their comments. He stated that people who cause problems are not allowed to come back and that most renters are respectful. He shared that he wants to take care of the neighborhood and will respond to complaints.

The property owner added that, in his opinion, the problems reported tonight are isolated experiences. He also shared that there are other cottages on Pebble Beach Road that are rented out by the week in the summer and he feels like he is being targeted.

A resident of Shoreline Drive shared that weekly rentals are a problem on Shoreline Drive as well. He would like to see something done about the noise and safety issues as well.

Attorney Campbell reported that he and Supervisor Gott are working with Code Enforcement Officer Adam Backus on zoning issues. They feel that the residents have legitimate concerns, and the code as it exists now is not sufficient to address this. They are in the process of researching what other communities have done and how it has worked. The Town Board must determine whether or not they want to allow weekly rentals, and if so, how they can be regulated. Their goal will then be to draft regulations that increase effectiveness and decrease liability to the Town. He added that noise ordinances are ineffective because they require a level of technical expertise that most people do not have. In his opinion, a more comprehensive set of regulations are needed to take into account the newer situations. Supervisor Gott added that even if the Board decided to consider a noise ordinance, it would take the same amount of time to go through all of the required steps.

A resident asked if it could be required to have a hands-on manager at all times. She has rented a cottage in the Thousand Islands and this is how they do it, and situations didn't

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get out of hand there. Attorney Campbell responded that things like that can be done. First, the Town Board must determine at what level they want rentals, then they will need to determine what regulations they want. He shared that is important to consider enforceability when drafting new regulations. The Town Board would like to hear from more people regarding this issue, and the idea was brought up to ask the Conesus Lake Association (CLA) if they would share their email list so that additional comments can be solicited.

A resident reported that Skaneateles seems to have a system that works. They do not allow rentals that are less than 60 days. She added that she doesn't want to have to be the neighborhood policeman. She also wants the vacant lot for parking looked into.

Attorney Campbell replied that we can take a look at what Skaneateles has done, but the Town Board needs to reach consensus on how they want to move forward.

Some discussion followed regarding the current definitions in the code. A resident stated they think that these weekly rentals fall under the definition of hotel/motel. Attorney Campbell attested that hotels and motels do not have cooking facilities. He shared that the intent of the existing code was to keep out boarding houses. In his opinion, the current code does not address the concerns brought up here tonight.

Attorney Campbell explained the process for changing the code. First, the Town Board must decide what direction they want to go, then research must be conducted and regulations drafted. Any proposed code revisions must be referred to the county planning board for review and advisory comments. Next, the Town must conduct a public hearing. After the public hearing code changes can be adopted. These steps take time, and the problem is not going to be fixed this summer. He shared that deed restrictions might be a more immediate remedy, however the Town cannot enforce those because it is a private matter.

Supervisor Gott assured everyone that this is a priority for the board and they will update the residents on their progress.

**VITALE PARK UPDATE**

Supervisor Gott announced that the floor has been poured for the new building at Vitale Park. They will start the structure this coming week.

**LIBRARY UPDATE**

Supervisor Gott reported that the Library project is moving quickly. They are now finishing the drywall. The project is on budget and on time.

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RESOLUTION 75-2017

**WAIVER OF 30-DAY NOTICE REQUIREMENT FOR FORTUNE PALACE**

Supervisor Gott reminded the Board that Clerk Hay received a request from Fortune Palace for a waiver of the 30-day notice requirement for downgrading their liquor license. The downgraded license fee is lower, and they will not have to maintain a fully stocked bar. They feel that this is a better fit for their business and it will save them money.

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

ADOPTED Ayes - 4 (Gott, Gascon, Grouse, Seelos)  
Nays - 0

Resolved to grant a waiver of the 30-day notice requirement for Fortune Palaces' application for a Change in License Class from an On Premises to a Restaurant Wine License at 5818 Big Tree Rd., Lakeville, NY 14480.

RESOLUTION 76-2017

**LETTER OF SUPPORT FOR HEMLOCK FAIR TO SELL ALCOHOL**

Supervisor Gott mentioned that the Hemlock Fair needs a letter of support so that they can sell alcohol at the Fair in July.

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

ADOPTED Ayes - 4 (Gott, Gascon, Grouse, Seelos)  
Nays - 0

Resolved to authorize Supervisor Gott to sign a letter to the Permit Unit, Division of Alcoholic Beverage Control, giving permission for the service of alcohol at the Hemlock Fair, Hemlock, NY from July 18 through July 22, 2017.

RESOLUTION 77-2017

**DONATION TO HISTORICAL SOCIETY**

Supervisor Gott shared a request from Glenn Galbraith for a \$500 donation from the Town to jump start a community time capsule project.

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

ADOPTED Ayes - 4 (Gott, Gascon, Grouse, Seelos)  
Nays - 0

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Resolved to approve a \$500 donation to the Historical Society for the Time Capsule project.

RESOLUTION 78-2017

**AUTHORIZE SUPERVISOR TO SIGN PROPOSALS FOR LIBRARY FURNITURE**

Supervisor Gott explained that six proposals totaling \$145,133 have been presented to the Board for approval based on the recommendation of the building committee for the purpose of furnishing the Library. All of the proposals are through state bid contract. The original allotment for furniture was \$200,000, so this is well under budget.

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

ADOPTED Ayes - 4 (Gott, Gascon, Grouse, Seelos)  
Nays – 0

Resolved to authorize Supervisor Gott to sign the following contracts with GrassRoots contract interiors for the purpose of furnishing the Library:

<b>Proposal #</b>	<b>Amount</b>
2450	\$690.34
2454	\$20,610.00
2449	\$17,022.72
2451	\$4,804.68
2452	\$97,342.08
2453	\$4,663.92
<b>TOTAL</b>	<b>\$145,133.74</b>

RESOLUTION 79-2017

**AUDIT OF CLAIMS**

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

ADOPTED Ayes - 4 (Gott, Gascon, Grouse, Seelos)  
Nays – 0

Resolved to pay claims #395-440 in the amount of \$84,482.51 from the Abstract dated 5/22/2017.

RESOLUTION 80-2017

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**AUDIT OF CLAIMS**

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

ADOPTED	Ayes -	4 (Gott, Gascon, Grouse, Seelos)
	Nays -	0

Resolved to pay claims #441-483 in the amount of \$294,834.18 from the Abstract dated 6/1/2017.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Seelos the meeting was adjourned at 8:55 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, RMC  
Town Clerk