

**REGULAR MEETING, TOWN OF LIVONIA**  
July 6, 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 Hemlock Lake Park, Rix Hill Road, Hemlock, NY on July 6, 2017.

**PRESENT:** Eric Gott, Supervisor;  
Frank Seelos, Councilmember  
Andy English, Councilmember  
Angela Grouse, Councilmember  
Matt Gascon, Councilmember  
Colleen West Hay, Clerk

**ABSENT:** Jim Campbell, Attorney, Town of Livonia

**OTHERS PRESENT:** Adam Backus, Building & Zoning Director; 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**

**Budget Update:** Supervisor Gott shared the statements of revenues and expenditures information from the last six months with the board. We are nearly at Budget with revenues, and about 50% under budget with expenditures.

**Jack Evans Community Center Update:** Supervisor Gott reported that the Little Lake Community Association has received their 501(c)3 tax exempt status from the IRS. The Senate and the Assembly have both passed special legislation allowing the Town to transfer ownership to them. The transfer will take place as soon as Governor Cuomo signs the legislation.

**New York Municipal Insurance Reciprocal (NYMIR) Audit:** Supervisor Gott stated that our insurance provider, NYMIR, performed an audit recently and there were no findings.

**Dog Control Officer Inspection Report:** Supervisor Gott received a report from New York State Department of Agriculture and Markets indicating a “satisfactory” rating for the Dog Control Officer inspection.

**Livingston County Town Clerks and Tax Collectors Association (LCTCTCA):** Supervisor Gott congratulated Clerk Hay for being elected by her peers to serve as Secretary for the LCTCTCA.

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**Audit:** Supervisor Gott reported that the auditors were in and the audit appears to have gone well. They will deliver a formal report at the next meeting.

RESOLUTION 84-2017

**APPROVE MINUTES FROM 6/1/2017**

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 approve the minutes from the 6/1/2017 regular meeting of the Town Board.

RESOLUTION 85-2017

**APPROVE MINUTES FROM 6/3/2017**

Supervisor Gott shared that the transfer of ownership of the Jack Evans Community Center required that special legislation be passed by New York State. The Town Board had to conduct a special meeting to approve the legislation. That meeting was held on June 3.

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 the minutes from the 6/3/2017 special meeting of the Town Board.

RESOLUTION 86-2017

**APPROVE MINUTES FROM 6/15/2017**

Supervisor Gott explained that after the Town Board met and approved the signing of the special legislation, the Assembly desired to change the wording of the legislation slightly. This necessitated another special meeting to approve the modified wording. That meeting was held on June 15.

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

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

Resolved to approve the minutes from the 6/15/2017 special meeting of the Town Board.

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RESOLUTION 87-2017

**APPROVE TOWN CLERK’S REPORT – MAY 2017**

Clerk Hay gave the following financial report for May 2017:

Paid to Supervisor for the General Fund	\$4,391.93
Paid to County Treasurer for Dog Licenses	\$280.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$110.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$472.36
Paid to State Health Department for Marriage Licenses	\$45.00
<b>TOTAL DISBURSEMENTS</b>	<b>\$5,299.29</b>

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 May 2017 Town Clerk’s Report.

RESOLUTION 88-2017

**APPROVE TOWN CLERK’S REPORT – JUNE 2017**

Clerk Hay gave the following financial report for June 2017:

Paid to Supervisor for the General Fund	\$2,968.11
Paid to County Treasurer for Dog Licenses	\$364.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$139.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$755.83
Paid to State Health Department for Marriage Licenses	\$112.50
<b>TOTAL DISBURSEMENTS</b>	<b>\$4,339.44</b>

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 approve the June 2017 Town Clerk’s Report.

**Town Clerk Updates**

- **Electronic Death Registry System (EDRS)**
  - Clerk Hay reported that the Department of Health is asking when we are going to sign the EDRS paperwork. The holdup has been the IT portion of the contract. Supervisor Gott answered that he did speak with the County

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Administrator about possibly sharing IT services, and he should be getting in contact with Clerk Hay soon to discuss the issue.

- **Youth Employment Program**
  - Clerk Hay reported that our student started yesterday helping the historian index historical records. She is working out well.
- **AED/CPR Training**
  - Clerk Hay reported that the following have completed AED/CPR training: Margaret Linsner, Bob Lemen, Wendy Liesegang, Alison Houk, Betty Miles, Dawn Woodburn, Lisa Bennett, Mike Lawton, and Colleen Hay.
  - The next training date is July 12 from 9 AM to 12 PM at the Livonia Fire Hall. Adam Backus and Angela Grouse are scheduled for that date.
  - Erin Ebersold will get us the cards once everyone has gone through the training and I will update our account with Safetrack, as per our agreement with them for AED program monitoring.
- **Records Management Grant**
  - Clerk Hay's husband is going to take the 12 remaining records boxes to Albany on Tuesday, as he is traveling there to meet Clerk Hay at the Municipal Clerk's Institute.
- **Tax Collection**
  - The state recently passed a law allowing municipalities to accept partial payments for taxes provided that the municipality passes a resolution allowing it. (It used to be that the County had to pass a local law.) Many people have requested this service, and Clerk Hay reported that she would like to be able to provide this service for the taxpayer.
  - She contacted the County Treasurer, IT Director and Real Property Director to see what the obstacles would be and if it would be possible to work through them. She is waiting to hear back from them.
  - Right now, our software can handle partial payments, but we have to think about reconciling with the county at the end of the collection period, and also the initial printing of the bills. There may be other issues as well that the county might have with us doing this.
  - According to the law that was passed, a partial payment would not affect the county's ability to foreclose for non-payment of taxes.
  - Positives:
    - The taxpayers have requested this service
    - The Town and County can get at least some of the funds sooner if people are able to make a partial payment
    - Helpful for people on fixed incomes
    - Helpful for when people make a mistake on their check and send in the wrong amount (especially when this happens at the end of the month). This happened with 32 bills this year. Clerk Hay would be

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- able to accept what they sent, and then bill them for the remainder. They would only have to pay the penalty on the balance.
- Helpful for people who share a property and want to send in their checks separately. Clerk Hay would be able to accept each check as it is received, instead of refusing the payment until they send the payments in together.
- The Town Board was in favor of looking into this further and asked Clerk Hay to follow up with the county departments for their feedback.
- **Parking Complaint from Paul Least**
  - Clerk Hay reported that Paul Least called her office on 6/13 to say that people are parking on the north side of Rte 20A to use the bait shop and he feels that it is creating an unsafe condition. He cannot see to pull out of his driveway. He contacted the NYS Department of Transportation (DOT), who said that they could put up no parking signs if the town was in favor of that.
  - Clerk Hay spoke with Matt Orvek with the DOT, and he stated that it is all or nothing – either we ban parking between the bridge and so many feet to the west, or we allow parking. We cannot say parking is banned during certain hours or on certain days only.
  - Supervisor Gott shared that he feels it will cripple the bait shop’s business if all the parking is closed, but he understands Mr. Least’s concerns. He will follow up with Mr. Orvek to see if it is feasible to ban parking for a number of feet from the driveway, but not all the way to the bridge.
- **Notary Update:**
  - Deputy Clerk Liesegang passed the Notary exam and received her Notary card yesterday. We will order her a stamp and a seal, and then she will be all set to begin notarizing.

RESOLUTION        89-2017

**REASSESSMENT RESOLUTION**

Clerk Hay mentioned that Assessor Lisa Bennet is requesting that the Town Board pass the reassessment resolution.

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 approve conducting a revaluation project on all properties in the Town of Livonia for the 2018 Assessment Roll to maintain a uniform standard of assessment.

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RESOLUTION        90-2017

**APPROVE SUPPORT OF A NYS CONSOLIDATED FUNDING APPLICATION  
FOR THE LIVINGSTON COUNTY COMPREHENSIVE WATER SUPPLY  
STUDY UPDATE**

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

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

WHEREAS, New York State Governor Andrew M. Cuomo, has created ten Regional Economic Development Councils; and

WHEREAS, as part of the Regional Economic Development strategy, a unified funding process, the Consolidated Funding Application (CFA) has been developed and made available to distribute grant funds for job creation, infrastructure improvements and regionally significant economic development projects; and

WHEREAS, the Department of State of the State of New York has made funding available for the 2017 Local Government Efficiency (LGE) Program to assist applicants in developing and implementing plans to improve local government efficiency and cost savings, and

WHEREAS, the delivery of safe, dependable, good quality water is vital to the economy of Livingston County and will support agricultural producers and agricultural-related and supporting industries throughout the Finger Lakes Region and New York State; and

WHEREAS, the intent of the Livingston County Comprehensive Water Supply Study Update Project is to identify opportunities to collaborate and work together on needed water infrastructure improvements that help maximize system and operational efficiencies, minimize costs and best serve the residents of Livingston County; and

WHEREAS, after much discussion, the Town of Livonia has determined it is advantageous to join together with Livingston County, Livingston County Water and Sewer Authority and other interested municipalities to apply for LGE funding for the Study; and

WHEREAS, the County of Livingston has agreed to act as the lead applicant and will seek \$300,000 in total funding through the Consolidated Funding Application/Department of State LGE Grant on behalf of the Town of Livonia and other interested agencies; now, therefore, be it

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RESOLVED, that the Town of Livonia agrees to work collaboratively with Livingston County in the development of the CFA application and, if funded as a member of the Project Steering Committee; and further

RESOLVED, that the Town of Livonia hereby agrees to name the County of Livingston as the lead applicant to submit a grant application, on behalf of the County of Livingston and interested and involved agencies in the amount of \$300,000 to the New York State Consolidated Funding Application of the Finger Lakes Regional Economic Development Council for the purpose of developing the Livingston County Comprehensive Water Supply Study Update Project, and it is further

RESOLVED, that the Town Clerk is hereby authorized and directed to forward a certified copy of this adopted resolution to the Livingston County Administrator.

RESOLUTION        91-2017

**ACCEPT RESIGNATION OF GWEN COLE FROM JOINT ZONING BOARD OF APPEALS**

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 accept the resignation of Gwen Cole from the Joint Zoning Board of Appeals effective August 31, 2017.

**VITALE PARK UPDATES**

Supervisor Gott reported that the new structure has been started at Vitale Park. The trusses will go on Thursday, followed by the roof. The windows have been ordered.

Supervisor Gott added that the 3<sup>rd</sup> of July went smoothly at the park. The Town hired four people to help in addition to the regular park staff. Councilmember English helped, and the Sheriff sent four deputies to assist.

Councilmember English added that last year, we had a hard time with fireworks in the park, but this year people cooperated with requests to put the fireworks away. He shared that the bathrooms were still an issue because people were using the stalls to change their clothes. He suggested additional port-a-potties next year. He also suggested having toters positioned at the exits next year for people to dump their trash. A resident suggested having collection bins for returnable bottles and cans. He thought that the Scouts could perhaps help with that and keep the proceeds or split the proceeds with the Town.

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RESOLUTION 92-2017

**HIRE EMILY ARTUC AS PART-TIME CLERK**

Councilmember Grouse reported that the Board somehow missed appointing Emily Artruc as part-time clerk last fall. Emily has since resigned, so it is necessary to pass a resolution appointing her, then a resolution to accept her resignation.

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

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

Resolved to hire Emily Artruc as part-time clerk effective 9/21/2016 with a rate of pay of \$9.50.

RESOLUTION 93-2017

**ACCEPT RESIGNATION OF PART-TIME CLERK**

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

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

Resolved to accept the resignation of Emily Artruc as part-time clerk effective 6/5/2017.

RESOLUTION 94-2017

**HIRE PART-TIME CLERK**

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

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

Resolved to hire Antoinette Lubich-Claps as part-time clerk effective 6/3/2017 at a rate of \$9.70/hour.

**LIBRARY UPDATE**

Councilmember Grouse reported the Library project is moving along. The parking lot has been paved. They are going to refurbish the hardwood floors in the old part instead of carpeting it. The refinishing project is being completed by volunteers led by Tim Wahl. She added that they anticipate a mid- to late-August opening.



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**UPDATE ON DRAINAGE PROJECT IN LAKEVILLE**

Building & Zoning Director Adam Backus reported that the engineering has come back for a plan to manage a cohesive drainage plan for the area around the Pizza Paul’s new parking area and the entrance to the Freedom Point (west side) parking area of Vitale Park. He reminded everyone that planning the drainage in this area is a challenge because there is so little pitch to the property. Paul Miller and the Town of Livonia each paid for their own part of the drainage study.

Mr. Backus shared that our road was a mess with potholes, and the intersection is dangerous. People were parking too close to the road. The plan includes delineated parking and will address the drainage in the area.

Supervisor Gott added that the plan will take water that sheets across Stone Hill Road toward Pizza Paul’s and will capture it, redirecting it to the outlet without going through people’s homes. He cautioned that this plan will not fix the entire drainage problem that exists in the area, but it is a start. He shared that the state Department of Transportation (DOT) needs to address the area in front of Smith Lumber. When the water gets deep enough, it crests, crosses the road, and ends up in the Vitale Park parking lot. Next year, the Town Board plans to address drainage of the Vitale Park parking lot, but we cannot take care of the NYS DOT problem in front of Smith Lumber.

The cost to complete the work was quoted at \$23,400, but that included \$11,400 to excavate, install, and backfill 520 linear feet of 12” storm pipe with three inline drains. This portion was already budgeted for in the Highway Department budget. The remaining costs were quoted by LG Evans to be \$6,500 to install three 24” X 24” catch basins with frames and grates, and \$5,500 to prep and install 130 linear feet of concrete curbing.

RESOLUTION 95-2017

**APPROVE DRAINAGE WORK IN LAKEVILLE**

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 the expenditure of contingency funds to LG Evans in the amount of \$12,000 to complete the proposed drainage work itemized above for the Freedom Point parking entrance to Vitale Park.

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RESOLUTION 96-2017

**APPOINT DAWN ANDERSEN TO JOINT PLANNING BOARD**

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 appoint Dawn Andersen to the Joint Planning Board to fill the vacancy left by the resignation of Chuck Casaceli for the term expiring 12/31/2020; and further

Resolved that this appointment take effect immediately.

RESOLUTION 97-2017

**RENEW MEMORANDUM OF UNDERSTANDING (MOU) WITH CORNELL COOPERATIVE EXTENSION**

The cost to renew the MOU has increased from \$3,200 to \$3,500 because of the increase in the minimum wage over last year.

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 renew the Memorandum of Understanding with Cornell Cooperative Extension at a cost of \$3,500 for programming at the Chip Holt Nature Center.

Councilmember Gascon reminded everyone that the Chip Holt Nature Center fundraiser “Anything that Floats Regatta” will be held at Vitale Park on July 29.

**VOLUNTEER AWARDS**

Councilmember Grouse announced that the Town will recognize the volunteer award winners at the July 16 concert at Vitale Park.

**PRIVILEGE OF THE FLOOR**

**Conesus Lake Outlet:** A resident asked what ever happened about the bridge that the Town wanted to move from Hemlock Lake Park to Vitale Park. Supervisor Gott explained that we cannot move the bridge because the Livingston County Water and Sewer Authority has an easement that states that there must always be vehicle access to that side of the park. The Department of Environmental Conservation (DEC) has applied for funds for a box culvert, which would allow much better water flow through the outlet

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than the current culvert. The Town will take care of the engineering and installation if the DEC will buy the culvert.

**Request to lower speed limit:** A resident asked for a speed limit reduction from 30 MPH to 20 MPH for the full length of Pebble Beach Road in Lakeville. Supervisor Gott explained that the process is for the request to go to the Traffic Safety Board, then it will need to go to the NYS DOT for a study.

RESOLUTION 98-2017

**AUTHORIZE REQUEST FOR SPEED LIMIT REDUCTION ON PEBBLE BEACH ROAD IN LAKEVILLE**

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 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, to establish a lower maximum speed at which vehicles may proceed along the entire length of Pebble Beach Road in Lakeville from 30 MPH to 20 MPH, and further

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.

**PRIVILEGE OF THE FLOOR, CONTINUED**

**Jack Evans Community Center:** A resident asked what the Town's involvement will be with the Jack Evans Community Center once ownership is transferred to the non-profit. Supervisor Gott responded none.

**Pebble Beach Weekly Rentals:** A resident reported that since the last board meeting, owners have implemented rules and suggested quiet hours. The problems they were having with weekly rentals have improved.

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**Water rate:** Councilmember Seelos stated that in November of last year, the Town Board approved an increase in water rates, but he noticed that the posted rates have not changed. Supervisor Gott said that he will follow up with Highway Superintendent Dave Coty about it.

RESOLUTION 99-2017

**APPROVE ABSTRACT FROM JUNE 15, 2017**

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 of claims #484-537 in the amount of \$212,234.41 from the Abstract dated 6/15/2017.

RESOLUTION 100-2017

**APPROVE ABSTRACT FROM JUNE 22, 2017**

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 approve payment of claims #538-555 in the amount of \$21,554.55 from the Abstract dated 6/22/2017.

RESOLUTION 101-2017

**APPROVE ABSTRACT FROM JULY 6, 2017**

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 payment of claims #556-615 in the amount of \$346,610.04 from the Abstract dated 7/6/2017.

**PRIVILEGE OF THE FLOOR, CONTINUED**

**Honor Flight:** Councilmember Gascon shared that he had the chance to participate in an Honor Flight with his uncle from Hemlock. The mission of Honor Flight is to accompany veterans to Washington, DC so that they may visit memorials dedicated to honor the service and sacrifices of themselves and their friends. He reported that he met a 93-year-

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old woman who was a surgical nurse. He stated that it was an honor and a great experience.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember Grouse the meeting was adjourned at 8:12 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, RMC  
Town Clerk