

REGULAR MEETING, TOWN OF LIVONIA
January 4, 2018

A regular 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 Street, Livonia on January 4, 2018.

PRESENT: Eric Gott, Supervisor
Andy English, Councilmember
Matt Gascon, Councilmember
Frank Seelos, Councilmember
Peter Dougherty, Councilmember
Colleen West Hay, 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. Clerk Hay led the pledge.

OATHS OF OFFICE

Clerk Hay administered the Oath of Office to Supervisor Gott, and Councilmembers Gascon and Dougherty. Supervisor Gott congratulated Pete Dougherty on his election to the Town Board, and Matt Gascon and Colleen Hay on their re-elections.

OPEN PUBLIC HEARING ON PROPOSED LOCAL LAW #1-2018 – ZONING MODIFICATIONS

Supervisor Gott asked Attorney Campbell to explain how the proposed local law came about.

Attorney Campbell shared that the County Economic Development office contacted the Town of Livonia after receiving a request from a developer who was interested in placing a brewery on a property located on South Lima Road. The property in question is in an Industrial Zoned area, and our code does not allow that particular use in the Industrial District.

Attorney Campbell explained that we have two options.

1. If there is another zoning district close by or adjacent to the property that would allow the proposed use, we could shift the district boundaries by way of a local law. After looking at this it was determined that there was nothing close by that was suitable.

2. We could amend permitted uses in the Industrial District to allow the proposed use, provided that the proposed use is deemed less intense than what is currently allowed in the Industrial District.

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Attorney Campbell feels that modifying the code to add an additional permitted use, which would allow a bar, tavern, or any use which is licensed to distribute, produce or provide for on-premises consumption and/or retail sales of alcoholic beverages makes a lot of sense. He added that the most problematic uses, for example “adult use,” are designed to be allowed in limited areas, usually in an Industrial District (ID). He shared that schools and churches, for example, would not be a good fit in an ID.

Tonight’s proposed local law would add the aforementioned new permitted use in the ID. This means it would apply to every parcel in the ID, not just this one parcel on South Lima Road.

Tonight’s public hearing is to allow for public comment on the proposed local law. As with all proposed zoning changes, this was sent to the Livingston County Planning Board. The issue is on their agenda for consideration at their meeting next week. The Town Board cannot take action until they hear back from the county.

Supervisor Gott declared the public hearing open for proposed Local Law #1-2018 at 7:10 PM. Following distribution of the proposed Local Law to the Town Board members on December 7, 2017, Notice of said Public Hearing was duly published in the Livingston County News on December 28, 2017 with same being posted at the Town Hall, post office and web site. A referral was also sent to the Livingston County Planning Board and a notice was sent to the Town of Avon.

Clerk Hay read the Notice of Hearing for the record.

Comment:

- Building & Zoning Director Adam Backus revealed that even if the proposed use was added to the ID, each project would still be subject to site plan approval by the Planning Board. If a particular project was determined not to be a good fit, the Planning Board could request modifications or deny the proposal. Mr. Backus expressed that he could not think of any other piece of property in the Town of Livonia that this project would fit better. A brewery seems compatible and less impactful than what is already a permitted there.
- Councilmember English asked what the hours of operation would be for the proposed brewery. Mr. Backus answered that that information is in the preliminary site plan, but he did not bring that to the meeting tonight. Attorney Campbell interjected that tonight, we are just discussing whether to permit this type of use in the Industrial District. The site plan process is specific to each project. The property owner added that they are not planning on being open later than 9 or 10 PM. Their business will more closely resemble a winery than a bar.

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There were no further comments or questions regarding the proposed local law, and the public hearing was kept open while the meeting continued.

OPEN SESSION

No one wished to comment.

RESOLUTION 1-2018

APPROVE TOWN BOARD APPOINTMENTS

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

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

Resolved to approve the following Town Board Appointments for 2018:

DEPUTY SUPERVISOR	FRANK SEELOS
TOWN HISTORIAN	BETTY MILES
REGISTRAR	COLLEEN WEST HAY
DEPUTY REGISTRAR	WENDY LIESEGANG
DEPUTY TOWN CLERK	WENDY LIESEGANG
RECORDS MANAGEMENT OFFICER	COLLEEN WEST HAY
MILEAGE RATE	54.5cents /MILE
TOWN ENGINEER	CLARK PATTERSON LEE
MEETING DATES	1 ST and 3 rd THURSDAY, 7PM
TOWN ATTORNEY	JAMES CAMPBELL
PLANNING BOARD APPOINTMENT	RICHARD BENNETT
ZONING BOARD APPOINTMENT	PETER NILSSON
CHAIRMAN OF JOINT ZONING BOARD	PETER NILSSON
CHAIRMAN OF JOINT PLANNING BOARD	RICHARD BENNETT
OFFICIAL BANK	FIVE STAR BANK/COMMUNITY BANK
PLANNING BOARD SECRETARY	ALISON HOUK
OFFICIAL NEWSPAPER	LIVINGSTON COUNTY NEWS
COUNTY TRAFFIC SAFETY BOARD	ERIC GOTT
“ “ALTERNATE	FRANK SEELOS
OFFICIAL RADIO STATION	1040 WYSL

SUPERVISOR’S APPOINTMENTS

SECRETARY TO SUPERVISOR	MIKE LAWTON
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TOWN BOARD COMMITTEE APPOINTMENTS

HIGHWAY	MATT GASCON
RECREATION/YOUTH/ BASEBALL	PETE DOUGHERTY
VITALE PARK/CHIP HOLT	ANDREW ENGLISH
HEMLOCK PARK LIASON	MATT GASCON
LIBRARY	PETE DOUGHERTY
EMERGENCY SERVICES LIASON	FRANK SEELOS
JOINT WATER WORKS	ERIC GOTT AND FRANK SEELOS
CLA LIASON	FRANK SEELOS
TRAIL LIASONS	MATT GASCON

RESOLUTION 2-2018

APPROVE MEETING MINUTES FROM 12/7/2017

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

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

Resolved to approve the meeting minutes from December 7, 2017.

TOWN CLERK’S REPORT – DECEMBER 2017

Clerk Hay gave the following financial report for December 2017:

Paid to Supervisor for the General Fund	\$2,291.80
Paid to County Treasurer for Dog Licenses	\$206.50
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	\$652.50
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$83.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$153.06
State Health Department (marriage licenses)	\$22.50
TOTAL DISBURSEMENTS	\$3,409.36

Town Clerk Updates

- Annual Report: Clerk Hay will present the Town Clerk Annual Report at the next meeting.
- Tax Update: Clerk Hay reported that the tax office was very busy answering phone calls and taking payments last week due to the governor’s executive order. She informed the board that due to the executive order, she was required to accept partial payments if they were received or postmarked in December.
- Cyber Security Audit Update: The final Audit has been received. Clerk Hay asked

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to schedule a time to have a conference call with Bonadio and Layer3 for the Executive Summary. She distributed copies of the confidential audit to the board members so that they could review it and prepare any questions.

- Grant: Clerk Hay announced that the grant project is complete. She thanked Betty Miles, Rhonda Roeser, Dawn Woodburn, Wendy Liesegang, Mike Lawton, Adam Backus and Alison Houk for assistance. Clerk Hay is working on final reports, which are due by the end of the month.
- Workplace Violence: Clerk Hay reminded the board that it is time to review our Workplace Violence Policy, update the Schedule 2-B forms (Evaluation of Physical Environment), and schedule training for staff and boards. She will be distributing the Schedule 2-B forms to department heads, and she will check with Phyllis Applin to see if she can come to a board meeting and to the office for training sessions.

Supervisor Gott thanked Clerk Hay for her work on the grant. He shared that the project went very smoothly, and he appreciates all she did to make this happen.

RESOLUTION 3-2018

APPROVE TOWN CLERK’S REPORT FOR DECEMBER 2017

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

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

Resolved to approve the December 2017 Town Clerk’s Report.

RESOLUTION 4-2018

RE-APPOINT MAE SHARMAN TO LIBRARY BOARD OF TRUSTEES

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

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

Resolved to re-appoint Mae Sharman to the Library Board of Trustees for the term 1/1/18 through 12/31/23.

RESOLUTION 5-2018

APPOINT MARY ANN RZESZUTEK TO JOINT ZONING BOARD OF APPEALS

Supervisor Gott received a memo from Building & Zoning Director Adam Backus

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recommending the appointment of Mary Ann Rzeszutek to the Joint Zoning Board of Appeals. The vacancy was advertised and Ms. Rzeszutek was the only applicant. She is highly recommended.

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

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

Resolved to appoint Mary Ann Rzeszutek to the Joint Zoning Board of Appeals to finish the term vacated by Gwen Cole, expiring 12/31/2020.

RESOLUTION 6-2018
APPROVE 2018 SALARY SCHEDULE

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

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

Resolved to approve the following salary schedule for 2018:

SCHEDULE OF SALARIES AND HOURLY RATES
(Article 8 of Town Law)

<u>POSITION</u>	<u>SALARY/RATE</u>
ELECTED OFFICIALS	
Councilman	7,278
Supervisor	38,318
Highway Superintendent	64,962
Justice	13,450
Town Clerk	42,942
GENERAL STAFF	
Clerk to Justice	15.11/hr.
Deputy Town Clerk	15.94/hr.
Assessor (part-time)	36,867
Clerk to Assessor	15.11/hr.
Secretary to Supervisor	43,016

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Cleaner (buildings)	13.59/hr.	
HIGHWAY DEPARTMENT		
M.E.O.	24.21/hr.	(contract)
Deputy Highway Supt.	25.21/hr.	(contract)
M.E.O. (seasonal)	19.11/hr.	
Laborer (S.Gilbert)	14.92/hr.	
LIBRARY		
Library Director	52,000	
Technology & Youth Services Specialist	25,500	
Library Clerk (Pam)	22,860	
Clerk part-time (Antoinette)	10.40/hr.	
Clerk part-time (Marian)	10.75/hr.	
Clerk part-time (Eileen)	10.75/hr.	
Page (Jeanne)	11.10/hr.	
Clerk part-time (Linda)	12.52/hr.	
Clerk part-time (Matt)	10.40/hr.	
Clerk part-time (Margo)	10.40/hr.	
BUILDING & ZONING		
Code Enforcement Officer	60,130	
Clerk part-time (Alison)	14.57/hr.	
Zoning Inspector part-time	14.28/hr.	
PARKS & RECREATION		
Recreation Director	18,432	
Recreation Leader(s)	TBD	
Recreation Aides	TBD	
Baseball Commissioners	450	
Park Manager (Maurice)	15.50/hr.	
Laborer (John)	11.25/hr.	
Cleaner	10.40/hr.	
Historian	4,290	
Clerk part-time (Glenn)	14.28/hr.	
Shelter Reservations (Shirley)	750	
JOINT ZONING BOARD OF APPEALS		
ZBA Member	540/annum.	
ZBA Chairperson	1,620/annum.	

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JOINT PLANNING BOARD

Board Member	540/annum
Board Chairperson	2,160/annum

DISCUSS NEXT STEPS FOR SHORT TERM RENTALS

Supervisor Gott mentioned that the board briefly discussed next steps regarding short-term rentals at the last meeting. Attorney Campbell suggested that we form a committee to look at the issue and make a recommendation to the Town Board. Supervisor Gott shared that he would like Attorney Campbell and Building & Zoning Director Adam Backus to serve as non-voting members of the committee. He also suggested Rick Bennett, a village representative, Councilmember Gascon, Julie Smith (realtor), and a Pebble Beach resident who has experienced problems with short-term rentals. He has a couple of people in mind and will reach out to them to see if they are interested. He will have complete list of committee member names to approve at the next meeting.

RESOLUTION 7-2018

ALLOW ADAM BACKUS TO DECIDE ON A LOGO FOR THE BUILDING AND ZONING DEPARTMENT

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

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

Resolved to allow Adam Backus to decide on a logo for his department and move forward with ordering shirts and/or hats.

CLOSE PUBLIC HEARING

With everyone having been heard, Supervisor Gott declared the public hearing closed at 7:30 PM.

OPEN SESSION

- Charlie Braun announced that there will be a program designed for residents on January 31 at the Chip Holt Nature Center titled, “What Is a Watershed and Impacts to Conesus Lake.”
- The governor has announced that \$65 million will be earmarked to study twelve lakes in New York. Gene Bolster and Charlie Braun went to a meeting today to see if we can get some of that funding for Conesus Lake.
- A resident asked if the Town had any plans to combat Emerald Ash Borer. Supervisor Gott responded that we have treated trees located on town property, but not those located on private property. The resident expressed concern that the

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ash trees located in the town's rights-of-way will die and pose a hazard to our roads. Supervisor Gott answered that Highway Superintendent Dave Coty removes trees on the right-of-way that are a hazard to the highway, but we have no plans to treat those trees.

RESOLUTION 8-2018

AUDIT OF CLAIMS

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

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

Resolved to pay claims 1080-1129 in the amount of \$82,215.71 from the Abstract dated 12/21/2017.

RESOLUTION 9-2018

AUDIT OF CLAIMS

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

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

Resolved to pay claims 1-34 in the amount of \$65,504.52 from the Abstract dated 1/4/2018.

Supervisor Gott mentioned that the weather has been very challenging, but Dave Coty and his crew are doing a fabulous job. We have bought a lot of salt and diesel fuel, and paid a lot of overtime already this winter. He encouraged people to thank the highway crew for their hard work.

With no further business, on a motion of Councilmember Dougherty seconded by Councilmember Seelos the meeting was adjourned at 7:34 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, RMC
Town Clerk