

**REGULAR MEETING, TOWN OF LIVONIA**  
April 5, 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 April 5, 2018.

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

**ABSENT:** Andy English, Councilmember

**OTHERS PRESENT:** Several Residents.

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

**OPEN SESSION / PRIVILEGE OF THE FLOOR**

Damage to Wall on Pebble Beach Road

Paul Battaglia addressed the board regarding damage that was done by the snow plow to his wall on Pebble Beach Road. Supervisor Gott shared photos of the damage with the board. Supervisor Gott indicated that the Town Board discussed the wall and the damage at the last Town board meeting. The wall is within the town's right of way and one foot away from the blacktop.

Mr. Battaglia shared that the wall was new this year, but followed the same lines as the timbers were that were there before. He is willing to bring the wall back away from the edge of the road, or whatever else might be necessary so that it does not happen again.

Discussion followed. The Town Board was in agreement that because the wall is in the Town Right-of-Way, the Town is not liable for the damage to the wall. While they sympathized with Mr. Battaglia, and appreciated his efforts to improve his property, they do not feel that they could justify using taxpayer dollars to repair a wall on private property in the Town's Right-of-Way.

Mr. Battaglia was disappointed, but understood the Board's decision. He requested that someone meet with him and his contractor so that the wall is repaired in a way to prevent this from happening again. Supervisor Gott suggested that he and Highway Superintendent Dave Coty meet with Mr. Battaglia and his contractor. Attorney

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Campbell asked Mr. Battaglia to keep in mind that even if the town gives guidance, he is building in the Right-of-Way, so he cannot interpret that guidance to be a guarantee that if it gets broken again that the town would be responsible. Attorney Campbell explained that there is a very limited set of circumstances under which you can use taxpayer dollars to repair or improve taxpayer property legally.

Water Service in South Lima

A resident asked if water service is going to be extended to South Lima. Supervisor Gott answered that we are only looking into doing a study at this point. The study has not been done yet. The thought was to include Bronson Hill Road, South Lima Road, and Poplar Hill Road, and maybe Garden Street and Pennsylvania Avenue.

Upcoming Programming at Chip Holt Nature Center

Charlie Braun reported that a program on Aquatic Invasives and iMapping was held Tuesday at the Chip Holt Nature Center. The next program will be May 2 from 6:30-8:30 PM titled “Understanding the Flood Insurance Program and How It Impacts You.” Later in May there will be a program on the topic of erosion and sediment control.

Noise Ordinance

A resident said he heard that the Town is considering a noise ordinance and he would like information about that. Supervisor Gott shared that the Town Board has put together a special committee to talk about that. They had a meeting last night. Councilmember Gascon added that the Noise Ordinance has been drafted and the committee is recommending a couple of tweaks to it. After that, the committee will make a recommendation to the Town Board. There will be a Public Hearing, where the public will have a chance to speak. It must also be referred to the County Planning Board for comment. The process is moving forward but the Town Board will probably not take action for 3 months or so. A schedule of committee meetings is on the web site and the meetings are open to the public.

The resident wanted to know how he could obtain hours of operation of businesses. Supervisor Gott responded that hours of operation are mentioned in the noise ordinance.

RESOLUTION 55-2018  
**APPROVE MEETING MINUTES FROM 3/15/2018**

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

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

Resolved to approve the meeting minutes from March 15, 2018.

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**TOWN CLERK'S REPORT – MARCH 2018**

Clerk Hay gave the following financial report for March 2018:

Paid to Supervisor for the General Fund	\$15,854.30
Paid to County Treasurer for Dog Licenses	\$206.50
NYS Comptroller's Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$117.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$61.41
State Health Department (marriage licenses)	\$45.00
<b>TOTAL DISBURSEMENTS</b>	<b>\$16,284.21</b>

**Town Clerk Updates:**

Tax Collection: Clerk Hay will have the tax collection report at the next meeting.

IT Committee Update:

The committee met March 20 and April 5. Completed so far:

- Two new computers (Eric and Building/Zoning Department) have been installed and configured.
- The new firewall has been installed.
- Wi-Fi system is installed. The open Wi-Fi is accessible M-F from 8 AM to 9 PM.
- The private Wi-Fi should only be accessed by Town owned equipment. The password and policy has been shared with department heads.
- The credit card machine has been segregated.
- Server room: Clerk Hay ordered a wire shelving unit for \$50 to put the server and equipment on. It needs to be put together and the equipment put on it. This option was \$400 less than purchasing and installing a server rack.
- Clerk Hay has accounts set up with Dell, NewEgg and Amazon to purchase equipment directly, which will eliminate Hurricane's markup.

In progress:

- Clerk Hay is working on the equipment inventory of hardware and software
- The committee is developing policy recommendations
- Vendor Management steps: Bonadio recommended that we obtain a Vendor Audit Control Form for each vendor that has access to our system. I am working to make a list of vendors. The committee asked if we should also require a Non-disclosure Agreement. Attorney Campbell thought that was a good idea. He and

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Clerk Hay will work together on that.

- The committee is creating recommendations for the Board regarding web filtering
- The committee is researching ticketing systems
- In order to put into place the password and patch management software, we need to do the following:
  - Upgrade Adam's computer's operating system (\$100)
  - Replace Alison's computer (\$886 + ~\$200 to install) (\$1,086)
  - Set up Craig's laptop so Betty can use it. Getting pricing for purchasing Microsoft Office, Adobe Photoshop, setting up her email and configuring Betty and Craig's user accounts on the Domain.

EDRS: We are now set up to begin electronic filing of death certificates.

Town Clerk Conference/ NY Municipal Clerk Training

Clerk Hay will be attending the NY Municipal Clerks Institute on April 22 and the Town Clerk Conference April 22-25. Both trainings will be in Albany.

RESOLUTION 56-2018

**APPROVE TOWN CLERK REPORT FOR MARCH 2018**

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

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

Resolved to approve the March 2018 Town Clerk Report.

RESOLUTION 57-2018

**APPROVE COMPUTER EQUIPMENT PURCHASES**

Supervisor Gott stated that he is thoroughly impressed with work the IT Committee has done and how they are trying to save money. He shared that Todd Strong retrofitted the door to the server room to allow more air flow rather than put a cooling system in the room. Supervisor Gott thinks there are a lot of things that need to be done. He feels that the items Clerk Hay is asking for add up to a fairly insignificant amount of money and he would like to approve upgrading Adam's computer and replacing Alison's computer. He would also like to purchase the software needed for Craig's computer and pay to have it configured for Betty and Craig to use.

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

ADOPTED Ayes - 4 (Gott, Gascon, Seelos, Dougherty)

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Nays – 0

Resolved to approve the following purchases and upgrades:

- Upgrade Adam's computer's operating system to Windows 10 Professional Version
- Replace Alison's computer
- Purchase Microsoft Office and Adobe Photoshop for Craig's computer and configure it so that he and Betty can use it.

The Board thanked Earl Hay, who is one of the volunteers from the IT Committee. Mr. Hay explained that the committee is looking into other free or lower cost ways of meeting the audit recommendations. A resident commended the volunteers and shared that the time they are giving also represents a tremendous cost savings for the Town.

**HEMLOCK SIDEWALK PROJECT**

Supervisor Gott reported that the engineers estimate the total cost of the sidewalk project in Hemlock to be \$134,655. We have the mapping and elevations completed. There is \$50,000 in the budget this year. He thinks that before the Town Board approves the project, a community meeting is in order. Then we can make a decision as to how much or how little we do. He will reach out to the Little Lakes Association to see if we can schedule a meeting at the Jack Evans building.

Councilmember Gascon had questions about the estimated cost. He wanted to know what the estimated quantity was on the paperwork from Clark Patterson. Supervisor Gott stated that we can ask Clark Patterson. Attorney Campbell added that the board should remember that this is an estimate only. Once the project goes out to bid, those costs might change. Supervisor Gott remarked that it would be a good idea to add a certain amount for contingencies.

**PROPERTY FOR SALE NEAR VITALE PARK**

Supervisor Gott shared that he received a letter from Terry McCarron addressed to the Town Board. Mr. McCarron has two pieces of property for sale in the vicinity of Vitale Park and he wants to give the Town a chance to purchase the properties before they go on the general market. The Board asked Dawn Woodburn to check on the assessed value of those properties. She will report that to Supervisor Gott and he will share that with the Board.

RESOLUTION 58-2018

**APPROVE FINDINGS OF JUSTICE COURT AUDIT**

Supervisor Gott reported that he went through bank statements, receipts, dockets, bank accounts, and additional supporting records to complete the audit of the Justice Court. He

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commended Kolleen Redman and the justice system in our town. All requirements are being met or exceeded.

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

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

Resolved to acknowledge that the required examination and audit of the Justice Court records for the fiscal year ending December 31, 2017 has been conducted by Supervisor Gott; and further resolved to adopt the audit findings.

RESOLUTION        59-2018

**HEMLOCK FAIR LETTER**

Supervisor Gott indicated that Jim West is once again asking for a letter from the Town authorize Hemlock Fair to sell alcoholic beverages.

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

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

Resolved to authorize Supervisor Gott to sign a letter to the state liquor authority approving the sale of alcohol at Hemlock Fair this year.

RESOLUTION        60-2018

**WAIVER OF 30-DAY NOTICE FOR HAMLET GRILL**

Supervisor Gott reminded the Board that last year, they approved a waiver of the 30-day notice requirement for Hamlet Grill to sell alcoholic beverages. Hamlet Grill did not move forward with the application and is requesting a new waiver.

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

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

Resolved to grant a waiver of the 30-day notice requirement for a license to sell alcoholic beverages for Hamlet Grill in Hemlock.

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RESOLUTION 61-2018  
**AD FOR LIVINGSTON COUNTY NEWS**

Supervisor Gott shared that the Livingston County News is preparing a special pull-out section in honor of first responders. He thought it would be a nice gesture to place a quarter page ad. Councilmember Gascon asked to make sure the ad acknowledges all departments.

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

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

Resolved to approve a quarter page ad in the Livingston County News in the amount of \$147 to recognize first responders from all of the departments in the Town of Livonia.

RESOLUTION 62-2018  
**ACCEPT PURCHASE OFFER FOR JACK EVANS COMMUNITY CENTER**

Attorney Campbell announced that he has a proposed purchase offer from Little Lakes Community Association for the purchase of the Jack Evans Community Center. The offer takes into account the special legislation that allows them to buy it for \$5,000.

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

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

Resolved to accept the purchase offer of \$5,000 from Little Lakes Community Association for the purchase of the Jack Evans Community Center subject to permissive referendum.

RESOLUTION 63-2018  
**AUTHORIZE SUPERVISOR TO SIGN PURCHASE DOCUMENTS AND EXECUTE CLOSING DOCUMENTS**

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

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

Resolved to authorize Supervisor Gott to sign the purchase documents and execute the closing documents in order to transfer title of the Jack Evans Community Center to the Little Lakes Association.

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**PRIVILEGE OF THE FLOOR**

Name Badges

Clerk Hay mentioned that the Sheriff's Department has completed the name badges for everyone who works in the Town Hall.

Stars for Our Troops

Clerk Hay added that she recently became a Star Maker for Stars for Our Troops. The group cuts embroidered stars out of retired flags and places them in small baggies to give to first responders, veterans, and active military members. She keeps stars at her desk and she gave some to the Assessor's Office to hand out also.

RESOLUTION 64-2018

**AUDIT OF CLAIMS**

Councilmember Dougherty shared that Recreation Director Craig Emmerling is working on the summer program. His assistant, Lauren Zudak, is doing a great job. Ms. Zudak is a student at Syracuse University and she is requesting to use her position in the Summer Recreation Program as an internship. If approved, the college will grant her three credits for the internship.

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

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

Resolved to approve Lauren Zudak to use her employment with the Summer Recreation program as Mr. Emmerling's assistant for an internship with her college, Syracuse University.

RESOLUTION 65-2018

**AUDIT OF CLAIMS**

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

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

Resolved to pay claims 257-300 in the amount of \$111,434.30 from the Abstract dated 4/5/2018.



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RESOLUTION 66-2018

**EXECUTIVE SESSION**

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

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

Resolved to enter into Executive Session with Attorney Campbell at 7:58 PM to discuss the employment history of a particular individual.

RESOLUTION 67-2018

**EXECUTIVE SESSION**

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

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

Resolved to return to Regular Session at 8:15 PM.

With no further business, on motion of Councilmember Gascon seconded by Councilmember Dougherty, the meeting was adjourned at 8:15 PM.

Respectfully Submitted,

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Colleen West Hay, RMC  
Town Clerk