

REGULAR MEETING, TOWN OF LIVONIA
June 6, 2019

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 June 6, 2019.

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. Councilmember Seelos led the pledge.

PUBLIC HEARING RE: LOCAL LAW #3-2019 – SHORT-TERM RENTALS AND LOCAL LAW #4-2019 - NOISE

Following distribution of the proposed Local Laws to the Town Board members on July 5, 2018, notices of said Public Hearings were duly published in the Livingston County News on May 23, 2019, with same being posted on the same date at the Town Hall, Livonia post office and Livonia’s web site. Referral was also sent to the Livingston County Planning Board and adjacent municipalities.

Clerk Hay read the Notices of Hearing for the record.

Supervisor Gott shared the ground rules:

- Only one person should speak at a time after being called on by the Town Board.
- Direct comments, whether pro or con, to the Town Board, not each other.
- This is not a Question & Answer period.
- Respect one another, even if you do not agree with each other.

Supervisor Gott declared the Public Hearings open at 7:04 PM.

Comments:

Comments shared against the law were (numbers in parentheses are the number of people who shared the same or similar comment):

- The fines are too high. Clarification is needed on the fines and whether they compound daily. (4)
- If passed, the law will hurt tourism and negatively affect area businesses. (3)

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- Most people who rent out their homes on the lake want their neighbors to be happy. They give neighbors their cell numbers to report problems and handle the situation without needing a law. (2)
- People who rent out their homes should not be required to post their names and phone numbers on the property so that it is visible to anyone passing by. (2)
- People who rent out homes on the lake are trying to provide a service and offset the cost of owning a home on the lake. (3)
- There is enough legal recourse available to people without adding this law. (3)
- Is this law enforceable and defensible? (1)

Their comments in favor of the law were (numbers in parentheses are the number of people who shared the same or similar comment):

- This law is needed to address safety concerns for residents and renters, especially parking concerns. (4)
- Short-term rentals should not be prohibited, but they should be controlled. (3)
- This law helps give people a place to go with complaints. (1)
- If we do not pass a law, the situation will get worse. The type of renter has changed over the years. People are now finding us on the internet and telling their friends. (2)

Supervisor Gott declared that the Public Hearing would remain open through the meeting, should anyone else wish to comment.

OPEN SESSION

Lakeville Park Complaint

A resident of Lakeville Park wished to lodge a complaint about runoff from the Vitale Park parking lot running under his home. He shared that this has been a problem for 20 years. He presented the Town Board with photos of the flooding. He said he has water running under his home, which has led to a mold problem. He added that the east side of the garage wall rotted out and his tools are rusting. The resident shared that he saw the Highway Superintendent put drainage in, but the drains are higher than the grade, so they do not help. He is tired of the problem and wants something done about it.

Vitale Park

Councilmember English reported that some willow tree limbs came down at Vitale Park and were removed. Supervisor Gott added that another one came down last night. Councilmember English also stated that he is working with Mo and John to get prices for storage sheds for the park. Supervisor Gott asked how the mowing was going at the park. Councilmember English replied that they had an issue with them using the mower to push the picnic tables, but Mo addressed it.

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Hemlock Lake Park

Councilmember Gascon reported that there is only one local place that can make a gazebo like we want for Hemlock Lake Park, and that is the Springwater Amish Workshop. They deliver and the gazebo can be made from white vinyl or pressure treat. The roof will be green steel to match the current pavilion.

He reported that the largest one that can legally fit down the road is 14' X 20'. It will have one entrance door, and seating around the inside. The cost for a natural stain cedar is \$11,860 including delivery, and for vinyl is \$15,900 (with delivery). Councilmember Gascon would prefer the vinyl option because it will need less maintenance. Councilmember Gascon would like to place the pavilion on the old roadway, on the west side of the park, and add some trees around it.

There is \$10,000 in the budget this year, but we had an issue with the rest rooms building that needed to be taken care of. Purchasing the pavilion this year would put the Town over budget for Hemlock Lake Park. There are a few other projects Councilmember Gascon hopes to accomplish at the park. He is hoping to use Boy Scouts to get some of that done.

Supervisor Gott shared that he is fully in favor of putting a gazebo at Hemlock Lake Park. He will bring the budget detail to the next Town Board meeting so that the Town Board can see where the accounts are and then make a decision. Councilmember Gascon added that we need to put stone around and grade it as well. That will be an additional cost. Supervisor Gott mentioned that we have fund balance if the board decides they want to do it.

A resident shared that she feels it would be better to have a wooden pavilion to maintain the naturalism of the park. She shared that she thinks that would keep the natural beauty of the park alive. Councilmember Gascon stated that they make a vinyl that looks like wood. He will try to get pictures before we make a decision.

TOWN CLERK'S REPORT – MAY 2019

Paid to Supervisor for the General Fund	\$1,557.45
Paid to County Treasurer for Dog Licenses	\$245.00
NYS Comptroller's Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$90.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$362.65
State Health Department (marriage licenses)	\$90.00
TOTAL DISBURSEMENTS	\$2,345.10

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Town Clerk Updates

- Clerk Hay mentioned that she received information about the 2020 Census Construction Program. Enrolling in the program costs the town nothing, and will help ensure that anyone living in newly constructed residences is counted.

RESOLUTION 87-2019

AUTHORIZE SUPERVISOR TO ENROLL THE TOWN OF LIVONIA IN THE 2020 CENSUS CONSTRUCTION PROGRAM.

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

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

Resolved to authorize Supervisor Gott to enroll the Town of Livonia in the 2020 Census Construction Program.

TOWN CLERK REPORT, CONTINUED

- Clerk Hay announced that there are still a few spots available for the June 11 program at the Watershed Education Center. The program starts at 6:30 and features area high school students who will share about four recent projects.
- Clerk Hay shared that the CPR/AED Refresher course is set for Thursday, June 27 at 6 PM at the Livonia Fire Hall for Town Hall staff.
- Clerk Hay stated that 114 free and 3 paid Bulk Cleanup tickets have been issued so far. Last year, we had about 159 people come and gave out 196 tickets.

RESOLUTION 88-2019

APPROVE TOWN CLERK’S REPORT

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

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

Resolved to approve the May 2019 Town Clerk’s Report.

RESOLUTION 89-2019

APPROVE MINUTES FROM 5/2/2019

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

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

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Resolved to approve the meeting minutes from May 2, 2019.

RESOLUTION 90-2019

DONATION TO CONESUS FEST FOR CHARITY

Supervisor Gott reported that the Town Board has sponsored the 3rd of July Fireworks on Conesus Lake at the \$1,000 level for the last few years. A portion of the proceeds go to the Warrior Salute Program. It is a great fireworks display, and he suggests we support it again this year at the \$1,000 level. Councilmember Dougherty stated that he thinks more people enjoy the fireworks than the village celebration, and he would like to increase the support.

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 a \$2,000 sponsorship to Conesus Fest For Charity to support the July 3rd Fireworks.

A resident asked if the July 3rd bathroom situation could be addressed. Many people are going behind the Chip Holt Nature Center to go to the bathroom, because the lines are so long at the port-a-potties. Councilmember English responded that we did increase the number of port-a-potties last year, and also added a family one. The resident asked if they could be split up and have some near the Chip Holt Nature Center.

CONVERSATION WITH THE COUNTY

Supervisor Gott announced that there will be a “Conversation with the County” here at the Town Hall on either July 10 or 17th. This is a chance for folks to come out and talk with the county administrator about anything that is on their minds.

PUBLIC HEARINGS, CONTINUED

Supervisor Gott asked if there were any more comments regarding either proposed local law. Hearing none, Supervisor Gott suggested that the Town Board close the verbal portion of the Public Hearing and leave written comments open for three weeks. The Board agreed.

Supervisor Gott declared the verbal portion of the Public Hearing closed at 8:05 PM. He announced that written comments will be accepted for three weeks. Comments should be addressed to the Town Clerk, and she will forward them to the Town Board, Code Enforcement Officer and Attorney Campbell.

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RESOLUTION 91-2019

AUDIT OF CLAIMS

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

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

Resolved to pay claims 371-408 in the amount of \$47,366.05 from the Abstract dated 5/16/2019.

RESOLUTION 92-2019

AUDIT OF CLAIMS

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 pay claims 409-473 in the amount of \$46,018.10 from the Abstract dated 6/6/2019.

BATTERY STORAGE PROJECTS

Attorney Campbell shared about a new issue that is coming up – battery storage projects. He explained that they consist of huge storage facilities, which are connected to the grid. Power is stored in the batteries and then released to the grid as needed. He thinks we will see huge initiatives from the Governor regarding this very soon. Each one is the size of a semi, and there are usually 15 – 20 together. They can be volatile, and can cause significant environmental damage. He shared that it is important to have appropriate fire-fighting equipment in case something happens.

Code Enforcement Officer Adam Backus shared that there is an interest to put some in at Gateway Park, however it is not a permitted use according to our code. He expressed concern regarding removal and the environmental burden if a company goes bankrupt. A brief discussion followed where the Town Board expressed concerns about this type of development and decided to institute a moratorium to give them time to learn more about it.

RESOLUTION 93-2019

DIRECT ATTORNEY CAMPBELL TO DRAFT A MORATORIUM ON LARGE SCALE BATTERY STORAGE

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

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

Resolved to direct Attorney Campbell to draft a moratorium on large scale battery storage principally for large scale, third party use.

SOLAR MORATORIUM

Supervisor Gott asked Attorney Campbell to share local laws he has drafted for other municipalities regarding large scale solar. Attorney Campbell responded that he can share what he has done, but the Board needs to determine how they feel about large scale solar development in Livonia. There are several options, including: do not want it at all; want it, but wish to consider it carefully to protect prime agricultural soil; or want to allow it and not be concerned about scale. Most communities he works with want to limit it to some level, but Lima just adopted a Local Law to prohibit large scale solar development. Solar is still allowed in Lima for a person's or business's own consumption. Avon limited development to nothing more than 25 acres, while York is at 25% of agricultural soils. He said the Board needs to decide how much coverage they are comfortable with, what the setbacks will be, what buffers will be required, etc. He asked the Board to let him know when they are ready and he will share information with them.

With no further business, on a motion of Councilmember Gascon seconded by Councilmember English the meeting was adjourned at 8:14 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, RMC, CMC
Town Clerk