

**REGULAR MEETING, TOWN OF LIVONIA**  
September 7, 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 the Livonia Town Hall, 35 Commercial Street, Livonia on September 7, 2017.

**PRESENT:** Eric Gott, Supervisor  
 Andy English, Councilmember  
 Matt Gascon, Councilmember  
 Angela Grouse, Councilmember  
 Frank Seelos, 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. Gene Bolster led the pledge.

**PRIVILEGE OF THE FLOOR**

A resident asked if there is a plan to remove and replace the dead bushes in front of the Town Hall. Supervisor Gott stated that he is going to take them out next week, and Al Roome is going to replace them with something that is more salt resistant. Supervisor Gott added that he wants to replace the stones with mulch.

RESOLUTION 112-2017

**APPROVE MINUTES FROM 8/3/2017**

On motion of Councilmember Grouse 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 8/3/2017 regular meeting of the Town Board.

RESOLUTION 113-2017

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

Clerk Hay gave the following financial report for August 2017:

Paid to Supervisor for the General Fund	\$6,023.57
Paid to County Treasurer for Dog Licenses	\$567.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$269.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$4,746.99
Paid to State Health Department for Marriage Licenses	\$135.00
<b>TOTAL DISBURSEMENTS</b>	<b>\$11,741.56</b>

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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 approve the August 2017 Town Clerk's Report.

**Town Clerk Updates**

- **EDRS/Cyber Security/Risk Assessment**
  - At the recommendation of the county IT Director, Clerk Hay contacted several companies regarding performing a Risk Assessment for the Town of Livonia.
    - SMP and GreyCastle Security: \$15,000-32,000 depending on the level of service
    - Layer 3 Technologies and Bonadio: \$2,500
    - Hurricane Technologies: \$420 for a vulnerability scan only.
  - In researching this topic, Clerk Hay has learned that Cyber Security involves more than just having the appropriate policies. It also includes IT security and awareness; computer hardware, software and data inventories; contracts for IT services; malware protection; patch management; access controls; online banking; wireless network; firewalls and intrusion detection; physical controls; service continuity and disaster recovery. In addition, the Town should name both a Security Officer and a Compliance Officer.
  - Supervisor Gott and the board decided to not make a decision about this tonight because they wanted time to review the proposal from Layer 3 Technologies and Bonadio.
- **Records Management Grant**
  - Supervisor Gott approved having the remaining boxes shipped from Albany to the Town Hall. The cost is \$350 and we expect them tomorrow (Friday).
  - Clerk Hay applied for a Budget Amendment to move funds from the scanning budget code to salaries, so that Betty Miles and Rhonda Roeser can continue to work on the indexing and image verification. The amendment was approved.
  - Clerk Hay applied for another draw of funds to cover salaries for September. (We are only allowed to ask for funds for one month at a time.) The check should be forthcoming.

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- **Census**
  - Clerk Hay has sent addressing information to the Genesee/Finger Lakes Regional Planning Council for trailer parks, as well as address information contained in the Clerk program. She is working with the building and zoning department to get multi-family, apartments and new construction addresses for them as well.
- **Newsletter**
  - The Fall newsletter has been published.
- **Rabies Vaccination Clinic**
  - Clerk Hay and Deputy Clerk Liesegang attended the rabies vaccination clinic to process dog licenses. Eight dog licenses were issued at the clinic and several people took paperwork home to send back in.
- **Hunting Licenses**
  - Hunting license sales are steady. There have been no issues to report.
- **Ronald McDonald House Pull Tab Collection Boxes**
  - The Livingston County Town Clerks and Tax Collectors Association would like to collect pull tabs to benefit Ronald McDonald House. Clerk Hay asked for permission to put a small collection box on the counter.
  - The Board was in favor of this.
- **Clerk Job Description**
  - As part of Clerk Hay's homework for the NY Municipal Clerk's Institute, she had to write her job description and share with the Town Board. She gave each board member a copy.

### **SHORT-TERM RENTALS / NOISE**

Attorney Campbell handed out copies of draft regulations for short-term rental and noise. He indicated that these are working drafts and not official at this time. He explained that they are complicated, and they deserve thought and participation from many perspectives.

He went over both drafts, and stated that he attempted to address all of the concerns that have been shared up until this point, while being fair to both sides of the issue. He suggested that people look through the drafts side by side with the current code. He stated that we need to have the board and public look these over and make comments that will help us to fine tune them. Supervisor Gott suggested that everyone's comments go to him via email, fax or mail, and he will send them on to the board and Attorney Campbell.

Attorney Campbell shared that he anticipates these documents will be fine-tuned before we start the adoption process. He reminded everyone that the adoption process involves the Board introducing a proposed local law, sending it to the County Planning Board for comment, conducting a Public Hearing, then considering adoption. He proposed sending these drafts to the county along with our own Planning Board and Zoning Board of

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Appeals for an informal review because they are so complicated.

The Board offered their comments:

- Councilmember Grouse thanked Attorney Campbell and stated that she was impressed by the comprehensive manner in which he addressed the issues. She pointed out that the ordinance prohibits “construction activities” beginning at 10 PM (section 4A), but elsewhere noise is limited after 11 PM. Attorney Campbell explained that he intentionally wrote it that way because construction is deemed different than “obnoxious noise.” He said it was open for discussion, however.
- Councilmember Gascon asked how events like Hemlock Fair would be handled. Attorney Campbell answered that he could put something in that makes an exception for those types of events.
- Councilmember English asked what is 90 decibels? Councilmember Grouse answered that a hand dryer in a public restroom and a lawn mower are over 90 decibels.

Comments from the public:

- A resident asked if the short-term rental law applies if someone rents their property for less than 7 days. He knows of people who rent for a day or two at a time, or rent their home for the weekday and then use it themselves on the weekends. Attorney Campbell states that the draft as written doesn’t allow *any* rentals for less than 7 days. His reasoning is that renting for less than 7 days at a time results in a constant inflow and outflow of people, which has a greater impact than renting for a week.
- A resident asked if the noise ordinance would apply to a motorcycle going down the street at midnight. Attorney Campbell answered that the noise ordinance is intended to supplement the Vehicle and Traffic regulations, not conflict with it.
- A resident suggested that the short-term rental rules and regulations only apply to Tier 2 where there are multiple, contiguous short-term rentals, and not to Tier 1 where there is a single property. Attorney Campbell replied that at one of the meetings at Vitale Park this summer, there were complaints and comments about Tier 1 type situations causing problems also. Supervisor Gott shared that there are some people who think that Tier 1 should require the same level of oversight as Tier 2, however there is no way our Building & Zoning Department could handle the work volume if that were the case. That is why we decided on the 2 tiers.
- A resident asked if this law was just intended for the lake properties. Supervisor Gott responded that it is for the entire town outside of the village.
- A resident asked if Motels and Hotels are affected. Attorney Campbell responded that Motels, Hotels and B&Bs have their own regulations in the code. The

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difference is that there is a resident owner there the whole time they are being rented.

- A resident asked how this draft noise ordinance is different from what is on the books now. Attorney Campbell answered that the town doesn't have a noise ordinance at this time.
- A resident asked about how the noise ordinance would be enforced. Attorney Campbell acknowledged that there are enforcement issues because you have to have proof beyond a reasonable doubt. Sometimes when a deputy responds, the noise has stopped. Usually a deputy will respond and ask people to quiet down, and this is often very effective. He pointed out that a deputy will do that without a noise ordinance as well.
- A resident asked if there should be a reference to the 90 decibel limit when talking about increasing normal noise level. Attorney Campbell did not do that because if you refer to the decibels then you need a calibrated instrument to measure it. The resident commented that Geneseo's noise ordinance names things, not decibels, and lists what you can do at certain times and what you can't do at certain times. Attorney Campbell responded that it is probably not a bad idea to put that in there as one type of violation, while also including the excessive noise as another type.
- A resident stated that Pebble Beach Road is narrow, and he thinks that the county is going to require sidewalks. He stated that there are people walking in the road and people parking on the shoulder of the road all the time. He complained that people park too close to the fire hydrants all the time. Attorney Campbell remarked that this draft says no on-street parking. Supervisor Gott added that there is money in the budget for sidewalks, but he doesn't think many people on Pebble Beach Road would be happy about it.
- A resident said you know the state won't lower the speed limit on Pebble Beach Road. Supervisor Gott said he sent the whole packet of information including the photos, and the New York State Department of Transportation is looking at it. The resident replied that the noise problem is much better, but the traffic is still an issue. Councilmember Grouse stated that the issue of traffic is addressed in the Tier 1 and Tier 2 requirements. She suggested that people take copies of the drafts home and read them over with time to digest them. The resident stated that he doesn't want to be the one to have to call the police all the time for violators. Councilmember Gascon remarked that these laws must apply to all, not just Pebble Beach Road.
- The resident asked if speed bumps were going to be installed on Pebble Beach Road. Supervisor Gott reported that he did speak to Highway Superintendent Dave Coty, but he is not interested in installing speed bumps. Supervisor Gott added that the Highway Superintendent did stripe the road. The striping went fine, and speed bumps are his jurisdiction. Supervisor Gott suggested that folks who

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would like speed bumps on Pebble Beach Road talk to the Highway Superintendent directly.

- A resident complained that they felt the striping on Pebble Beach Road creates an unsafe condition because vehicles aren't crossing the yellow lines to go around pedestrians.

Supervisor Gott explained the next steps. The Board will take into consideration the concerns expressed at this meeting. He encouraged everyone to look through the documents and forward comments to him. The Board will also take the county's suggestions and discuss them. The documents will be tweaked and will go back out to the public. We will make information available on the web site, and people can also pick up hard copies from the Town Clerk.

Supervisor Gott reiterated that this is a working draft and the intent is to refine it. Once it is near a final draft form, a formal referral is made to the County Planning Board. This is followed by a public hearing, deliberation and adoption. It typically takes two months from final draft to adoption because of requirements and time constraints.

After it is approved, notification will be published in the Livingston County News and Penny Saver.

Further Public Comment

- A resident asked if people who are already renting their homes will be personally notified. Attorney Campbell answered that we don't have any way of knowing who is doing that.
- A resident asked if there will be a cost for the permit. The answer is yes, but the cost has not been set yet.

RESOLUTION        114-2017

**APPROVE MORSCH PIPELINE FOR ADDITIONAL WORK ON WILKINS CREEK**

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 Morsch Pipeline to perform additional work on Wilkins Creek in the amount of \$10,500.

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**VITALE PARK UPDATE**

Supervisor Gott reported that internet will be installed at the new building in Vitale Park on September 20<sup>th</sup>. The doors and windows are in. Plumbing and electric is moving forward. We have contacted vendors for prices on painting and staining, drywall, insulation, and gutters.

Supervisor Gott announced that the Conesus Lake Association has committed over \$18,000 for audio/visual equipment for the new building. We are receiving financial support from Geneseo and Conesus too. The building will be used as a Conesus Lake Education Center and meeting space primarily.

RESOLUTION 115-2017

**APPROVE CAMERAS FOR VITALE PARK**

Supervisor Gott announced that we have two quotes for cameras at the new building in Vitale Park. Hurricane Technologies quoted \$1,976 for a four camera system. The other quote was \$2,300 for a three camera system. Four cameras will give us a 360° view of the park.

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 \$1,976 to Hurricane Technologies for a four camera system at Vitale Park.

**LIBRARY UPDATE**

Councilmember Grouse suggested that people visit the new library if they haven't done so yet.

- She announced that circulation is double what it usually is this time of year, and there are 50 new cardholders.
- They have had tremendous interest in the meeting space, especially from the school. The space can be used for AP review classes and tutoring space.
- She congratulated Frank Sykes and the library staff for their diligence and hard work.

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RESOLUTION 116-2017

**ACCEPT RESIGNATION OF JACK SCOTT**

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 accept the resignation of Jack Scott effective 9/5/2017.

Councilmember Grouse added that the Library Board will be asking the Town Board to hire Mr. Scott on a consulting basis for the web site, and other technology needs. Because of the increased need for someone to perform technology tasks, the Library needs to work with the County Personnel Department regarding Mr. Scott's replacement to see what position this would be in line with.

Supervisor Gott thanked Councilmember Grouse for her work as liaison to the Library for the last 12 years. He stated that she deserves a huge pat on the back her work and guidance.

**PARKING ON ROUTE 20A NEAR LEAST PROPERTY**

Supervisor Gott shared that he has been working with Paul Least for some time now regarding the parking situation on Route 20A in Lakeville near Mr. Least's property. Supervisor Gott thinks the Bait Shop business will struggle if we shut down the parking entirely in that area, however he thinks we could ban parking for 75 feet to the east of Mr. Least's east driveway. This will still allow plenty of parking for the bait shop across the street. If the Town Board approves this, the Department of Transportation will install the no parking signs.

RESOLUTION 117-2017

**LIMIT PARKING ON 20A 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 prohibit parking on the north side of Route 20A in Lakeville from Paul Least's east driveway at 5757 Big Tree Road to a point that is 75 feet to the east.



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The Board discussed crosswalks for the intersection of 20A and Route 15 in Lakeville. We would need permission from the Department Transportation for that. Councilmember Grouse mentioned that we asked about crosswalks there a decade ago, and we were told that there would need to be sidewalks with curb cuts and handicap accessible ramps for all sides or they won't allow it. Supervisor Gott will follow up to see if that is still the case.

RESOLUTION 118-2017  
**SET BUDGET WORKSHOP AND PUBLIC HEARING ON PROPOSED 2018 BUDGET**

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 set a Budget Workshop Meeting for October 19 at 7 PM and the Public Hearing on the Budget for November 2 at 7 PM at the Town Hall.

RESOLUTION 119-2017  
**RE-APPOINT KEVIN LOPEZ TO THE BOARD OF ASSESSMENT REVIEW**

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

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

Resolved to re-appoint of Kevin Lopez to the Board of Assessment Review for a five year term expiring 9/30/2022.

RESOLUTION 120-2017  
**APPROVE SYLVIA STAPLES TO HELP WITH 2018 UPDATE**

Supervisor Gott shared that Assessor Lisa Bennett has requested evaluation support for the 2018 update from Sylvia Staples, who helps towns in Ontario County. Livingston County isn't able to provide the support, and Real Property Director Bill Fuller is fully supportive of us using Ms. Staples.

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 approve paying Sylvia Staples \$30/hour to help with the 2018 update not to exceed \$2,000 effective immediately.

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RESOLUTION 121-2017  
**APPROVE ABSTRACT FROM 8/22/2017**

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 approve payment of claims #720-770 in the amount of \$489,354.23 from the Abstract dated 8/22/2017.

RESOLUTION 122-2017  
**APPROVE ABSTRACT FROM 9/7/2017**

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 approve payment of claims #771-827 in the amount of \$75,561.02 from the Abstract dated 9/7/2017.

**CORRESPONDENCE**

- Thank you note from Dawn Woodburn regarding the sympathy flower arrangement from the Town.

RESOLUTION 123-2017  
**EXECUTIVE SESSION**

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 enter into Executive Session at 8:47 PM with Attorney Campbell to discuss contract negotiations.

RESOLUTION 124-2017  
**RESUME REGULAR SESSION**

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

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

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Resolved to resume regular session at 9:22 PM.

With no further business, on a motion of Councilmember English seconded by Councilmember Grouse the meeting was adjourned at 9:22 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, RMC  
Town Clerk