

**REGULAR MEETING, TOWN OF LIVONIA**  
July 7, 2016

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 in Hemlock, NY on July 7, 2016.

**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:** Adam Backus, Code Enforcement Officer; Several Residents.

The Town Board meeting was called to order by Supervisor Gott at 7:00 PM. Supervisor Gott led the Pledge of Allegiance.

**PRIVILEGE OF THE FLOOR**

- A resident asked what the status was in regards to replacing a culvert across Niver Road. He wanted to know if the Town has had an engineer look at it. Supervisor Gott directed the individual to talk to the Highway Superintendent, Dave Coty.

RESOLUTION 90-2016

**APPROVE MEETING MINUTES FROM 6/2/2016**

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 meeting minutes from June 2, 2016

RESOLUTION 91-2016

**APPROVE MEETING MINUTES FROM 6/11/2016 SPECIAL MEETING**

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 meeting minutes from the June 11, 2016 Special Meeting.

**TOWN CLERK'S REPORT – JUNE 2016**

Clerk Hay gave the following financial report for June 2016:

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<i>Paid To</i>	<i>Amount Remitted</i>
Supervisor (General Fund)	\$3,554.74
NYS Comptroller's Office (Bingo and Games of Chance)	\$0
County Treasurer for Dog Licenses	\$518.00
NYS Ag & Mkts for Spay/neuter Program	\$197.00
NYS DECALS	\$1806.05
State Health Department (Marriage Licenses)	\$135.00
<b>Total Disbursements</b>	<b>\$6,210.79</b>

**TOWN CLERK UPDATES**

Clerk Hay presented the following updates:

**Bulk Clean-up**

167 free Bulk Clean-up tickets and 13 paid tickets were issued this year, compared to 150 free and 16 paid tickets last year.

**Dog Census**

About 1,800 dog census forms have been mailed (800 on June 1, and 1,000 on June 20). Deputy Clerk Holt is working on getting the remaining 1,200 ready to mail. They will go out later this month. 505 households have responded.

Month	# of new licenses	<u>Dogs licensed so far:</u>	
		Enumeration Fees	Net expense to date (out of \$1,818 in expenses)
May	20	0	
June	58	\$290	
July to date:	<u>20</u>	<u>\$100</u>	
<b>TOTALS</b>	<b>98</b>	<b>\$390</b>	<b>\$1,428</b>

Clerk Hay reported that the Dog License Monthly Report is not calculating the correct amount to pay to the Livingston County Treasurer, although the Monthly Cash Report is correct. The Dog Monthly is calculating part of the enumeration fee to go to the Treasurer, but the entire fee is supposed to stay with the Town. BAS has been notified, and they are working to see if they can fix the problem.

Next steps: Send third mailing, continue to track responses and license new dogs, formulate plan to follow up with those who have not responded.

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**Cornell Municipal Clerks Institute**

Clerk Hay will be attending the Cornell Municipal Clerks Institute from July 10-14, and taking a vacation day on July 15. The Deputy Clerk will be filling in.

**Hunting Licenses**

Hunting Licenses and Deer Management Permits (DMPs) will go on sale in August. Hunters have until October 1 to apply for the first round of DMPs.

**Newsletter**

Clerk Hay brought copies of the July newsletters for anyone who would like a copy.

RESOLUTION        92-2016

**APPROVE TOWN CLERK'S REPORT FOR JUNE 2016**

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 June 2016 Town Clerk's Report.

RESOLUTION        93-2016

**APPROVE COUNTY SNOW AND ICE CONTROL CONTRACT FOR THE PERIOD OF OCTOBER 15, 2016 – OCTOBER 14, 2017**

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

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

WHEREAS, pursuant to Highway Law Section 102 (1), the County Superintendent of Highways has general charge and supervision of the work of constructing, improving, repairing, and maintaining all county roads and bridges with the County; and

WHEREAS, pursuant to Highway Law Section 135, the Board of Supervisors shall annually appropriate and expend such sum as it deems proper for the removal snow from County Roads and for sanding, or otherwise treating them for the purpose of removing the danger due to snow and ice thereon, subject to the approval by resolution of each of the legislative bodies of the County and Town; and

WHEREAS, the County of Livingston desires to enter into a contract with the Town of Livonia for control of snow and ice conditions on County Roads; and

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WHEREAS, the Town is willing to undertake the control of snow and ice conditions on County Roads within said Town; now be it therefore

RESOLVED, that pursuant to Highway Law Section 135-a providing for snow and ice control on County Roads within the Town, the Supervisor and the Town Highway Superintendent be and they are directed to execute a contract with the County Highway Superintendent of the County of Livingston for the Town to undertake and perform snow and ice control on County Roads located in the Town for the period beginning October 15, 2016 and ending October 14, 2017 at the rates therein provided.

RESOLUTION 94-2016

**AUTUMN IN THE VILLAGE SPONSORSHIP**

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 sponsor the “Autumn in the Village” festival at the \$1,000 level.

RESOLUTION 95-2016

**APPOINT TOSHA MERCADO TO THE POSITION OF CLEANER**

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 appoint Tosha Mercado to the position of Cleaner (Vitale Park) effective July 2, 2016 at a rate of pay of \$10/hour.

**TENT FOR DJ AT REGATTA**

Councilmember Gascon reported that the Friends of the Chip Holt Center wish to put up a tent at Vitale Park the night before the Regatta for the DJ. Supervisor Gott stated that that is fine.

RESOLUTION 96-2016

**HIRE MORSCH PIPELINE TO WORK ON STREAMBANK PROJECT**

Supervisor Gott reminded the board that the last day to expend funds for the Wilkins Creek Streambank Grant is September 30. He has a quote from Morsch Pipeline in the amount of \$16,500 to assist the Town Highway Superintendent. We hope to have the project completed by late August.

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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 hire Morsch Pipeline to work on the Wilkins Creek Streambank Project at a cost of \$16,500.

**DISCUSSION REGARDING NOISE ORDINANCE**

Councilmember Seelos reported that he has had conversations with Code Enforcement Officer Adam Backus about noise complaints in the Town. Mr. Backus was present at the meeting and he shared with the board that he feels it might be time to address the issue.

The following points were discussed:

- Mr. Backus suggested developing and using a complaint form.
- In the case of rental units, the need to hold the property owner responsible as well as the renter was discussed.
- Enforcement was discussed. Attorney Campbell offered that a noise complaint could be handled similar to how a dog complaint is handled. Mr. Backus would not have to respond to a complaint in the middle of the night, for example. People can be called as witnesses if the issue goes to court.
- There is a lot of noise and activity in the Town around the Fourth of July celebration. People asked how that would be handled. Attorney Campbell shared that the Town is not required to enforce laws in every instance. The language of the law could allow for some discretion.
- The Village Noise Ordinance could be a starting point.
- The idea of educating landlords to put something about noise in their lease agreements was discussed.

Several residents that were in attendance at the meeting expressed their opinions on the issue.

- One resident was against a noise ordinance for the entire Town. He thought that if noise is a problem in certain zoning districts, then a noise ordinance should only apply in those districts. Attorney Campbell explained that the Town would have to create an overlay district if that is how they wanted to handle it.
- A resident of Pebble Beach Road explained that many homes on the lake that used to be resident-occupied have been turned into weekly rental units. Vacationers who visit the area are often up late at night playing music and having loud parties, which makes it difficult for neighbors to sleep, read, watch television or enjoy their homes.
- A resident who is himself a landlord shared that he can write something into the lease about noise, but if the renter doesn't receive a ticket, it is hard for him to say

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the renter cannot come back.

The Town Board directed Mr. Backus and Attorney Campbell to move forward with drafting an ordinance for the board to consider.

**BUDGET UPDATE**

Supervisor Gott revealed that the Town is in good financial shape. Revenues are up and expenditures are 39% lower than expected.

**CORRESPONDENCE**

- Thank You notes from Attorney Campbell (for the flowers sent when his mother passed away) and from Mike Haugh (for the Danielle Banach garden at Vitale Park).

**RECREATION UPDATES**

Councilmember Grouse gave the following Recreation updates:

- Summer Recreation is in full swing with 200 participants. The program is fully staffed.
- The school pool is closed due to boiler work. The Livoniany.org site will have updates as they are available.
- The Community Service Awards (High Impact and Youth categories) will be presented on July 24 at Vitale Park, just prior to the concert.

RESOLUTION 97-2016

**AUDIT OF CLAIMS**

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 pay claims 441-501 in the amount of \$110,031.49 from the Abstract dated 6/20/2016.

RESOLUTION 98-2016

**AUDIT OF CLAIMS**

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

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

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Resolved to pay claims 502-540 in the amount of \$73,606.58 from the Abstract dated 7/7/2016.

**PRIVILEGE OF THE FLOOR**

- Mary Ann Thompson relayed a request from a photographer who wishes to use the Jack Evans Community Center to take senior photos. Supervisor Gott asked if the photographer was donating her services. Ms. Thompson replied that the photographer would be charging for her services. Attorney Campbell interjected that “business use” attaches another type of liability to the Town. The Town Board felt that they did not want to allow this type of use of the building without a lease, and they have already determined that they are not entering into any new lease agreements at this time.
- A resident raised concerns about “dead ends” in the water system. Councilmember Gascon shared that there are many dead ends throughout the Town and the Fire Departments are aware of those locations. Supervisor Gott added that there are no plans to expand the current system.
- Attorney Campbell informed the Board that the Western NY Pioneer League is interested in partnering with the Town of Livonia for ownership of the Jack Evans Community Center until November 2017. They feel that this will give them an opportunity to apply for grant funding. Attorney Campbell advised the Board that entities awarding grants would probably expect that any type of relationship between the Town and the Pioneer League would be maintained long term.

RESOLUTION 99-2016

**ENTER INTO 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 7:55 PM with Attorney Campbell to discuss contract negotiations.

RESOLUTION 100-2016

**RETURN TO REGULAR SESSION**

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

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

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Resolved to return to Regular Session at 7:56 PM

With no further business, on a motion of Councilmember Grouse seconded by Councilmember Seelos the meeting was adjourned at 7:56 PM. Carried unanimously.

Respectfully Submitted,

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Colleen West Hay, Town Clerk