

REGULAR MEETING, TOWN OF LIVONIA
August 3, 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 Vitale Park in Lakeville on August 3, 2017.

PRESENT: Eric Gott, Supervisor;
Frank Seelos, Councilmember
Andy English, Councilmember
Colleen West Hay, Clerk
Jim Campbell, Attorney, Town of Livonia

ABSENT: Angela Grouse, Councilmember
Matt Gascon, Councilmember

OTHERS PRESENT: Randy Shepard, CPA, Partner, The Bonadio Group; Several Residents.

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

BONADIO TO DISCUSS AUDIT FINDINGS

Supervisor Gott introduced Randy Shepard from The Bonadio Group. Mr. Shepard reviewed the draft audit with the board and reported that there were no significant findings, and they are giving a clean audit opinion.

He reported that there were three internal control related matters where they are suggesting minor changes.

- They recommend that rather than passing a resolution indicating a raise across all employees, that the resolution indicates every employee's new rate.
- They recommend that the Town ensures that budget transfers are approved by the Supervisor prior to the transfer being made.
- They recommend that the Town Board begin to review and re-adopt the Investment Policy and Procurement Policy on an annual basis.

Supervisor Gott thanked Bookkeeper Mike Lawton, the Town Board, the department heads and employees for their efforts.

PRIVILEGE OF THE FLOOR

Historical Society Doors – Supervisor Gott thanked Mike Barnard and Joined Builders for doing a fantastic job on the antique doors at the Historical Society.

Department of Labor Inspection – Supervisor Gott mentioned that the Department of

REGULAR MEETING, TOWN OF LIVONIA
August 3, 2017

Labor preformed a surprise inspection of our Workplace Violence Policy, emergency response plan, and building safety, etc. We had a clean audit with no citations. The inspector’s only comment was that our emergency response plan was “too comprehensive.” He gave Supervisor Gott a copy of a sample, scaled-down plan. Supervisor Gott thanked Clerk Hay for her work on getting the Workplace Violence paperwork in order.

RESOLUTION 101-2017
APPROVE MINUTES FROM 7/6/2017

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

ADOPTED Ayes - 3 (Gott, English, Seelos)
Nays – 0

Resolved to approve the minutes from the 7/6/2017 regular meeting of the Town Board.

RESOLUTION 102-2017
APPROVE TOWN CLERK’S REPORT – JULY 2017

Clerk Hay gave the following financial report for July 2017:

Paid to Supervisor for the General Fund	\$3,455.43
Paid to County Treasurer for Dog Licenses	\$465.50
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$151.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$495.07
Paid to State Health Department for Marriage Licenses	\$112.50
TOTAL DISBURSEMENTS	\$4,679.50

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

ADOPTED Ayes - 3 (Gott, English, Seelos)
Nays – 0

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

TOWN CLERK UPDATES

- **Electronic Death Registry System (EDRS)**
 - Clerk Hay spoke with Ian Coyle regarding our IT needs for the EDRS roll out. The IT Director was on vacation until this past Monday. Ian will talk with him to see if they can help us with our security needs to be ready for the new system.
- **Youth Employment Program**
 - Today was our student’s last day. She has helped with photocopying, indexing, stuffing envelopes, etc. We hope to be able to have her back next year!

REGULAR MEETING, TOWN OF LIVONIA

August 3, 2017

- **AED/CPR Training**
 - Everyone who has completed their CPR/AED training should have their certificates. This information has been sent to Cardiac Life.
- **Records Management Grant**
 - The last of the boxes have been scanned and we have the electronic records on a flash drive. Clerk Hay is working on importing them.
 - All of the returned records have been refiled. Next week, Betty and Rhonda will start with indexing/verifying the electronic records.
 - Clerk Hay would like to look into possibly purchasing a large format scanner next year for the Building and Zoning Department so that we can keep up with the scanning going forward.
- **Census**
 - Clerk Hay has received the Local Update of Census Addresses (LUCA) forms from the Census Bureau and will complete the form indicating that Genesee Fingerlakes Regional Planning Council will be our liaison. We will forward the addressing information to them and they will report that to the Census Bureau.
- **Municipal Clerks Institute**
 - Clerk Hay attended the Municipal Clerks Institute in Albany from July 10-12. This will account for 3 of the 5 days of training she needs this year. One day (8 hours) will be done via independent study. The remaining day could be completed at NYCOM (Saratoga Springs) on September 11 or at the Town Clerk conference next April (Albany) by arriving a day early.
- **NYSTCA Regional Meeting/ District Director Meeting**
 - Clerk Hay reported that she will be attending the NYSTCA Regional Training and District Director Meeting in Dunkirk on September 17 & 18. Deputy Clerk Liesegang will keep the office open on that Monday.
- **Code Supplements**
 - Clerk Hay has received the code supplements from General Code for the most recent changes to the code.
- **Newsletter**
 - Clerk Hay is working on the Fall newsletter at this time. If you have information to be included please get it to her by the end of next week (August 11).
- **Rabies Vaccination Clinic**
 - Clerk Hay reminded everyone that the Rabies Vaccination Clinic will be August 16 from 5-7 PM at the Highway Garage. For the convenience of the residents, she will be there to license dogs.
- **Hunting Licenses**
 - Hunting licenses went on sale Tuesday, and sales are going smoothly.
- **Web Site**
 - Councilmember Seelos forwarded photos of progress on the new building at Vitale Park to Clerk Hay for the web site and she is working with Design FM to get them added to the site.
 - Village Mayor Cal Lathan has informed Clerk Hay that the Village Code is now codified. Clerk Hay is adding a link on the web site to the electronic version.

REGULAR MEETING, TOWN OF LIVONIA August 3, 2017

SHORT-TERM RENTALS

Attorney Campbell, Supervisor Gott and Building & Zoning Director Adam Backus have been meeting regularly to work on proposed zoning modifications to address short-term rental properties. Attorney Campbell shared that he hopes to have a draft ready for the September meeting. He anticipates that there will be a series of Local Laws to regulate short-term rentals and to institute noise regulations.

Attorney Campbell explained that the issue is extremely complicated and the draft regulations will likely go through a series of revisions before they can be adopted. Attorney Campbell will be looking at whether any proposed regulations are defensible and enforceable.

He shared that he is thinking of a two tiered approach. The first tier will address landowners who wish to utilize one property for short term rentals, and the second tier would address landowners who wish to use two or more contiguous properties for short term rental. Both levels would require the landowner to register, obtain an annual permit, and provide 24/7 contact information (for emergencies and to address complaints), but there would be additional review for the second tier, including a special use permit and site plan approval.

Extensive discussion followed regarding the following:

- Site Plan Approval – The purpose is to mitigate negative impacts, such as noise, lighting and parking. It is a one-time review, unless there are significant changes.
- Special Use Permit – Required annually. Allows the Planning Board to seek annual review to see if things are working well or not. Ability to revoke if violations are not addressed.
- Violations – A special use permit can be revoked if the property owner is in violation, such as doing something more than has been approved; committing noise, nuisance, parking or trespass violations; exceeding maximum occupancy; etc. Complaints must be documented, identifiable, evidence based, and legitimate.
- Grandfathering – A resident asked about grandfathering. She shared that while new regulations are needed, she wondered how it would help those on Pebble Beach Road. Attorney Campbell answered that he is struggling with how to address this in a way that is defensible in a court of law. These uses are temporary, so that might be one way. Some communities have eased into the regulations with a stepped process. That might be another way to address it.
- Motel/Hotel Tax – The county is getting more aggressive with enforcing the 3% motel/hotel tax, but Attorney Campbell explained that there may not be a way to tie enforcement of that into our regulations. In order to have a contract right, you must be a party to the contract, and the Town is not a party in the motel/hotel tax contract.

REGULAR MEETING, TOWN OF LIVONIA
August 3, 2017

- Speed limit – Supervisor Gott asked to have more letters of support for the speed limit reduction request for Pebble Beach Road. He will send all letters to the Traffic Safety Board. A resident asked if temporary speed bumps could be installed in the spring and removed in the fall. Another resident asked about installing speed limit signage. Residents want the Department of Transportation to be aware of the seasonal nature of the traffic on Pebble Beach Road so that they are not doing a traffic study in the middle of winter. Attorney Campbell mentioned that there is a lot of data that pole mounted speed indicators work well. Maybe that is something that could be tried on Pebble Beach Road.
- Complaints – A resident asked how complaints would be communicated. Attorney Campbell stressed that the more documentation, the better. There must be evidence in order to enforce it. He hopes that the potential for consequences is sufficient so that not much enforcement will be needed.
- Parking – Pebble Beach Road is unique because it is very narrow, which makes parking regulations hard to enforce.
- No lines on road – A resident asked why there are no lines on Pebble Beach Road. Supervisor Gott will look into it.

Supervisor Gott reminded everyone that the next Town Board meeting will be at the Town Hall at 7 PM on September 7. He encouraged people to come for updates and to share their ideas.

ARTICLE 7 ASSESSMENT CHALLENGE

Attorney Campbell announced that the Town has received a claim from Five Star Bank in Lakeville challenging their assessment. They claim the property is only worth \$38,000.

RESOLUTION 103-2017

APPOINT BRIAN DONNELLY TO THE LIBRARY BOARD OF TRUSTEES

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

ADOPTED Ayes - 3 (Gott, English, Seelos)
 Nays – 0

Resolved to appoint Brian Donnelly to the Library Board of Trustees effective June 9, 2017 to fill the vacancy left by the resignation of Jim Cornell.

RESOLUTION 104-2017

APPROVE LOPEZ ROOFING

Supervisor Gott indicated that he received three estimates for roofing the new building at Vitale Park. The lowest bid (Aman Roofing) did not provide enough Workers' Compensation and disability insurance, so it was excluded. The next lowest bid was from

REGULAR MEETING, TOWN OF LIVONIA
August 3, 2017

Lopez Roofing at \$11,500.

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

ADOPTED Ayes - 3 (Gott, English, Seelos)
 Nays – 0

Resolved to authorize payment of \$11,500 to Lopez Roofing for the roof on the new building at Vitale Park.

LIBRARY UPDATE

Supervisor Gott reported that the blacktop for the parking lot at the library is done. The staff have begun moving back in today, which is ahead of schedule. There will be a ribbon cutting ceremony and open house soon.

RESOLUTION 105-2017

APPOINT SOLAR MORATORIUM WORKGROUP

Supervisor Gott shared that he would like to appoint a workgroup to work on proposing regulations for large scale solar developments.

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

ADOPTED Ayes - 3 (Gott, English, Seelos)
 Nays – 0

Resolved to appoint Bob Nilsson, Mike Barnard, Rick Bennett, Councilmembers Seelos and Gascon, Code Enforcement Officer Adam Backus and Attorney Campbell to a committee to work on drafting regulations for large scale solar developments.

RESOLUTION 106-2017

APPROVE CHECKS FOR ROSELAND, SEABREEZE AND JOINED BUILDERS

Supervisor Gott explained that it was necessary to cut three checks outside of our regular bill paying process due to their time sensitive nature. These are not included in the Abstracts and will need approval.

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

ADOPTED Ayes - 3 (Gott, English, Seelos)
 Nays – 0

Resolved to approve the following payments: Roseland Water Park in the amount of

REGULAR MEETING, TOWN OF LIVONIA
August 3, 2017

\$2,348.50 dated 7/6/17; Seabreeze Amusement Park in the amount of \$1,312.50 dated 7/27/17; and Joined Builders in the amount of \$3,500.00 dated 8/1/17.

RESOLUTION 107-2017
APPROVE INTERFUND TRANSFER

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

ADOPTED Ayes - 3 (Gott, English, Seelos)
Nays - 0

Resolved to approve an interfund transfer for the remaining balance of \$64,102 from the General (A) Fund to the Capital Fund for the Town Hall building project.

RESOLUTION 108-2017
APPROVE SUPPLEMENTAL SALARY SCHEDULE

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

ADOPTED Ayes - 3 (Gott, English, Seelos)
Nays - 0

Resolved to re-hire the following recreation aides effective 1/1/17

<u>NAME</u>	<u>2016 RATE</u>	<u>2017 RATE</u>
Jenna Buskey	\$9.18/hr.	9.90
Olivia Cronmiller	9.18	10.40
Lauren Czudak	9.18	11.40
Samantha Kress	9.00	9.90
Cody Lambert	9.18	9.90
Brody Metcalf	9.18	9.90
Ellen O'Neil	9.00	9.90
Kylee Wilson	9.18	9.90

And further,

Resolved to hire the following recreation aides to be paid the minimum wage of \$9.70 per hour effective 6/26/17: Emily Barnard, Allison Coon, Johnna Finster, Devante Gwyn, Ryan Lambert, Madison McCafferty, Kayley McCarron, Chelsea O'Dea, Thomas Ryan, Abby Simmons and Kara Waddell; and further

Resolved to re-hire Steve Gilbert to the position of Laborer effective 4/1/17 at the rate of \$14.62 per hour; and further

REGULAR MEETING, TOWN OF LIVONIA
August 3, 2017

Resolved to re-hire Paul Dwyer to the position of M.E.O. effective 3/14/17 at the rate of \$18.73 per hour; and further

Resolved to re-hire Betty Miles and Rhonda Roeser to the positions of Records Inventory Clerk effective 1/1/17 at the rate of \$15.50 per hour; and further

Resolved to re-hire Shelia Staley to the position of Cleaner effective 1/1/17 at the rate of \$13.32 per hour; and further

Resolved to re-hire Tosha Mercado to the position of Cleaner effective 5/8/17 at the rate of \$10.20 per hour; and further

Resolved to hire Glenn Galbraith to the position of part-time clerk effective 2/3/17 at the rate of \$14.00 per hour.

RESOLUTION 109-2017

APPROVE \$1,000 FOR AUTUMN IN THE VILLAGE

Supervisor Gott shared that the Town has historically budgeted \$1,000 to contribute to the Village for “Autumn in the Village.” Going forward, the Town and Village are going to be more of a partnership. He asked the Board if they would like to stick with the budgeted amount and look at possibly raising it next year, or if they wanted to increase the contribution this year. Brief discussion followed.

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

ADOPTED Ayes - 3 (Gott, English, Seelos)
Nays – 0

Resolved to contribute \$1,000 to the Village for sponsorship of the “Autumn in the Village” festival.

CORRESPONDENCE

- Letters in support of speed reduction on Pebble Beach Road
- Thank you for fireworks donation

RESOLUTION 110-2017

APPROVE ABSTRACT FROM JULY 25, 2017

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

ADOPTED Ayes - 3 (Gott, English, Seelos)

REGULAR MEETING, TOWN OF LIVONIA
August 3, 2017

Nays – 0

Resolved to approve payment of claims #616-676 in the amount of \$57,535.97 from the Abstract dated 7/25/2017.

RESOLUTION 111-2017

APPROVE ABSTRACT FROM AUGUST 3, 2017

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

ADOPTED Ayes - 3 (Gott, English, Seelos)
Nays – 0

Resolved to approve payment of claims #677-719 in the amount of \$320,668.96 from the Abstract dated 8/3/2017.

The Town Board was unable to locate the second voucher for Batavia Turf LLC. Supervisor Gott will hold the check until the Town Board sees the voucher.

With no further business, on a motion of Councilmember English seconded by Councilmember Seelos the meeting was adjourned at 8:37 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, RMC
Town Clerk