

**REGULAR MEETING, TOWN OF LIVONIA**  
July 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 Hemlock Lake Park, Hemlock on July 5, 2018.

**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. Attorney Jim Campbell led the pledge.

**OPEN SESSION / PRIVILEGE OF THE FLOOR**

Flag at Hemlock Lake Park

A resident asked who was in charge of raising and lowering the flag at Hemlock Lake Park. Supervisor Gott responded that no one is because the park doesn't really have a staff.

No Parking Signs on East Lake Rd

A resident acknowledged Highway Superintendent Dave Coty and his crew for putting No Parking signs on East Lake Road near the boat launch.

Eagle Scout Candidate Projects

The leader of Boy Scout Troop 174 informed the Town Board that there are several Boy Scouts in need of Eagle Scout projects, and he would like the Town Board to let him know if they have any suggestions. Councilmember Gascon remarked that the pavilion at Hemlock Lake Park is in need of restoration and painting again, if a candidate was interested. Councilmember Gascon will follow up with the Troop leader.

July 3<sup>rd</sup> at Vitale Park

Councilmember English shared that Park Manager Mo Watson and his crew had everything organized for the 3<sup>rd</sup> of July. We had a packed house, and it was the easiest 3<sup>rd</sup> of July celebration in recent memory. Many deputies were present patrolling the park and parking lot, along with a K-9. The next day, it only took 4 people 3 hours to clean up the park. We received a lot of compliments on the DJ, which was donated by Dave Pietrowski. Supervisor Gott indicated that the Sheriff put a lot of resources at the park this year, and we will send a letter of thanks.

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Vitale Park Update

Councilmember English mentioned:

- There was a water problem at the Chip Holt Nature Center, and it caused the router to burn out. It has been fixed.
- The kiosk window is cloudy and you cannot see into it any more.
- Eventually, we will need a new shed at the park.

RESOLUTION        105-2018

**APPROVE MINUTES**

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 approve the minutes from June 7, 2018.

**TOWN CLERK’S REPORT – JUNE 2018**

Clerk Hay gave the following financial report for June 2018:

Paid to Supervisor for the General Fund	\$2,192.73
Paid to County Treasurer for Dog Licenses	\$343.00
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$124.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$864.42
State Health Department (marriage licenses)	\$135.00
<b>TOTAL DISBURSEMENTS</b>	<b>\$3,659.15</b>

**IT Committee Update:**

- Adam’s computer has been upgraded to Windows 10 Professional. All users are now on the Domain. Next time Hurricane is here, we can have the password protocols initiated.
- The committee continues to work on preparing a draft Policies document for Board consideration.
- The DECALS laptop and the Historian laptop have been switched and the Historian scanner has been installed. To get Betty fully up and running, she would like to request:
  - Photoshop Elements, which would allow her to edit photos. The cost for this is \$100.
  - Laserfiche with ScanConnect. At the last Board meeting, the Board approved \$130 for a Laserfiche License for the Historian. Clerk Hay has

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received a quote from General Code, and the actual cost for this is \$1,059 for the first year and \$169 yearly after that. Betty hopes to scan and index all of the Historian records to make them more accessible.

RESOLUTION 106-2018

**APPROVE PHOTOSHOP ELEMENTS FOR HISTORIAN**

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

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

Resolved to approve the purchase of Photoshop Elements for the Historian’s laptop.

RESOLUTION 107-2018

**APPROVE LASERFICHE WITH SCANCONNECT FOR HISTORIAN**

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

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

Resolved to approve the purchase of a Laserfiche license with ScanConnect for the Historian.

**Request from Historian for Social Media Page**

Clerk Hay informed the Board that Betty Miles would like to create a Facebook page for the Historian. She realizes that she cannot do this without Board approval. Some things to consider:

- Information sent and received through a Town social media account is a public record, and the Town of Livonia is responsible for retaining social media records.
- There are dozens of archiving options, but most of them are very expensive \$900-\$1,500 per year for one social media account. There is one company, called “Social Safe,” that provides an archive tool for \$6.99 – \$16.99 per year, based on the number of accounts (up to 20).
- Unlike other options, Social Safe is not cloud based, which means that the archive information would be stored on our own server.

If the Board is willing for Betty to make an Historian Facebook account, Clerk Hay would like to do more research into Social Safe, and draft a Social Media Policy for the Board’s consideration, before Betty is granted permission to create an account.

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Attorney Campbell cautioned that if the proper controls are not in place, then it can become a bulletin board and create a liability issue. He recommended that the IT Committee look at what controls could be put in place before the Board makes a decision as to whether to allow it.

Supervisor Gott shared that he would like to look over the handout Clerk Hay provided from CIS regarding Social Media. He agreed that he would like to have Clerk Hay run this by the IT Committee as well.

**Cyber Security Grant Opportunity**

Clerk Hay announced that there is an opportunity to apply for a grant up to \$50,000 for certain Cyber Security costs including:

- Planning: Costs associated with development of plans to include the hiring of consultants to identify potential vulnerabilities and develop risk mitigation plans.
- Equipment: Hardware updates to provide protection against cyber threats, software packages including firewalls, anti-virus/malware protection, and intrusion detection systems.
- Training: Costs associated with development and delivery of cyber awareness training programs
- Exercises: Costs associated with the development, execution and evaluation of cyber security exercises.

Deadline to apply is August 7, 5 PM. Kenny Liesegang (from the IT Committee), County Grant Writer Heather Grant and Clerk Hay will meet next week on Thursday to discuss the grant requirements. Since we have already done most of the things the grant would pay for, Clerk Hay is not sure that the grant will be worth it, but would like a resolution to authorize her to apply if it looks like it will be a good fit.

RESOLUTION 108-2018

**AUTHORIZE CLERK HAY TO APPLY FOR A CYBER SECURITY GRANT**

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

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

Resolved to authorize Clerk Hay to apply for up to \$50,000 from the New York State Department of Homeland Security Cyber Security Support Grant.

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**NEW REQUIREMENTS FOR SEXUAL HARASSMENT PREVENTION POLICY**

Clerk Hay informed the Board that the Governor put new requirements in his Budget for municipalities to update their Sexual Harassment Prevention Policy. Municipalities have until October 9, 2018 to be in compliance. Guidance documents including a sample policy and reporting form are supposed to be developed by the Department of Labor and made available to municipalities on their web site. The last time Clerk Hay checked, the documents were not yet available. She will keep the Board posted.

RESOLUTION 109-2018

**APPROVE TOWN CLERK REPORT**

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

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

Resolved to approve the June 2018 Town Clerk Report.

**WATERSHED EDUCATION CENTER UPDATE**

Supervisor Gott reported that the Ribbon Cutting ceremony for the Watershed Education Center was Saturday. There were 75 people for their first event, and they had to turn away many people because there was not enough room for everyone. More events will be scheduled throughout the year. The Sheriff's office will be moving in to their space in about a week.

Gene Bolster, from the Conesus Lake Association (CLA), reported that they had a problem with key management with the old building. He shared that people would be given keys, and leave the CLA without returning them. The Watershed Education Center is going to house a lot of expensive equipment, and he would like a better system to controlling access to the building. The CLA has looked into a key fob system. The advantages are that a fob can be inactivated if someone leaves their CLA position, and the fobs will also track who enters and leaves the building and when. The cost of the system is \$3,500, and he requested that the Town share half of the cost. The CLA will be voting on this at their next meeting.

RESOLUTION 110-2018

**APPROVE SHARING COST OF KEY FOB SYSTEM FOR WATERSHED EDUCATION BUILDING**

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

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

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Resolved to approve \$1,750 for a key fob system for the Watershed Education Center at Vitale Park contingent on the Conesus Lake Association approving the balance.

**HEMLOCK LAKE PARK UPDATES**

Supervisor Gott shared that Highway Superintendent Dave Coty excavated around the flag pole at Hemlock Lake Park to prepare it for stamped concrete.

Councilmember Gascon added that one of the concrete tables is deteriorated. He would like to try to get it straightened back up.

Clerk Hay asked if there would be lighting for the flag. Supervisor Gott indicated that there is electric at the park and we will either have an electric or solar spotlight for the flag.

**HEMLOCK SIDEWALKS UPDATE**

Supervisor Gott shared a handout with the breakdown of engineer estimates for the Hemlock sidewalks. Councilmember Gascon stated that he would like to know what “rock removal” is. Supervisor Gott said that these are just engineer estimates and the amounts can change when we go to bid. He asked the board how they would like to proceed because we are running out of time if the Board wants to get the project done this year.

RESOLUTION 111-2018

**APPROVE MOVING FORWARD WITH HEMLOCK SIDEWALK PROJECT**

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

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

Resolved to approve moving forward with the Hemlock Sidewalk Project.

Supervisor Gott will let the Board know if Clark Patterson says it is too late for this year. Also, Cathy Metz has a water concern and wants to make sure that the sidewalk project will not negatively impact her property.

**LIBRARY GRANT AND SECURITY UPDATE**

Councilmember Dougherty reported that the Library needs cameras, locks, and an automatic door opener for the handicap entrance. They estimate the total cost of these improvements to be \$25-30,000. There is a grant that can cover 75% of the costs. Assemblyman Errigo and Senator Young have pledged support totaling \$20,000. The

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Town will have to pay for the improvements up front and get reimbursed. We will definitely receive the \$20,000, but the remainder is dependent on whether or not the grant is successful.

RESOLUTION 112-2018

**APPROVE LIBRARY SECURITY UPDATES AND GRANT APPLICATION**

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 approve paying for Livonia Public Library security updates and automatic door installation for the Handicap Entrance with the understanding that \$20,000 will be recouped from Assemblyman Errigo and Senator Young and the remaining expenses may or may not be recouped through a grant.

**GRANT WRITING AGREEMENT WITH LIVINGSTON COUNTY**

Supervisor Gott shared that the Town of Livonia has had an informal agreement with Livingston County for grant writing services for a number of years where the County has always covered the cost. With the new government efficiency initiatives, the County can receive credit if we were to formalize the agreement in writing.

RESOLUTION 113-2018

**APPROVE GRANT WRITING AGREEMENT WITH COUNTY**

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 Grant Writing Agreement with Livingston County.

**TOWN HALL LANDSCAPING**

Supervisor Gott reported that Al Roome measured the Town Hall landscaped areas and gave a quote of \$1,875 for weeding, replanting, removing stone and replacing with decorative stone, and adding weed mat where needed. Councilmember Dougherty asked if that includes repairing the broken curbing. Supervisor Gott answered no, just landscaping. Al Roome does not do concrete work. Councilmember Dougherty stated he wants us to get the curbing fixed.

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RESOLUTION 114-2018

**APPROVE ALANDSCAPING TO DO LANDSCAPING WORK AT TOWN HALL**

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 hire ALandscaping and Design (Al Roome) at a cost of \$1,875 to remove stones from the planting areas around the Town Hall and replace with decorative stone, replace weed mat as needed, weed, and add plants to the bare spots.

**PRESENTATION OF TWO DRAFT LOCAL LAWS - SHORT TERM RENTAL & NOISE REGULATIONS**

Attorney Campbell presented two draft local laws - one regarding Short Term Rentals and one regarding Noise. These were a result of work done by a committee, and were based on a lot of discussion and public input. The committee felt that the initial proposed laws from last year were cumbersome and not realistically workable for the Code Enforcement Office, property owners, and those affected by short-term rentals and noise. They pared those down to something they thought made sense and was workable.

Attorney Campbell explained that there are two ways to approach regulations for excessive noise. There is the scientific approach, which references decibel levels, and there is a common sense approach, which defines excessive noise using words such as “excessive, incessant, repeated,” etc. The committee preferred the non-scientific approach.

He explained the highlights of the Short-term Rental regulations. The committee decided to go with a registration process rather than a permit process. Registration will allow for the Town to identify properties conducting Short-term Rentals, collect certain information about those properties, and allow us to regulate it to a certain degree. It would also allow us to confirm that the property in question is in compliance with the county’s occupancy tax.

The committee is recommending tying occupancy to parking. They feel that is a fair method and is easier to enforce.

Attorney Campbell shared that the Town Board has the exclusive right to approve the legislation. The committee can reconvene and look at the legislation again, if the Board requests that. He explained that the next step is to refer the proposed legislation to the County Planning Board for comment. The deadline is the end of July in order to be on the



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August agenda. He stated that the Board did not need to make a decision to refer the legislation tonight. They could review it and let him know by email if they want him to go ahead with the referral.

Attorney Campbell explained the following based on questions from the public:

- The Short Term Rental law creates a definition for Short Term Rental.
- Registration will empower the Code Enforcement Office and give them the authority to revoke a certificate of registration.
- Maximum occupancy will be tied to parking.
- The section of the law regarding occupancy states that maximum occupancy shall not exceed that permitted by the Uniform Fire Prevention and Building Code (Uniform Code), rather than stating what the current regulations are. That is because the Uniform Code changes from time to time. This way, if the Uniform Code changes, then our law is still in compliance.
- The registration form has not been developed yet, and the form itself will not be part of the local law. This is to allow the Code Enforcement Office to change the registration form if needed without having to go through the whole local law process again to do so.
- The registration list will be public information and will be made available by request. It will probably not be feasible to post the registration list on the web site.
- Registrations will expire on December 31 of the year following the application. This means that they will be valid for a maximum of 2 years.
- The proposed Short Term Rental law and Noise Ordinance will be made available on the web site so that people can review them. They are both currently draft documents.
- The definition of Single Family Dwelling has been changed to make it clearer.
- The fee to register will be included in the fee schedule and will not be specified in the local law in order to allow for the fee to be modified if needed without having to go through the entire local law process again.

A resident suggested that applicants be required to bring a Google Earth image of their property when they register. Attorney Campbell remarked that that is a good idea.

**VITALE PARK SECURITY CAMERAS**

Councilmember English asked if there were any plans to make the security cameras at Vitale Park available to the Sheriff's Department. Supervisor Gott stated that we can ask Hurricane Technologies when they come.

RESOLUTION 115-2018

**HIRE BOB LENNINGTON**

Supervisor Gott shared that he received a memo from Adam Backus requesting approval

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to hire Bob Lennington as a part-time zoning inspector. Mr. Lennington has experience working in the code office in the Town of Conesus. The range of pay for this type of position is \$25-39 an hour, with \$25 an hour being the most common.

Councilmember Dougherty remarked that if he votes yes to hiring Bob Lennington, he wants to make sure that the department is going after violators. Attorney Campbell advised that there are many violations in the Town, and the policy has always been to respond to complaints, not go looking for violations. Recently, there have been a couple of very demanding cases involving lots of notices and letters. The intent of additional staff is to help with that. Supervisor Gott added that when Kevin Masterson and Bill Webber were in the Code office, they also responded to complaints rather than go looking for violations. Mr. Lennington is very knowledgeable in all aspects of Code Enforcement.

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

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

Resolved to hire Bob Lennington as part-time zoning inspector at a rate of pay of \$25 per hour.

**FURTHER DISCUSSION REGARDING PROPOSED LOCAL LAWS**

Attorney Campbell explained the steps in adopting a local zoning law.

- The law is presented to the Town Board. A minimum of 10 days must elapse before the Town Board can conduct a Public Hearing and take action.
- The local law is referred to the County Planning Board. The County Planning Board might approve, disapprove or make advisory comments. If they disapprove it, then the Town Board can only pass the law with a super majority, which is majority plus one.
- The Town Board schedules a Public Hearing and provides notice.
- The Town Board conducts the Public Hearing and deliberates. They must also conduct a State Environmental Quality Review (SEQR).
- The Town Board can then vote on it if they wish, make modifications to it, or decide to do nothing. If the Town Board makes significant changes to it at this point, then Attorney Campbell would like recommend that it go back to the County Planning Board a second time, and repeat all the steps after that.

Attorney Campbell informed the Board that a resident emailed comments regarding the Noise Ordinance to Supervisor Gott. Those comments will be circulated to the Town Board for review. The gentleman will also have an opportunity to comment at the Public

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Hearing if he wishes.

RESOLUTION 116-2018

**AUDIT OF CLAIMS**

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

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

Resolved to pay claims 489-533 in the amount of \$101,630.77 from the Abstract dated 6/21/2018.

RESOLUTION 117-2018

**AUDIT OF CLAIMS**

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

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

Resolved to pay claims 534-572 in the amount of \$56,661.04 from the Abstract dated 7/5/2018.

RESOLUTION 118-2018

**APPROVE INTERFUND TRANSFER/BUDGET AMENDMENT**

Supervisor Gott indicated that Bookkeeper Mike Lawton has made the final principal & interest payments for the East Lake Road Water District Serial Bonds. These were refinanced 10 years ago allowing us to discontinue collecting the quarterly "debt charges" from customer water bills last summer. At that time, the bookkeeper requested the Livingston County Water & Sewer Authority to approximate a final bill sufficient to cover the remaining debt payments (2 principal, 3 interest).

After today, there is a "residual" amount of \$679.97 remaining in the bank account of the East Lake Road Water District. We need to close out this account as well as the Fund on our books.

On motion of Councilmember Seelos 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 an interfund transfer/budget amendment from the East Lake Road Water District (SW9901.9) to the General Fund (A5031) in the amount of \$679.97.

**SOLAR MORATORIUM**

Attorney Campbell remarked that the Solar Moratorium is expiring soon. He recommends allowing it to lapse and reconstituting it. York and Mount Morris have some model laws regarding large scale solar development that the Town Board can review.

RESOLUTION 119-2018

**AUTHORIZE SUPERVISOR TO SIGN FUEL DEPOT INTERMUNICIPAL AGREEMENT**

Attorney Campbell shared that the Town Board has already approved the language of the Fuel Depot Intermunicipal Agreement for cost sharing, and we have received a copy back from the Village with the Mayor's signature. We just need a resolution authorizing Supervisor Gott to sign as well.

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

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

Resolved to authorize Supervisor Gott to sign the Fuel Depot Intermunicipal Agreement dated May 23, 2018.

With no further business, on motion of Councilmember Seelos seconded by Councilmember Gascon the meeting was adjourned at 8:30 PM.

Respectfully Submitted,

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Colleen West Hay, RMC  
Town Clerk