

REGULAR MEETING, TOWN OF LIVONIA
January 18, 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 Livonia Town Hall, 35 Commercial Street, Livonia on January 18, 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. Dawn Woodburn led the pledge.

OPEN SESSION / PRIVILEGE OF THE FLOOR

A resident asked if Town Board meeting agendas could be posted on the web site on a certain day so the community can view it before the meeting. Supervisor Gott answered that he will make a point to finalize the agenda on the Tuesday before the meeting so the Town Clerk can post it. He cautioned that some items might get added to the agenda after that, though.

DISCUSSION REGARDING PROPOZED ZONING CHANGE

Supervisor Gott reminded everyone that the Town Board conducted a Public Hearing at the last meeting regarding the proposed zoning change. Attorney Campbell reported that the matter was referred to the County Planning Board, as required, for their meeting last week. We received notice today that they recommend approval. Their only advisory comments were that the Town Board should complete the SEQR process before adopting the local law.

Attorney Campbell then reviewed Part 2 of the Short Form Environmental Assessment Form (EAF) with the Board, asking them to answer yes or no to each of the questions. The Board answered no to all.

RESOLTUION 10-2018

ADOPT FINDINGS OF ENVIRONMENTAL ASSESSMENT FORM (EAF)

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

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

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Nays – 0

Resolved to adopt the findings of the Full Environmental Assessment Form for Proposed Local Law #1-2018.

RESOLUTION 11-2018

DECLARE NEGATIVE DECLARATION

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

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

Resolved to make a negative declaration in regards to proposed Local Law #1-2018.

RESOLUTION 12-2018

DIRECT SUPERVISOR TO SIGN SEQR DOCUMENTS AND DIRECT TOWN CLERK TO FILE WITH ENVIRONMENTAL NEWS BULLETIN

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 direct Supervisor Gott to sign the Full Environmental Assessment Form; and further,

Resolved to direct Clerk Hay to file with the Environmental News Bulletin.

RESOLUTION 13-2018

ADOPT LOCAL LAW #1-2018 ZONING CHANGE

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

ADOPTED BY ROLL CALL VOTE
Supervisor Gott -Aye
Councilmember English – Aye
Councilmember Gascon – Aye
Councilmember Seelos – Aye
Councilmember Dougherty - Aye

Resolved to adopt Local Law #1-2018 as follows:.

A local law to amend Chapter 150 of the Code of the Town of Livonia, Livingston

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County, New York to modify Section 150-39. B.

Be it enacted by the Town Board of the Town of Livonia as follows:

SECTION 1. TITLE AND SCOPE

This local law shall be known as “A LOCAL LAW TO AMEND CHAPTER 150 OF THE CODE OF THE TOWN OF LIVONIA, LIVINGSTON COUNTY, NEW YORK TO MODIFY SECTION 150-39. B. OF CHAPTER 150.”

SECTION 2. PURPOSE

A. Authority. This local law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, convenience, order, aesthetics, prosperity and general welfare of the Town of Livonia in a fashion that is not inconsistent with the Comprehensive Plan of the Town of Livonia. This local law regulates the use of buildings and structures and the development and use of land within the Town of Livonia.

B. To these ends, this local law and the Chapter that it amends is designed to:

1. Enhance and regulate the orderly growth, development and redevelopment of the Town in accordance with a well-considered plan to that the Town may realize its potential as a place to live and work, with the most beneficial and convenient relationships among the agricultural, commercial, industrial, and residential areas within the Town and with due consideration to the character of each district and its suitability for particular uses; and
2. Protect and manage the character of the Town.

SECTION 3. CHANGES TO SECTION 150-39. I Industrial District

The current Section 150-39. B. of the Livonia Town Code is hereby modified and amended to include a new permitted use, which such section is designated as “§150-39. B. (8)” and shall read as follows:

(8) Bar, tavern or any use, which is licensed to distribute, produce or provide for on-premises consumption and/or retail sales of alcoholic beverages.

SECTION 4. EFFECTIVE DATE

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This local law shall be effective thirty (30) days after its filing with the Office of the Secretary of State.

RESOLUTION 14-2018

APPROVE MEETING MINUTES FROM 1/4/2018

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

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

Nays – 0

Resolved to approve the meeting minutes from January 4, 2018.

TOWN CLERK’S 2017 ANNUAL REPORT

Clerk Hay gave the following Annual Report for 2017:

<i>Paid To</i>	<i>2016</i>	<i>2017</i>	<i>+/-</i>
Supervisor (General Fund)	\$32,985.81	\$41,379.41	+8,393.60
County Treasurer for Dog Licenses	\$3,955.00	\$3,916.50	-38.50
NYS Comptroller’s Office	\$686.25	\$686.25	0
NYS Ag & Mkts for Spay/neuter Program	\$1,569.00	\$1,557.00	-12.00
NYS DECALS	\$20,883.80	\$16,388.24	+4,495.56
State Health Department (Marriage Licenses)	\$697.50	\$810.00	+112.50
Total Disbursements	\$60,727.36	\$64,737.40	4,010.04

Significant differences in 2017 versus 2016 include:

- Registrar’s Fees – up \$1,000
- Recreation Fee, New Home - up \$2,100
- Zoning Fees – up \$530
- Planning Fees – up \$6,446
- Hunting/Fishing License Fees to NYS – down \$4,445

Other items of note:

- Online dog license renewals continue to increase. We had 43 online renewals in 2016 and 77 in 2017.
- Online tax payments also continue to increase. For the 2016 collection period, we

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received 26 online payments and for the 2017 collection period, we received 41. People appreciate the convenience of being able to view and print their bills as well.

2017 Accomplishments:

- Town Clerk Training - Attended Annual Town Clerk conference; completed second year of Municipal Clerk’s Institute; attended regional trainings on Games of Chance and What to Expect in a Comptroller Audit.
- Achieved Registered Municipal Clerk designation.
- Completed the Cyber Security Audit.
- Completed the Records Scanning Grant. (Submitted final reports in January.) We spent \$103,509 of the \$119,307 approved. (Scanning charges were lower than budgeted.) We had 239,826 images scanned, of which 11,758 were oversized (larger than 11 X 17”. Final payment check in the amount of \$4,920 should be received soon.
- Livingston County Town Clerks Association – Elected secretary (two-year term).
- NYSTCA – Selected to be Region 8 Director
- Accepted Town of Livonia Records Management Award
- Created a form for Funeral Directors to request copies of death certificates through a link on our web site.
- Deputy Clerk and I attended the Rabies Vaccination Clinic held at the Town Barns and licensed 8 dogs. We put a copy of the rabies vaccination flier in with the dog license renewal letters and Livonia had the largest turnout of all the towns for the clinic.
- Arranged for Bob Freeman to come to Livingston County to present on FOIL and Open Meetings Law. Had about 50 attendees.
- Hosted an intern this summer through the Summer Youth Employment Work Program.
- Deputy indexed 25,430 burial permits.
- Deputy Training - attended NYALGRO and NYSTCA.

RESOLUTION 15-2018

APPROVE TOWN CLERK’S 2017 ANNUAL REPORT

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 the 2017 Annual Town Clerk’s Report.

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RESOLUTION 16-2018

APPROVE ANNUAL POOL USE CONTRACT WITH LIVONIA CENTRAL SCHOOL

Supervisor Gott explained that it is time to renew the pool use contract with the school so that our Recreation program can use the school pool for open swim nights. The contract will automatically renew for one year, if both parties are in agreement.

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 annual pool use contract with Livonia Central School.

DISCUSS NEXT STEPS FOR SHORT TERM RENTALS

Councilmember Dougherty left his seat at the board table and addressed the board from the audience. He shared that he thought he would be involved in the committee being formed to look at the short-term rental issue, but according to the minutes of the December 7 meeting, he was cut out of it. He said he came onto the board to represent people in Livonia, and he thinks this issue got him elected. But before he could attend a board meeting, the board decided to form a committee and not include him.

He stated that he is open-minded. He feels Councilmember Grouse questioned his integrity at the December 7 meeting by saying that he could not be objective. He feels that this board ignored his request for help in July of 2016 and said nothing could be done. He shared that he came with a letter (regarding short-term rental concerns) signed by 50 people in June 2017. He said if the Board has concerns about him taking this forward objectively, he takes issues with the Board deciding this. He expects that he should be on this committee.

He stated that Supervisor Gott is a decision maker, was involved with drafting the law, and selecting members for committee. Councilmember Dougherty asserted that Supervisor Gott has rental properties, and Councilmember Dougherty feels that should have been disclosed. He thinks it is a violation of the code of ethics, and if any board member owns rental property, it should be disclosed.

Councilmember Dougherty went on to say that he is here to represent the people, and he was upset that he did not get an agenda for the January 4 meeting. He said he also didn't get an agenda today. Supervisor Gott replied that he did send it. Councilmember

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Dougherty said he thinks this is an awkward start.

Councilmember Dougherty confronted Town Clerk Hay for giving an interview to Robert Delena, the editor of the Lake & Country Echo. Clerk Hay answered that at no time did Robert Delena interview her for an article. After Councilmember Dougherty read the quote, where Clerk Hay stated that the Town Board had only received a handful of letters regarding the short-term rental proposed local law, and no letters from anyone on Pebble Beach Road, Clerk Hay shared that Barb VanZandt, a reporter for the paper, had asked her if the Town Board had received any letters, and Clerk Hay simply answered the question. Councilmember Dougherty said that the Town Board is not hearing from Pebble Beach Road because they think the decision has been made. Councilmember Dougherty added that he feels betrayed by this Board.

Supervisor Gott stated that the makeup of the committee is up to the board. Brian Every has spoken against short term rentals and he is very interested in serving on the committee. He is also a resident of Pebble Beach Road. Councilmember Dougherty said that he thinks Brian Every is related to (Building & Zoning Director) Adam Backus. Supervisor Gott said he has no idea if Mr. Every is related to Mr. Backus. He added that the Board doesn't have to move forward with the makeup of the committee tonight. He also shared that the meetings will be advertised, and the public, including board members is encouraged to attend and participate.

Attorney Campbell explained that the purpose of the committee is not to be constituted by board members, but by community members so that they can have participation. The purpose of the Town Board member on the committee is to be a liaison to the board to communicate – to keep the Board up-to-date on how the committee is progressing, and to let the Board know if the committee needs any type of assistance. Councilmember Dougherty again stated that he thought he would get a chance to sit on the committee.

Mary Ann Rzeszutek remarked that she was at the meeting when the issue of the committee was discussed. She shared that logically speaking, if a Town Board member is on the committee it seems like double the influence because you have influence anyway being on the Board. Attorney Campbell advised that these committees have no authority, except to make a recommendation to the board. He described that at the last meeting when it was discussed that Attorney Campbell and Building & Zoning Director Adam Backus should not be a “ voting member,” that means that the committee will determine what their recommendations to the board should be, but Attorney Campbell and Mr. Backus should not put their opinions in. It should be folks from the community.

Councilmember Dougherty would like someone from Pebble Beach who lives on the waterfront to serve on the committee. Supervisor Gott informed everyone that Mr. Every

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lives across from the rentals and is impacted by Mr. McCoy's property. Councilmember English suggested that Councilmember Dougherty come back to the next Board meeting with suggestions of several people. At this point, the committee will have a representative from the Village Board, Zoning Board of Appeals, Planning Board, and Town Board. Realtor Julie Smith has also agreed to serve. Supervisor Gott will let Brian Every know that we are still looking. He said that because the original issue was brought by people on the lake, we want someone from that area that has been negatively affected.

Barb Dougherty suggested that someone from each of the hamlets of Livonia be on the committee because the proposed changes affect all of Livonia. There was some discussion about this idea. Some Board members were concerned that it might be hard to find people to volunteer, and if the committee gets too big it would be hard to come to a consensus. Supervisor Gott will look into it, however.

Finalizing the committee was tabled until next the meeting.

RESOLUTION 17-2018

APPROVE AGREEMENT EXTENSION FOR EQUIPMENT SHARING WITH LIVINGSTON COUNTY

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

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

Resolved that the Livonia Town Supervisor is hereby authorized to sign a contract extension of the Joint Services Agreement with Livingston County for Machinery, Tools, Equipment and Services Sharing for an additional term of one year to terminate on December 31, 2018.

RESOLUTION 18-2018

SET PUBLIC HEARING FOR LL#2-2018 – PARTIAL EXEMPTION FROM REAL PROPERTY TAXES TO COLD WAR VETERANS

Supervisor Gott introduced LL#2-2018 – A local law providing a partial exemption from real property taxes to Cold War Veterans. When this was first introduced, there was a ten year limit, but now municipalities are able to do away with the limit. Attorney Campbell prepared a proposed local law to be consistent with the county. If the Town Board wishes to consider this local law, it should be adopted before the taxable status date.

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

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

Resolved to set a Public Hearing at 7 PM on February 15, 2018 to consider proposed Local Law #2-2018 – Partial Exemption from Real Property Taxes for Cold War Veterans.

RESOLUTION 19-2018

AUTHORIZE SUPERVISOR TO SHARE ONE MONTH OF ENERGY BILLS

Supervisor Gott reminded the Board that several months ago, Bill Green came and was interested in establishing a program in Livonia that would lock consumers into a specific, negotiated rate for energy bills. Customers would have to opt out if they were not interested in participating.

Mr. Green was able to save the county a substantial amount on their power costs. Supervisor Gott is not asking for authorization to go to bid, but would like Mr. Green to look at the Town’s power bills and give us an idea if there could be any savings. He asked for the Board’s authorization to share one month of our power bills, including street light bills so he could share them with Mr. Green for his analysis. This doesn’t have anything to do with our constituents.

Supervisor Gott shared that while he is not comfortable with locking people into an electric purchase, if there is potential for the town to save money, he would like to look into it. Attorney Campbell suggested that we get references from other municipalities that Mr. Green has worked with. There is no cost for Mr. Green to look at it, and we are not obligated.

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

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

Resolved to authorize Supervisor Gott to share one month of energy bills with Mr. Green.

PROGRAM AT CHIP HOLT CENTER

Everyone is reminded that on January 31 there will be a program geared toward residents at the Chip Holt Nature Center at Vitale Park from 6:30 – 8:30 PM titled “What is a Watershed?”

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LIBRARY GRANT

Supervisor Gott informed everyone that we received notice today that DASNY processed the \$350,000 grant today for the library. We should be receiving the money soon. This is the first of two grants we will be receiving. He added that former Councilmember Grouse spent hundreds of hours on this. The second grant will be coming from the NYS Assembly in the amount of \$100,000.

FIRE SAFETY

Supervisor Gott mentioned that Fire Safety work has been done on the Town Hall. Four carbon monoxide detectors have been installed and fire safety inspections have been completed. He added that the doors have been changed on the highway facility to replace the door handles with push exits, and our Hazardous Materials Response Plan was approved.

SHORT TERM RENTAL COMMITTEE

Councilmember Gascon mentioned that he would like everyone who is going to serve on the Short Term Rental Committee to have a copy of the current code and copies of the correspondence that has been received to date. Supervisor Gott will talk to Mr. Backus about getting copies of the code for committee members, and Clerk Hay will make copies of the correspondence for committee members.

A representative from the NYS Association of Realtors shared that this proposed law is near and dear to his heart. He is the liaison from Rochester to Albany for the Association of Realtors. If there is any assistance they can provide, he asked that the Board let him know.

DISCUSSION REGARDING HANDICAP ACCESSIBILITY AT TOWN HALL

Councilmember Seelos asked why we don't have a handicap accessible door on the Town Hall. Supervisor Gott answered that it is accessible, but there is no push button. Councilmember Seelos thought a push button would be helpful. Supervisor Gott said we can look into it.

Dawn Woodburn commented that having the push button on the door would be very helpful for senior citizens. She sees them coming in for exemptions having a hard time getting up the sidewalk. When she sees them coming, she runs from her office and helps open the door. It is very heavy for them. A large part of our jobs at the Town is providing service to seniors and handicap residents.

DISCUSSION REGARDING SIDEWALKS AT TOWN HALL

Ms. Woodburn also brought up the sidewalks and said they were atrocious. She is scared for senior citizens coming into the building when the sidewalks are snow covered and

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icy. Many of the seniors are not steady on their feet. She doesn't want to see them hurt, and she doesn't want the Town to be sued.

Councilmember English remarked that he thought the sidewalks were spotless when we saw the bill. Supervisor Gott shared that we are in a "Catch-22" situation. We either need to ask them to come more often and pay for that, or be okay with how they are. Ms. Woodburn asked if we could get bags of salt so that we can salt ourselves when it is needed. Supervisor Gott shared that he needs guidance from the Town Board. Councilmember Seelos stated that safety needs to be #1, but he wishes we could find a less expensive way to get this done. Councilmember English said he is appalled at those prices. Supervisor Gott will have a conversation with Mike (from Extreme) and ask him to keep a closer eye on the sidewalks. He will also get a couple of bags of ice melt to have at the Town Hall.

RESOLUTION 20-2018

AUDIT OF CLAIMS

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 pay claims 35-80 in the amount of \$773,626.39 from the Abstract dated 1/8/2018.

RESOLUTION 21-2018

EXECUTIVE SESSION

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

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

Resolved that this Board enter into Executive Session with the Town Clerk and Attorney Campbell at 8:03 PM to discuss matters which imperil safety if disclosed.

With no further business, the meeting was adjourned at 9:00 PM.

Respectfully Submitted,

Colleen West Hay, RMC
Town Clerk