

REGULAR MEETING, TOWN OF LIVONIA
October 4, 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 the Livonia Town Hall, 35 Commercial Street, Livonia, NY on October 4, 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 Campbell led the pledge.

OPEN SESSION / PRIVILEGE OF THE FLOOR

Request to Re-Zone Parcel in Lakeville

A resident from Lakeville shared that he put his house on the market, had an offer and accepted it, but once the buyer learned that the property was zoned Waterfront Development, they backed out of the deal. He stated that this is the first he heard about the re-zoning, and he requested that the zoning be changed back to Residential. Several other residents in attendance shared they were in the same situation and agreed that they would like to see the zoning changed.

Discussion followed:

- The zoning was changed as a result of the Comprehensive Master Plan. At the time, the committee felt that it was desirable for the community as a whole to turn that area into a more commercial waterfront area. Zoning, as a matter of law, must conform to the vision that is part of the Comprehensive Master Plan.
- When zoning is changed, pre-existing, non-conforming use is allowed to continue, but cannot be modified or expanded.
- The Comprehensive Plan is supposed to change periodically based on the character and vision of the community, and it is not unusual for those to be updated every 5-10 years. If the Board wants to look at re-zoning this area, the Comprehensive Plan needs to be reviewed first. If the Board decides to change the zoning in that area without considering the Comprehensive Master Plan, then those changes would be vulnerable.

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Several residents in attendance shared their concerns about leaving the zoning the way it is. They feel that:

- There are already enough eateries in the area,
- The north end of the lake harbors muck and weeds which take a lot of time and energy to keep clean,
- Commercial entities are not interested in their properties.

Additional discussion followed:

- Participation in the Comprehensive Master Plan process - Attorney Campbell shared that there were surveys, committee meetings and public hearings before the Master Plan was adopted and the zoning was changed. Even though it was advertised, it is always a problem to try to get people to participate.
- Amending just the one section of the Comprehensive Master Plan that deals with the North end of Conesus Lake - Attorney Campbell advised that the Board could constitute a committee to look at certain parts of it, but the study typically costs \$10,000-\$15,000, so municipalities usually do the whole thing at once.
- Updating the plan - It was updated nearly 10 years ago, so it is almost time to revisit it anyway. It is a long process, however - usually 1-2 years.
- Is there a way to provide relief now to the residents of the north end of Conesus Lake? Attorney Campbell can look to see if there is another process, but he needs to make sure that whatever they do is legally defensible. The Board asked him to look into it.
- Notice to property owners - The state does not require individual notice to property owners. If one person says they did not get notice then that is a problem. The state requires publication in the official paper, web site posting and posting on the Town's bulletin board.
- Mortgages - There are pre-existing, non-conforming properties all around Conesus Lake that do not comply with minimum lot size, access or setback requirements and banks give mortgages for them all the time.

Short-term Rentals

A resident who served on the committee that developed the proposed Short-term Rental Law addressed the Board to ask if they had received and reviewed the information she presented at the August meeting. She also asked when the public hearing would be held.

Attorney Campbell reiterated that:

- The Town Board cannot conduct a Public Hearing until a draft local law that meets with board approval is referred to the County Planning Board.
- The referral is a legal requirement that must take place before the Town Board can take any further action.

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- The county would make recommendations or advisory comments as part of the deliberation process. In order to advance the discussion the draft local law that came out of the committee must be sent to the county.

Supervisor Gott stated that it is on the agenda later in the meeting to discuss next steps for both proposed laws.

Watershed Education Center Events

Charlie Braun shared that the next event at the Watershed Education Center will be held October 11 at 6:30 PM, and the topic will be Waterfowl Management. He also shared that on October 24 at 6:30 PM Dorothy Wilkins and Betty Miles will be conducting a session on the history of Lakeville.

RESOLUTION 136 - 2018

APPROVE MINUTES

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 the minutes from September 6, 2018.

TOWN CLERK’S REPORT – SEPTEMBER 2018

Clerk Hay gave the following report:

September 2018 Financial Report:

Paid to Supervisor for the General Fund	\$5,301.35
Paid to County Treasurer for Dog Licenses	\$406.00
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	0
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$156.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$7,383.80
State Health Department (marriage licenses)	\$67.50
TOTAL DISBURSEMENTS	\$13,314.65

Hunting License Sales

- Monday was the last day to purchase Deer Management Permits. If there are any leftover permits, they will be available starting November 1.

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IT Committee Update:

- The IT Committee met with Supervisor Gott and Attorney Campbell to discuss using personal equipment and personal email addresses for Town business. The committee will be using their feedback to put something together for the Board to consider.

Shredding Event

- The Shredding Event was held September 15 from 9-11AM at the Livonia Town Hall. About 50-55 people came and dropped off about 6,000 lbs of records to be shredded. They also shredded documents that were in our bins. Deputy Clerk Liesegang and her husband helped out. People were very happy for the opportunity and asked if we would make this a regular event.

Records Management Update

- The new Local Government Records Management Improvement Fund guidelines should be added to the State Archives web site soon. The applications are due by January 14. Clerk Hay would like to submit a grant.

Sexual Harassment Policy Update

- Sexual Harassment Policy Guidelines are now available here: <https://www.ny.gov/combatting-sexual-harassment-workplace/employers> Clerk Hay also printed copies of the documents and they are in the board packets.
- Key points to note:
 - All Employers must adopt and provide a sexual harassment prevention policy in writing to all employees **by October 9, 2018**. The policy must be posted also. Clerk Hay provided copies of the sample policy in case the Board would like to take action on this tonight. The policy must name a person or office that employees can report sexual harassment complaints to. Clerk Hay filled that in as Supervisor Gott, but the Board can designate anyone they like.
 - **ALL** “employees” will need to take training **by October 9, 2019**. The law defines employee as: “Employees, applicants for employment, interns whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with [employer’s name].” This means every Recreation employee/volunteer, board member (ZBA, Planning, BOAR, Town Board), Highway worker, Library worker, etc.
 - Training must be **interactive**. It can be in-person or web-based, but Web-based training must provide questions that employees must answer correctly, or must allow for a way for employees to ask questions and receive a timely answer, or require the employee to complete a “Feedback Survey.” The state provides a script and Power Point for in-person

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training, and a video presentation viewable online and for download (will be ready soon).

- The Board needs to decide how employees will be trained, who will do the training, and who will track that everyone has complied.
- Employers must provide a complaint form.

Discussion

Supervisor Gott shared that he thinks the Board should pass this tonight in order to be compliant with the law, however he shared that as time goes on we can make changes in order to customize it for the Town of Livonia. He would like the section on Investigation to have more detail regarding how investigations will be handled and who will do it. He remarked that he thinks there should be two people – one male and one female - that people can report to. He feels that for now, it should be the Town Clerk and the Supervisor. There were no further comments from the Board.

RESOLUTION 137 - 2018

ADOPT SEXUAL HARASSMENT PREVENTION POLICY

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

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

Resolved to adopt the model Sexual Harassment Prevention Policy and Complaint Form and indicate that incidents can be reported to the Town Clerk or the Supervisor. (See copy at end of minutes.)

RESOLUTION 138 - 2018

SET PUBLIC HEARING ON WATER AND SEWER UNIT CHARGES

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 set a Public Hearing for Water and Sewer Unit Charges on October 18, 2018 at 7 PM.

Request to Consolidate the Village and Town of Livonia Vital Registration Districts

- Clerk Hay requested a resolution to consolidate the Village and Town Vital Registration Districts in order to save money and lessen confusion.
- The Town and the Village must each pass resolutions approving the consolidation. The Village has already passed their resolution. The next step is to

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send the resolutions to the county for their approval. Then the entire packet is sent to the NYS Department of Health, and they notify us of the consolidation date.

RESOLUTION 139 - 2018

RESOLUTION APPROVING CONSOLIDATION OF VITAL REGISTRATION DISTRICTS BETWEEN THE TOWN OF LIVONIA AND THE VILLAGE OF LIVONIA

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

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

WHEREAS, the Town of Livonia has been assigned by the New York State as Vital Statistics Registration District 2557, and the Village of Livonia has been assigned by New York State as Vital Statistics Registration District 2525, and

WHEREAS, the Town Clerk has requested the approval of the Town Board to formally consolidate the Town and Village into one primary registration district, namely the District of the Town of Livonia under Vital Statistics Registration District 2557, and

WHEREAS, the formal consolidation of the Registration Districts would benefit the public by eliminating questions as to which district records should be filed in and not result in the loss of services to either municipality,

NOW, therefore be it RESOLVED, by the Town Board of the Town of Livonia that consolidation of the Town and Village Registrar functions under the Town's registration number (Vital Registration District 2557) is approved, pending necessary approvals of all other required entities, including the Village of Livonia, Livingston County and New York State Department of Health.

Correspondence from National Grid Regarding Holiday Lights and Decorations

- National Grid is asking us to sign a statement that we are NOT attaching holiday decorations to utility poles or street light standards this season. (If you wish to attach anything, there is an agreement to complete and they require proof of insurance.)

The Town Board does not intend to attach any holiday decorations or lights to National Grid Poles and agree to have Supervisor Gott sign the form attesting to that.

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RESOLUTION 140 - 2018

APPROVE TOWN CLERK REPORT

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 approve the Town Clerk Report for September 2018.

DISCUSS LAND ACQUISITION ADJACENT TO VITALE PARK

Supervisor Gott shared that at the last meeting, the Town Board discussed a proposal to purchase land adjacent to Vitale Park that is for sale. He asked if the Board had any questions. Councilmember Gascon asked if the Town Board could find out what the two adjacent properties were assessed for. Councilmember Dougherty reported that one property was assessed for \$61,600, and then it dropped to \$49,300. It was purchased on December 7, 2017 for \$45,000.

UPDATE ON HEMLOCK SIDEWALKS

Supervisor Gott reported that he brought the maps and a full set of prints for the Hemlock Sidewalks Project to the Board meeting if anyone would like to see them. We are waiting for the DOT permit.

RESOLUTION 141 - 2018

SET ELECTED OFFICIALS SALARIES FOR 2019

Supervisor Gott proposed a 2% increase in salaries. Any other requests will be discussed at budget time, but Clerk Hay needs to know what the salaries for elected officials will be for the Public Hearing legal notice.

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 set the following 2019 salaries for certain elected officials: Justices \$13,719; Councilmembers \$7,424; Supervisor \$39,084; Town Clerk \$43,801; Highway Superintendent \$66,261.

INTRODUCE TENTATIVE 2019 TOWN OF LIVONIA BUDGET

Supervisor Gott introduced the 2019 Town of Livonia Tentative Budget. He thanked Bookkeeper Mike Lawton for all the work he does the budget. Supervisor Gott reported that the Tentative Budget calls for about a one cent per thousand reduction in tax rate. It

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includes the Hemlock sidewalk project, one piece of Highway equipment, and complies with the tax cap by using a small appropriation of Fund Balance. He reported that the Tentative Budget does not include a request from the Little Lakes Community Center nor IT upgrades. Those items will be discussed at the Budget Workshop when the budget is refined. He reported that the first Budget this Board worked on together resulted in a tax rate of \$5.07/thousand, then it went down to \$4.81/thousand, and where it stands now is a decrease of 62 cents in 12 years. He thanked the department heads and asked if there were any questions.

A resident asked if the rate is going down, why do his taxes go up? Supervisor Gott replied that this Board only controls the town tax rate, not the Fire Districts, County or School. He added that it looks like the County will have a small reduction in tax rate this year.

RESOLUTION 142 - 2018

DECLARE 2007 STERLING 10-WHEEL DUMP TRUCK AS SURPLUS

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 declare the 2007 Sterling 10-wheel dump truck as surplus.

DISCUSSION TO REFER LOCAL LAWS TO COUNTY FOR REVIEW

Supervisor Gott asked the Board if they wanted to send the proposed laws regarding Short-term Rentals and Noise to the County Planning Board for comment. A lengthy discussion followed. Councilmembers Seelos, English and Gascon shared that they felt it was time to send the proposed laws to the County because that is the next step in the process. They felt that any fine tuning that needs to be done can be accomplished after the Public Hearing. Councilmember Dougherty and a resident disagreed, stating that the proposed laws need more fine tuning before they are sent to the County.

In reference to the Noise Ordinance, Councilmember Dougherty was concerned that we do not have an instrument to measure noise or a person trained to operate the instrument. He also shared concerns about the parking and occupancy stipulations in the Short-term Rental law.

Discussion followed regarding the Public Hearing. Supervisor Gott shared that we cannot get on the County Planning Board agenda until November. After we hear back from the County, we can schedule the Public Hearing for some time in the spring, once the snowbirds have returned.

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RESOLUTION 143-2018

REFER PROPOSED LOCAL LAWS TO COUNTY PLANNING BOARD

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

ADOPTED Ayes - 4 (Gott, English, Gascon, Seelos)
Nays – 1 (Dougherty)

Resolved to refer the proposed local laws regulating Noise and Short-term Rentals to the Livingston County Planning Board for review.

Attorney Campbell indicated that he will make the referral.

RESOLUTION 144-2018

ACCEPT RESIGNATION OF DON SIMPSON

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 accept the resignation of Don Simpson from the Planning Board.

Councilmember English remarked that Mr. Simpson has done a tremendous job on that board. Attorney Campbell added he was a good, contributing, thoughtful member of that board, and that he had no problem challenging others whether an applicant or other board member.

RESOLUTION 145 - 2018

AUDIT OF CLAIMS

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 pay claims 736-764 in the amount of \$81,068.35 from the Abstract dated 9/24/2018.

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RESOLUTION 146 - 2018

AUDIT OF CLAIMS

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 pay claims 765-810 in the amount of \$92,804.25 from the Abstract dated 10/4/18.

With no further business, on motion of Councilmember Dougherty seconded by Councilmember Gascon the meeting was adjourned at 8:16 PM.

Respectfully Submitted,

Colleen West Hay, RMC, CMC
Town Clerk