

REGULAR MEETING, TOWN OF LIVONIA
March 15, 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 March 15, 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. Supervisor Gott led the pledge.

OPEN SESSION / PRIVILEGE OF THE FLOOR

No one wished to speak during open session.

LIVONIA INTERACT CLUB DISCUSSION REGARDING COLOR RUN

Supervisor Gott introduced the Interact Club, a community service club at Livonia High School. Club members shared that they are having a “Color Run” fundraiser on Sunday, June 10. This is the third year for the fundraiser, and the first two years it was held at Tubbs Park in Lima. They hope to have it in Livonia this year, because they think people will be more likely to support it if they don’t have to drive to a neighboring town to participate. Proceeds from the Color Run support the nonprofit organization “Friends of Livonia.”

Club members explained that the Color Run is a non-timed run/walk 5k where participants are doused with cornstarch and food coloring based colors as they run or walk by 7-8 stations set up along the route. They hope to have the route start at Livonia School, go by the fire house on South Livonia Road, and loop back to the school. The loop could be done once or twice, depending on the participant’s ability.

Supervisor Gott asked the students if they have talked to the Sheriff’s department so they can shut down intersections for safety purposes. The group indicated that they have not gone to the Sheriff’s department yet, because they wanted to talk with the Town Board first.

The group has their own insurance through Friends of Livonia. Matt Cole will allow the

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group to start and end the run on school grounds, but will not give permission for them to throw the color on the Livonia School Campus.

The Board thought the fundraiser was a great idea, but advised the group to contact Cal Lathan to get on the Village Board meeting agenda because the route they are proposing is in the Village of Livonia.

Councilmember Dougherty suggested that the group approach the Rotary Club for support. Club members shared that the Interact Club is affiliated with Rotary, and they have been very supportive in the past.

Councilmember Dougherty asked how many club members there were and what the participation in the event has been in the past. The group shared that the club has about 10 members who attend consistently, and about 20 total members. There were about 50 participants in the Color Run the first year and 30 the second year. They are hoping that if they have the event in Livonia, they will get more participation.

Councilmember English asked about the registration fees. The group stated that it was approximately \$12 for students and \$15 for adults if they registered early, then it went up to \$15 and \$18 respectively after a certain date. Families pay a maximum of \$50.

RESOLUTION 49-2018
APPROVE MEETING MINUTES FROM 3/1/2018

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 meeting minutes from March 1, 2018.

TOWN CLERK’S REPORT – FEBRUARY 2018

Clerk Hay gave the following financial report for February 2018:

Paid to Supervisor for the General Fund	\$2,926.97
Paid to County Treasurer for Dog Licenses	\$224.00
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$88.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$1,027.75
State Health Department (marriage licenses)	\$45.00
TOTAL DISBURSEMENTS	\$4,311.72

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TAX COLLECTION REPORT – FEBRUARY 2018

Total Taxes Collected	\$6,809,577.18	
Total Penalty Collected	\$2,592.11	
Total Dup/Overpayments	\$36,062.61	
TOTAL		\$6,848,231.90
Total Bounced Checks	\$7,287.57	
Total Refunded Dup/Overpayments	\$33,555.88	
Disbursements to Supervisor	\$3,069,014.00	
Disbursements to County	\$1,500,000.00	
TOTAL		\$4,609,857.45
Balance 3/1/18		\$2,238,374.45
Bank Balance as of 3/1/18 (includes beginning balance of \$179.30)		\$2,238,553.75

Updates:

- IT Update:
 - The IT Committee, consisting of Ken Liesegang, Nik Varrone and Earl Hay met on Tuesday, March 13 to review the Cyber Security Audit and Hurricane’s recommendations. The committee has asked Clerk Hay to put together a hardware inventory and forward it to them. They agree with Bonadio’s recommendation that we institute a ticketing process and we will discuss options for that. They also agree with the audit recommendation to have one person designated at the Town to coordinate IT services and purchases. The Town Board will have to decide who that person will be and how that policy will be communicated to staff.
 - The next meeting is scheduled for March 20.
 - Hurricane Technologies is coming March 21 to set up the two new computers, the new firewall and the two Wi-Fi access points.
 - EDRS – The Health Department sent an updated contract for EDRS. Attorney Campbell and Clerk Hay have reviewed it and are okay with it.
- Court Nights: Judge Linsner talked to Clerk Hay about concerns regarding noise on court nights. She talked with the deputy about signing people in as soon as possible so that they don’t hang around in the foyer area. The last two court nights were better. Supervisor Gott commented that he appreciates Judge Linsner communicating about this problem.
- Records Management: Deputy Clerk Liesegang has digitized and indexed 30 years of death certificates.

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RESOLUTION 50-2018

AUTHORIZE CLERK HAY TO SIGN THE REVISED CONTRACT FOR THE ELECTRONIC DEATH REGISTRY SYSTEM (EDRS)

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

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

Resolved to authorize Clerk Hay to sign the revised Participant Organization Agreement between the Town of Livonia and the New York State Health Department’s Health Commerce System for the purpose of filing death certificates electronically.

RESOLUTION 51-2018

ACCEPT TOWN CLERK AND TAX COLLECTION REPORTS

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 accept the February 2018 Town Clerk and Tax Collection Reports.

RESOLUTION 52-2018

APPROVE NY BASS NATION TO USE VITALE PARK FOR FISHING TOURNAMENT

Supervisor Gott reported that NY Bass Nation has asked permission to hold a fishing tournament at Vitale Park on May 5. They have used the park for tournaments in the past and always provide us with a certificate of insurance. They will use the gazebo, pavilion or the Chip Holt Center for weigh-ins, depending on which one is not being used.

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 NY Bass Nation to use Vitale Park on May 5 for a fishing tournament and that they provide the Town of Livonia with a certificate of insurance.

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RESOLUTION 53-2018

DISCUSS TOWN BULK CLEANUP EVENT

Supervisor Gott shared that June 16th is the only Saturday in June that Shanks has available for the Bulk Cleanup event. We will have the same set-up as last year.

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 contract with Shanks to conduct the Town of Livonia Bulk Clean-up day on Saturday June 16, from 7-10 AM.

Supervisor Gott asked Clerk Hay to take care of the advertising and tickets.

EDUCATION CENTER UPDATE

Supervisor Gott stated that they are working on finishing the drywall at the Education Center now, and will be working on the ceiling next week. He talked to Charlie Braun about having a “paint party” for Town Board and Conesus Lake Association members to volunteer to paint the interior.

TEEN RECOGNITION

Ten students from Livonia will be recognized for their volunteer service at the Teen Recognition Event on April 25.

JUSTICE COURT AUDIT

Supervisor Gott announced that he is meeting tomorrow morning at 10 AM with Court Clerk Kolleen Redman to complete the Justice Court Audit. He will present it to the Town Board for approval at the next meeting and we will send that off to the state.

HEMLOCK SIDEWALK UPDATE

Supervisor Gott met with Rick Henry from Clark Patterson on Tuesday regarding the Hemlock sidewalk project. He will keep the board posted.

DECORATIVE WALL ON PEBBLE BEACH ROAD DAMAGED BY SNOW PLOW

Supervisor Gott informed the board that we have received a complaint from Paul Battaglia, who owns property at 3642 Pebble Beach Rd. Mr. Battaglia installed a decorative wall on his property that goes out to the edge of the road. The wall is in the highway right-of-way and was damaged by a Town of Livonia snowplow. Highway Superintendent Dave Coty verifies that our Highway Department did the damage. Mr.

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Battaglia is upset that he has left several messages for Mr. Coty and has not hear back.

Discussion followed.

- Councilman Dougherty asked if we agree to fix Mr. Battaglia's wall, what about the neighbor's fence down the road. Supervisor Gott answered that the plow did not hit the fence. It was the force of the snow that knocked it over.
- Councilmember Gascon remarked that he spoke with Building & Zoning Director Adam Backus to see if a permit was ever issued for Mr. Battaglia's wall. Mr. Backus indicated that there was no permit issued nor was one required. Councilmember Gascon is concerned that if we fix the wall this time, it will become an ongoing issue. He has a problem with the wall being above pavement level. He thinks that if we agree to fix it, we should have an agreement that the wall should be lowered to road level or below for a certain number of feet from the road.
- Supervisor Gott suggested that the Town fix the wall this one time, but make it clear that we will not do it again.
- Councilmember Seelos suggested we do not do anything, as he feels the wall should not be in the right-of-way.
- Dawn Woodburn asked if the Highway Department repairs lawns that have been gouged when snow plowing. Supervisor Gott answered that they do spend a lot of time doing that.
- Councilmember Gascon feels that the Town should fix the wall once, with an agreement that it be lowered to road level for 3 feet, and if it gets hit again, we will not be responsible.
- Councilmember Dougherty stated that if we do this for Mr. Battaglia, the neighbors are going to look for it as well.
- Attorney Campbell stated that there is a legal component and a political component to this issue. The legal part is clear. In the case of damage to private property in the right-of-way, the Town has no liability as long as it was not negligent in carrying out its duties. The Town Board needs to determine if it makes sense to address the request of the citizen. Looking at this particular request and subsequent ones, the Town Board should consider what policy makes sense.
- Councilmember Gascon shared that he wished Mr. Coty informed the Town Board about this issue sooner, before the taxpayer got upset. Councilmember Gascon will ask Mr. Battaglia to come to the next board meeting.

RECREATION UPDATE

Councilmember Dougherty reported that he went to recreation Dodge Ball, Kick Ball, and Floor Hockey last Friday night. Councilmember English remarked that Recreation Director Craig Emmerling just started that program a few years ago.

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LIBRARY UPDATE

Councilmember Dougherty reported that he went to the Library meeting Tuesday. They are averaging over a thousand patrons a week. The Computer Room and Tutoring Room are getting a lot of use. They are open to ideas as well. He thinks Library Manager Frank Sykes is doing a good job.

RESOLUTION 54-2018

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 209-256 in the amount of \$76,623.39 from the Abstract dated 3/15/2018.

CHIP HOLT NATURE CENTER PROGRAMMING

Charlie Braun reminded everyone that next event at the Chip Holt Nature Center is April 3, and the topic will be Aquatic Invasives and iMapping. There will also be a FEMA flood insurance event May 2, which is also open to the public. Anyone in a flood plain would find that interesting.

SHORT-TERM RENTAL COMMITTEE

Supervisor Gott reported that the Short-term Rental Committee will meet March 27, at 7 PM at the Town Hall. Attorney Campbell worked with Building & Zoning Clerk Alison Houk to publish the meeting notice. We will try to establish a meeting schedule and publish one notice for all of them.

JACK EVANS COMMUNITY CENTER (HEMLOCK SCHOOL) UPDATE

Attorney Campbell announced we will be closing on the Hemlock School building soon.

With no further business, on motion of Councilmember Seelos seconded by Councilmember Gascon, the meeting was adjourned at 7:36 PM.

Respectfully Submitted,

Colleen West Hay, RMC
Town Clerk