

**REGULAR MEETING, TOWN OF LIVONIA**  
July 11, 2019

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, NY on July 11, 2019.

**PRESENT:** Eric Gott, Supervisor  
Andy English, Councilmember  
Matt Gascon, Councilmember  
Peter Dougherty, Councilmember (Joined meeting at 7:12 PM)  
Colleen West Hay, Clerk

**ABSENT:** Frank Seelos, Councilmember, 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.  
Councilmember Gascon led the pledge.

**OPEN SESSION**

Grayshores Road drainage problem

Two residents approached the board regarding water drainage problems they are experiencing on Grayshores Road. They shared that they are at the bottom of the hill, and when it rains, water follows the road. Because of the pitch of the road, water misses the ditch and washes across their property. This happens even during normal rain events. They presented photos of the water coming down the hill and of the damage that has been done to their property.

Councilmember Gascon remarked that there is no other place for the water to go, and he does not know what could be done about it. He said he has noticed that some people put drains in front of their garages to keep the water out. The resident shared that she has put in tanks near the driveway so the water will slowly absorb in. Supervisor Gott remarked that there needs to be a catch basin, but he does not know how the water would get from the catch basin to the lake. The residents reported that they have spent thousands of dollars for repairs to their sidewalk, stairs and patio due to damage from the force of the water.

Councilmember Dougherty joined the meeting at 7:12 PM.

Supervisor Gott offered to speak to Highway Superintendent Dave Coty about the problem. The residents replied that he has been to look at it several times, but his attempts to fix the problem have not worked. Mr. Coty added some dirt berms, and now when it rains, mud gets washed into their garage. He has dug the ditch deeper and lined it with stone, but the water never gets to the ditch. They think the road is pitched incorrectly. Supervisor Gott will ask the Highway Superintendent if the road can be

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regraded. The resident also asked that he put some stone where the mud is.

Request to reduce speed limit on Old Bald Hill Road

A resident of Old Bald Hill Road in Hemlock requested to have the speed limit reduced to 40 MPH. He reported that many cars speed, and he is afraid there is going to be an accident. He stated that there are several blind driveways on the road, and he thinks it is a dangerous situation for people to drive 55 through there. Supervisor Gott explained the process to request a speed reduction. First, the request is sent from the Town of Livonia to the Livingston County Traffic Safety Board. From there, it is sent to the New York State Department of Transportation. They will do a study to determine if a speed reduction is warranted. They do not usually grant these requests, but if the board agrees, we can ask.

RESOLUTION            94-2019

**REQUEST SPEED LIMIT REDUCTION FOR OLD BALD HILL RD**

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

ADOPTED    Ayes -            4 (Gott, English, Gascon, Dougherty)  
                  Nays –            0

Resolved to request a speed limit reduction on Old Bald Hill Road in the Town of Livonia from 55 MPH to 40 MPH.

Councilmember Gascon asked if we could at least post that the speed limit is 55 MPH at both ends of the road. Supervisor Gott will ask the Highway Superintendent.

**OPEN SESSION, CONTINUED**

Wilkins Creek Erosion

Residents of Big Tree Road just outside of the Village reported that Wilkins Creek is eroding pretty badly behind their home and sink holes have developed. They asked the Town for help.

Supervisor Gott shared some background information regarding the situation. The Town received a grant, administered by the county, to address some of the Wilkins Creek erosion problems. Not all homeowners would allow access for work to be done, so not all of the project could be completed. As part of the grant project, the Town spent \$12,000 (not reimbursed by the grant) to hire Steve Morsch to place rock along the bank. The Village was supposed to do the area of Wilkins Creek from Community Park to this property owner, but they backed out.

After hearing from these homeowners, Supervisor Gott contacted the Attorney for the

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Town (Jim Campbell) who advised that the Town cannot spend taxpayer dollars on private property. The most we could do is to dump some stone at the road, but the homeowner would be responsible to moving it and placing it where it needs to go. The County Planning Department is also watching for future grant opportunities. Supervisor Gott would like to armor the bank as soon as funds are available.

**TOWN CLERK’S REPORT – JUNE 2019**

Paid to Supervisor for the General Fund	\$5,318.74
Paid to County Treasurer for Dog Licenses	\$332.50
NYS Comptroller’s Office (Bingo and Games of Chance Licenses)	\$0.00
Paid to NYS Ag & Markets for the Spay/Neuter Program	\$129.00
Paid to NYS Environmental Conservation for Hunting/Fishing Licenses	\$917.76
State Health Department (marriage licenses)	\$135.00
<b>TOTAL DISBURSEMENTS</b>	<b>\$6,833.00</b>

**Town Clerk Updates**

- Clerk Hay informed the board that the Town of Livonia is signed up for the 2020 Census Construction Program.
- Deputy Clerk Liesegang has completed inputting 2 books of marriages into BAS. The most recent book was November 1969 through February 1977.
- Bulk Clean-up: 224 free tickets and 15 paid tickets were issued. 128 free tickets and 10 paid tickets were redeemed. Last year, 159 tickets were redeemed out of 196 issued.
- Clerk Hay reported that she received a memo from Real Property Director Bill Fuller notifying the Town of Livonia of a Tax Roll Correction for an erroneous sewer relevy. The Town will be charged back \$113.51, and the county Treasurer will refund the taxpayer.
- Shelving – Clerk Hay and Historian Miles would like to purchase additional shelving for the Records Storage Room. Clerk Hay is now in charge of the NYSTCA store, and needs space to store the merchandise. Historian Miles is also looking for more storage room for Historical Records. We would like to use the alcove in the Records Storage Room. Clerk Hay received pricing for two units to fit the alcove Cisco-Eagle (Dallas Texas) is \$1,076.04 delivered, and ASR Systems Group (Liverpool, NY) is \$1,671.46 delivered. The shelves from ASR are a few inches wider and taller, but we don’t feel the extra size warrants spending another \$600. We request approval for purchasing them from Cisco-Eagle. Supervisor Gott stated that the shelving is needed, and we have to adhere to records storage guidelines. These shelves are good, steel shelving that will be comparable to what is already in the records room. He stated there is money available in the budget, and it could be taken out of several departments.

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RESOLUTION 95-2019

**APPROVE SHELVING PURCHASE**

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

ADOPTED Ayes - 4 (Gott, English, Gascon, Dougherty)  
Nays – 0

Resolved to approve the purchase of records storage shelving from Cisco-Eagle in the amount of \$1,076.04.

RESOLUTION 96-2019

**APPROVE TOWN CLERK'S REPORT**

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

ADOPTED Ayes - 4 (Gott, English, Gascon, Dougherty)  
Nays – 0

Resolved to approve the June 2019 Town Clerk Report.

**DISCUSSION - SHORT-TERM RENTAL AND NOISE ORDINANCE**

Supervisor Gott asked if anyone had any comments or questions regarding either the proposed Short-term Rental Law or proposed Noise Ordinance. He stated there would be no action on either one because Councilmember Seelos and Attorney Campbell were not present at the meeting. Councilmember Dougherty asked how many places are currently being rented out in the Town. Supervisor Gott answered that he can check with the county to find out how many are paying the room tax. That will probably not capture all the rental properties, but will give us an idea.

RESOLUTION 97-2019

**APPROVE MEETING MINUTES**

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

ADOPTED Ayes - 4 (Gott, English, Gascon, Dougherty)  
Nays – 0

Resolved to approve the meeting minutes from June 6, 2019.

**DISCUSSION – HEMLOCK SIDEWALK PROJECT**

Supervisor Gott shared that we are going to bid on the Hemlock Sidewalk Project. He explained that a resident of Hemlock had three large trees in the front yard. Supervisor

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Gott was concerned that the project might affect the tree roots and was looking into what could be done about it. In the meantime, the homeowner removed the three trees. They plan to plant a hedge after the sidewalk is finished. They asked if the Town would remove the three stumps. The cost would be about \$400. Supervisor Gott checked with Attorney Campbell who said that it was permissible for the Town to pay for that.

Supervisor Gott reported that he also met with another homeowner who was initially against the sidewalk project, but is now okay with it.

The engineers report that we can be ready to bid the project by the middle of next week and the project could be completed in October.

**DISCUSSION – TOWN IT POLICY**

Supervisor Gott shared that Clerk Hay emailed the draft IT Policy to the Board. No one from the IT Committee was able to make the meeting tonight. He asked the board members to read the policy over and send questions to Clerk Hay. She will try to get committee members to attend the August 1 meeting to answer questions.

RESOLUTION            98-2019

**INTRODUCE LOCAL LAW # 5-2019 – MORATORIUM ON BATTERY STORAGE**

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

ADOPTED	Ayes -	4 (Gott, English, Gascon, Dougherty)
	Nays –	0

Resolved to introduce Local Law # 5-2019 – Moratorium on Battery Storage and set public hearing for September 5, 2019 at 7 PM at the Livonia Town Hall.

**PA SYSTEM FOR MEETING ROOM AT TOWN HALL**

Supervisor Gott mentioned that after the Republican Caucus was held at the Town Hall, a resident asked if a PA system could be installed in the meeting room. He shared that the Town has a portable system with a microphone that has been used at Vitale Park and various other functions. He asked the Board if they were interested in looking into a wired system for the meeting room. Board members discussed this and stated they feel what we currently have is sufficient for our needs.

**LOADER DISCUSSION**

Supervisor Gott reported that Highway Superintendent Dave Coty was requesting to trade in the current loader for a new one. Supervisor Gott reminded the Board that the Town used to participate in a buy-back program through Five Star Equipment and John Deere.

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Under that program, the Town would pay a set rate per hour on the old loader and trade it in for a brand new loader every year. The program used to cost us about \$1,500 per year. This program was discontinued several years ago.

Now, Five Star Equipment has a buyer interested in our loader and they have approached us to see if we are ready to purchase a new one. The cost of the new one is \$210,000, and they would give us \$140,000 trade-in value for the used one. Supervisor Gott added that there was a puddle of antifreeze under the loader the other morning. The repair is going to be fairly expensive. The loader we have now is a 2014 with 1,000 hours on it.

Councilmember English remarked that he cannot see spending that now. Supervisor Gott replied that the Highway Superintendent has the money in his equipment line, but it will max out his budget for the year. The question is, should we be spending that money now? Supervisor Gott thinks we may have to go out to bid to be in compliance with our procurement policy. There may be other sources, although this is a state bid price. Supervisor Gott offered to talk to the Town Attorney about whether it needs to be bid out. Councilmember English would like to go out to bid to see what else might be out there. Supervisor Gott also agreed to talk with Dave Coty to see if there is room for negotiation with Five Star.

#### **SHED FOR VITALE PARK**

Councilmember English received a proposal from Gigglin' Pig for a storage shed to go in at Vitale Park. More equipment storage is desperately needed at the park. Park Manager Mo Watson checked prices from three places to either build a shed or purchase a prefabricated one. This one would be ready to go right on the parking lot for around \$13,000. He is also trying to get pricing from them for the gazebo for Hemlock Lake Park. Supervisor Gott mentioned that maybe we could reap some savings by purchasing the gazebo and shed from the same place.

#### **VITALE PARK CONCESSIONS**

Councilmember English reported that the Boy Scouts are no longer providing hot dogs at Vitale Park concerts. People are looking for something, and he thinks we need to start allowing food trucks at events. Supervisor Gott reminded everyone that there is a gentleman who owns property next to the park and he plans on putting in a food truck. Also, Supervisor Gott spoke with Councilmember Seelos and they thought it might be a good idea to approach Little Lakes Association to see if they are interested in doing what the Boy Scouts did as a fundraiser for their organization. Councilmember Dougherty added that there is a group forming calling themselves, "Friends of Vitale Park." They might be interested in raising funds also. Supervisor Gott mentioned that the Town Board talked about having a winery or microbrewery set up at the park, but Attorney Campbell thought that might be problematic.



