

REGULAR MEETING, TOWN OF LIVONIA
August 1, 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 Vitale Park, Lakeville, NY August 1, 2019.

PRESENT: Eric Gott, Supervisor
Andy English, Councilmember
Frank Seelos, Councilmember
Peter Dougherty, Councilmember
Colleen West Hay, Clerk Jim Campbell
Attorney, Town of Livonia

ABSENT: Matt Gascon, Councilmember

OTHERS PRESENT: Randy Shepard, Partner, The Bonadio Group; Mary Underhill, Conesus Lake Watershed Manager/Planner; Several Residents.

The Town Board meeting was called to order by Supervisor Gott at 7:00 PM.

AUDIT FINDINGS

Randy Shepard of The Bonadio Group reviewed the draft of the financial statements and independent auditor's report with the Town Board. He reported that in Bonadio's opinion, the Town of Livonia's financial statements are a fair representation of the financial position of the Town as of December 31, 2018. It was a "clean" audit, meaning that nothing of significance was found.

Supervisor Gott thanked Mr. Shepard for coming to the Town Board meeting. He also thanked the staff at Bonadio, Bookkeeper Mike Lawton, Town department heads and Town employees. He stated that the Town has a good budget, sound financial management, and strong fund balances thanks to everyone's hard work.

CONESUS LAKE WATERSHED MANAGER/PLANNER REPORT

Supervisor Gott introduced the Conesus Lake Watershed Manager/Planner, Mary Underhill, and asked her to give a report. Ms. Underhill shared that she is currently working on two grants that have been awarded. The first grant is \$167,000 to install a large culvert at Vitale Park and add a new drop gate to the Conesus Lake Outlet. The Town match portion will be \$42,000, and we will be able to use in-kind from the Livingston County Planning Department toward that amount. Clark Patterson Lee is taking charge, which will streamline things.

The second grant is \$113,000 for shoreline restoration at Vitale Park. The 25% Town match on this grant amounts to \$28,000. We will be able to apply in-kind to this as well, and Clark Patterson Lee will lead this project as well.

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The Planning Department will also be applying for a Waterfront Revitalization grant to do a study in the Towns of Livonia and Geneseo. The study will look at sidewalks, drainage, stormwater, etc. The Planning Department will not receive notice as to whether they have been awarded that grant until closer to the end of the year. If successful, the funds will be available next year.

Ms. Underhill also talked about the Watershed Education Center at Vitale Park. She mentioned that the center is one-of-a-kind in Western NY. She shared the program schedule, which shows the next program on August 14 will address the topic of Harmful Algal Bloom (HAB) Initiatives (Conesus Lake and other lakes). The September and October programs will be a Make-and-Take Rain Barrel Workshop.

Ms. Underhill announced that there will be a Boat Tour on August 16 targeting lake partners. This will include people who fund our programs, the Department of Environmental Conservation (DEC), and scientists. They will tour the Watershed Education Center as well.

Ms. Underhill reported that the Planning Department has applied for a drone and underwater camera to be used by the Planning Department to search out and monitor aquatic vegetation, invasive species, and HABs.

RESOLUTION 101-2019

APPROVE MEETING MINUTES

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

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

Resolved to approve the meeting minutes from July 11, 2019.

DISCUSSION RE: PROPOSED LOCAL LAWS REGARDING SHORT-TERM RENTAL AND NOISE

Supervisor Gott reported that he spoke with Councilmember Gascon regarding the proposed local laws to regulate short-term rentals and noise. He shared that Councilmember Gascon is not in favor of moving forward with either law. Supervisor Gott stated he agrees. He said that the noise ordinance would be unenforceable in his opinion. He asked the other Board members for their thoughts.

Councilmember Dougherty stated that the Town does not have an instrument to measure decibels, so he sees no sense in it. Councilmember English reported that he has gone over

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the proposed laws and is not in favor of them. Councilmember Seelos added that he thinks it would put a big burden on the Building & Zoning Department trying to enforce them.

Supervisor Gott reported that he inquired at the county as to how many short-term rentals are registered in Livonia. He shared that there are 10 registered in Lakeville, and 5 in the Town of Livonia. This does not include Airbnb, because that money is paid directly to the county without a breakdown of where each property it located. It also does not include VRBO.

GAZEBO AT HEMLOCK LAKE PARK

Supervisor Gott shared that we have pricing for a gazebo for Hemlock Lake Park. The Springwater Amish Shop would charge \$18,157 for a clay colored gazebo with a forest green metal roof, and the Gigglin' Pig would charge \$15,500 for a white or ivory vinyl one (same size). He shared that Councilmember Gascon recommends the one from Springwater, because the materials are better and would require less maintenance. Supervisor Gott stated that the Town can afford this improvement for Hemlock.

Councilmember English reminded everyone that the Town has a Recreation Fund as well, and he thinks we should start using it.

Councilmember Seelos asked what materials the Springwater Amish Shop gazebo were made from. Supervisor Gott answered that it would be a combination of composite, vinyl and wood.

Councilmember English asked about the size. Supervisor Gott stated that they are both 14' X 20'.

Councilmember Dougherty asked if it would be possible to see it. Councilmember English remarked that he is going Saturday to see it. Supervisor Gott reported that the Town Board has to schedule a special meeting regarding the Hemlock sidewalk bids. He will get a photo of the gazebo, and we can add this to the agenda as well.

DISCUSSION RE: VITALE PARK

Councilmember English asked Vitale Park Manager Mo Watson and his assistant John Meyers to attend the Town Board meeting to discuss Vitale Park. Mr. Watson shared that every year the park gets busier with more visitors, and the dynamics have changed over the years. There have been a host of problems and it has been increasingly difficult to enforce the rules. In addition, people are very disrespectful. Mr. Meyers has suffered the brunt of it because he lives next to the park. They have reached out to the Sheriff's office frequently for help. Deputies do swing by the park by boat and car several times a day.

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Mr. Watson shared that he feels there are safety issues that need to be addressed, especially on July 3rd. Next year, the 3rd will fall on a Friday, and he anticipates that the crowd will be even bigger. He does not think the park will be ready for a concert on Sunday, July 5th, because park workers will be exhausted from cleaning up everything on the 4th.

Councilmember English shared that he had a long talk with Mr. Watson and Mr. Meyers about the problems at the park:

- The mowing has been an ongoing battle. The mowers continue to miss spots.
- The new toilets broke 3 hours into the 4th of July. A plumber was called, but he has not shown up to fix them.
- We cannot get anyone to show up to finish the grading around the Education Center.
- The plaque for the propeller is still not done.
- He would like to add a light for the sign and a camera for the entrance of the park. An electrician is supposed to come see if there is power out by the sign.
- He thinks we need to look at bringing in a private security company to supply 10-15 people for July 3rd. Even with the added deputies, it is not enough staff. He thinks we need to do something different.
- Mr. Meyers has announced that he is leaving but will stay on until the fall. Mr. Watson is on the fence about leaving. Right now, there are only 3 people maintaining the park. He thinks we need more people so that they can work in shifts and have some time off. Right now, they are working 7 days a week.
- He has spoken to the Sheriff's department, and they encourage us to call 911 whenever anyone is in the park after dark.

Councilmember English added that the park employees save us money on maintenance, and he is committed to supporting them more going forward. He would like this to be part of the discussion at budget time.

A resident asked how many people use the park in a year. Councilmember English replied that there is no way of knowing.

RESOLUTION 102-2019

MAINTENANCE BUILDING FOR VITALE PARK

Councilmember English reported that Mr. Watson obtained pricing from Giggin' Pig for a 16' X 32' charcoal brown portable building for maintenance equipment. The building would be delivered ready to go for \$12,936, including garage doors.

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

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

Resolved to purchase a 16' X 32' maintenance shed for Vitale Park from Gigglin' Pig at a cost of \$12,936, and further

Resolved, to pay 95% of the cost up front, and the remaining 5% after delivery.

VITALE PARK DISCUSSION, CONTINUED

Discussion continued regarding Vitale Park:

- Councilmember English requested that Mr. Watson be involved in interviewing candidates to replace Mr. Meyers.
- A resident praised both Mr. Watson and Mr. Meyers for their hard work and dedication to the park.
- A resident suggested prohibiting alcohol at the park as a way to reduce problematic behaviors. Councilmember English remarked that many people come to the park on Sunday evenings with their wine and cheese to listen to music. He did not feel that that should be prohibited because of the misbehavior of a few people.
- A resident suggested that we check with the Livingston County Sheriff regarding having the mounted patrol visit the park. Mr. Watson answered that the park rules say no horses, but Attorney Campbell replied that the rules can be amended to make an exception for law enforcement purposes.

SUMMER RECREATION PROGRAM

Councilmember Dougherty reported that we had 248 children enrolled in the Summer Recreation Program this year. Everything went very smoothly. August 5th will be the last day, and the program will end with a celebration in Vitale Park. There will be bounce houses as well. Supervisor Gott remarked that the field trips are a big hit also. He thanked Councilmember Dougherty for working with Recreation Director Craig Emmerling.

RESOLUTION 103-2019

APPOINT KAREN COON TO ZONING BOARD OF APPEALS

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

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

Resolved to appoint Karen Coon to the Zoning Board of Appeals effective August 5, 2019 to fill the vacancy left by the resignation of Mary Ann Rzeszutek for the term ending 12/31/2020.

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RESOLUTION 104-2019

RE-APPOINT LISA BENNETT AS SOLE ASSESSOR

Supervisor Gott reported that Lisa Bennett's appointment as Sole Assessor is up at the end of September. She is interested in being re-appointed. Councilmember English stated that Mrs. Bennett does a great job.

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

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

Resolved to re-appoint Lisa Bennett to the position of Sole Assessor for the term October 1, 2019 through September 30, 2025.

DUMP TRAILER UPDATE

Supervisor Gott reported that the dump trailer is coming Monday.

SOLAR MORATORIUM

Councilmember English asked where we stand with the solar moratorium. Supervisor Gott asked if any Town Board members wanted to serve on the committee. Councilmember English volunteered. Supervisor Gott stated that Code Enforcement Office Adam Backus should be on the committee, as well as a representative from the Village Board, Attorney Campbell, a representative from the agriculture community, a couple of people from the public and folks from planning and zoning. Supervisor Gott will work on a list and add this item to the agenda for the special meeting. Ms. Underhill recommended that we try to get people on the committee who want large scale solar and those who do not, so that we get both perspectives. She also suggested a banker and a business owner. Attorney Campbell mentioned that we could run a quick ad in the paper and put it on the web site. Supervisor Gott stated that the Town Board can approve the committee at the next meeting.

RESOLUTION 105-2019

AUDIT OF CLAIMS

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

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

Resolved to pay claims 570-578 in the amount of \$20,201.67 from the Abstract dated 7/24/2019.

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RESOLUTION 106-2019

AUDIT OF CLAIMS

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

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

Resolved to pay claims 579-633 in the amount of \$103,588.27 from the Abstract dated 8/1/2019.

With no further business, on a motion of Councilmember Seelos seconded by Councilmember English the meeting was adjourned at 8:06 PM. Carried unanimously.

Respectfully Submitted,

Colleen West Hay, RMC, CMC
Town Clerk