

## Official Minutes

A regular meeting of the Town Board of the Town of Lima, County of Livingston and the State of New York was held at the Town Hall, 7329 East Main Street, Lima, New York, on the 1<sup>st</sup> day of December 2016 at 6:30 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

**PRESENT:** Supervisor, Pete Yendell  
Deputy Supervisor, Cathy Gardner  
Councilperson, Bruce Mayer  
Councilperson, Bill Carey  
Councilperson, Dan Marcellus  
Town Clerk, Jennifer Shanks, CMC/RMC  
Town Attorney, Steve Kruk  
Highway Superintendent, Keith Arner

Supervisor Yendell called the meeting to order at 6:30 P.M., with the Pledge to the Flag.

**Guest(s):** Tami Snyder

### **Open Public Hearing For the Purpose of Considering the Adoption of a Local Law Known as “A local Law Changing the Established Assessment Grievance Day from the Fourth Tuesday in May, to the Thursday after the Fourth Tuesday in May”**

Supervisor Yendell opened the public hearing at 6:35 P.M. No discussion at this time.

### **Audit of Claims**

Resolved that the bills contained on Abstract #12 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 325 through 362	\$ 29,374.23
Water Funds 1, 2, &3:	No. 39 through 41	\$ 1,583.74
Highway Funds:	No. 220 through 239	\$ 16,244.37

On a motion by Councilperson Gardner, seconded by Councilperson Marcellus the vote went as follows:

CARRIED           Ayes: 5       Yendell, Gardner, Mayer, Marcellus, Carey  
                          Nays: 0

### **November 3rd Board Minutes**

The minutes of the November 3rd board meeting were approved as amended on a motion by Councilperson Mayer, seconded by Councilperson Carey, the vote went as follows:

CARRIED           Ayes: 5       Yendell, Gardner, Mayer, Marcellus, Carey  
                          Nays: 0

**Guest(s):** Tami Snyder, Assessor

Tami distributed handouts titled “taxable values of commercial parcels by town”, “commercial income & expense valuation date”, and “commercial income & expense valuation date”. After discussion some information on the forms were changed. Tami plans to mail these forms to commercial business owners and commercial rental owners in the Lima area.

### **Reports-Motion to Accept Supervisor’s Report –Review Ambulance & Building Inspector Reports (if received)**

Supervisor Yendell read the Supervisor’s Report and mentioned receipt of the Building Inspector Report and Ambulance Report. On a motion by Councilperson Gardner to accept the Supervisor’s reports, seconded by Councilperson Marcellus the vote went as follows:

CARRIED:           Ayes: 5       Yendell, Gardner, Mayer, Marcellus, Carey  
                          Nays: 0

### **2017 Town Board Meeting Dates**

After discussion and motion by Councilperson Mayer to approve the 2017 meeting dates, seconded by Councilperson Gardner, the vote went as follows:

CARRIED:           Ayes: 5       Yendell, Gardner, Mayer, Marcellus, Carey  
                          Nays: 0

January 5<sup>th</sup>, February 2<sup>nd</sup>, March 2<sup>nd</sup>, April 6<sup>th</sup>, May 4<sup>th</sup>, June 1<sup>st</sup>, July 6<sup>th</sup>, August 3<sup>rd</sup>, September 7<sup>th</sup>, October 5<sup>th</sup>, November 2<sup>nd</sup> and December 7<sup>th</sup>. These dates will be published in the Sentinel and online.

**2017 Town and County Radio Subscriber Equipment Agreement**

Livingston County was granted funding through the New York Statewide Interoperable Communications Grants program to complete an upgrade to the E911 emergency communications system within Livingston County and to improve interoperable communications with Finger Lakes Consortium counties.

Supervisor Yendell received the “Agreement by and between the County of Livingston and the Town of Lima”. This agreement states the equipment purchased under the NYSICG (New York Statewide Interoperable Communications Grant) program remains the property of New York State and must be used and accounted for in compliance with the provisions of the NYSICG program. Upon motion by Councilperson Gardner accepting the agreement and have Supervisor Yendell sign same, seconded by Councilperson Mayer, the vote went as follows:

CARRIED:           Ayes: 5       Yendell, Gardner, Mayer, Marcellus, Carey  
                          Nays: 0

**Resolution #7 of 2016**

**Intermunicipal Agreement for Machinery, Tools, Equipment and Services Sharing**

Town Clerk Shanks received the Intermunicipal Agreement from Elaine Brehm, County Highway Administrative Manager. Upon motion by Councilperson Mayer to sign the agreement, seconded by Councilperson Gardner, the vote went as follows:

CARRIED           Ayes: 5       Yendell, Gardner, Mayer, Marcellus, Carey  
                          Nays: 0

Same will be on file in the Clerk’s Office, after County signature.

**Transfer of Funds – Highway Department**

Superintendent Arner requested a transfer of \$7,000 from DA5130.4F machinery fuel appropriation into DA5130.4 machinery repairs appropriation due to shortage in the repairs appropriation. Upon motion by Councilperson Carey, seconded by Councilperson Gardner, the vote went as follows:

CARRIED           Ayes: 5       Yendell, Gardner, Mayer, Marcellus, Carey  
                          Nays: 0

**C.E.N. Properties, LLC Update**

No update at this time.

**Lighting Proposal from Clark Patterson**

No update at this time.

**Intermunicipal Agreement – Joint ZBA and PB**

Town Attorney Kruk distributed an updated draft of the Intermunicipal Agreement further defining and regulating the creation and maintenance of the Joint Boards by both the Town and Village Board. Kruk will present same to the Village Board, and the Town Board will review and pass at the December 29th end-of-year meeting.

**Agreement to Spend Town Highway Funds**

Superintendent Arner requested the following:

1. General Repairs. The sum of \$147,000 may be expended for general repairs upon 38.48 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. Improvement. DB5112.2. The following sums shall be set aside to be expended for the improvement of town highways:
  - a. On the bridge, located on Cleary Road, 1 mile west of Poplar Hill Road at the Avon Town Line. There shall be expended not over the sum of \$93,000.

Upon motion by Councilperson Mayer to approve above expenditures, seconded by Councilperson Gardner, the vote went as follows:

CARRIED            Ayes: 5        Yendell, Gardner, Mayer, Marcellus, Carey  
                              Nays: 0

**\$100 contribution to Lima Rotary**

Supervisor Yendell informed the board that the Lima Rotary plans to have horse and carriage rides at the tree lighting ceremony, Saturday, December 3<sup>rd</sup>. The total cost of this service is \$500 and the board agreed to contribute \$100 from the celebrations appropriation. Upon motion by Councilperson Carey to donate the money, seconded by Councilperson Mayer, the vote went as follows:

CARRIED            Ayes: 5        Yendell, Gardner, Mayer, Marcellus, Carey  
                              Nays: 0

**Local Law #3 of 2016**

**Close Public Hearing For the Purpose of Considering the Adoption of a Local Law Known as “A local Law Changing the Established Assessment Grievance Day from the Fourth Tuesday in May, to the Thursday after the Fourth Tuesday in May”**

Upon motion by Councilperson Mayer to close the public hearing at 7:35 P.M., seconded by Councilperson Gardner, the vote went as follows:

CARRIED            Ayes: 5        Yendell, Gardner, Mayer, Marcellus, Carey  
                             Nays: 0

Upon motion by Councilperson Mayer to adopt Local Law #3 of 2016, changing Grievance Day, seconded by Councilperson Gardner, the vote went as follows:

CARRIED            Ayes: 5        Yendell, Gardner, Mayer, Marcellus, Carey  
                             Nays: 0

**LOCAL LAW NO. 3 OF THE YEAR 2016  
OF THE TOWN OF LIMA**

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

**SECTION 1. TITLE AND SCOPE**

A. This local law shall be known as “A LOCAL LAW CHANGING THE ESTABLISHED ASSESSMENT GRIEVANCE DAY FROM THE FOURTH TUESDAY IN MAY, TO THE THURSDAY AFTER THE FOURTH TUESDAY IN MAY, PURSUANT TO NYS REAL PROPERTY TAX LAW § 512 (1a).”

**SECTION 2. PURPOSE.**

A. Section 512 (1a) of the Real Property Tax Law authorizes a municipality to change its Assessment Grievance Day to a date other than the statutorily provided date if said municipality has an Assessor that also acts as the Assessor for a different municipality; and

B. The Town of Lima has an Assessor that also works as the Assessor in a different community, causing conflict over the date of Assessment Grievance Day in the Town of Lima; and

C. The Town of Lima hereby determines that it is in the best interest of the Town and its residents for the Town Board to have change the date of Assessment Grievance Day to the Thursday after the fourth Tuesday in May.

**SECTION 3. AUTHORIZATION**

A. Pursuant to the authority granted by §512 (1a) of the Real Property Tax Law, on and after the effective date hereof, the Town of Lima Assessment Grievance Day will be held on the Thursday after the fourth Tuesday in May of each year.

B. The above Assessment Grievance Day will remain in effect until this change has been rescinded or superseded by subsequent local law

**SECTION 4. SEVERABILITY**

If any clause sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy to which such order or judgment shall be rendered.

**SECTION 5. EFFECTIVE DATE.**

This local law shall be effective immediately upon its filing with the Office of the Secretary of State and the Commissioner of the Office of Real Property Tax Services.

**Executive Session**

Upon motion by Councilperson Mayer to enter executive session at 8 P.M. regarding potential litigation, seconded by Councilperson Marcellus, the vote was unanimous.

**Close Executive Session**

Upon motion by Councilperson Mayer to close executive session at 8:32 P.M., seconded by Councilperson Marcellus, the vote was unanimous.  
No Action Taken.

Upon Motion by Councilperson Marcellus to adjourn at 8:33 P.M., seconded by Councilperson Mayer, the vote was unanimous.

Respectfully Submitted by:

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Jennifer Shanks, CMC/RMC  
Town Clerk

