

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 5th day of November 2015 at 6 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

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

GUEST(S): Jerry Kleehamer, Martha Sempowski, Duane Fuller, Gail Fuller, and Barbara May.

Supervisor Yendell called the meeting to order at 6:00 P.M. with the Pledge to the Flag.

Open Public Hearing the 2016 Preliminary Budget

Supervisor Yendell opened the public hearing at 6:05 pm, and read the legal notice posted in the Sentinel. Supervisor Yendell mentioned taxes will increase \$1.66 on a \$100,000 assessed home in 2016. No discussion at this time.

Audit of Claims

Resolved that the bills contained on Abstract #11 have been reviewed and signed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 289 through 369	\$ 68,605.19
Water Funds 1, 2, &3:	No. 40 through 42	\$ 2,027.37
Highway Funds:	No. 187 through 209	\$ 9,658.43

On a motion by Councilperson Mayer approving the above vouchers, seconded by Councilperson Gardner the vote went as follows:

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

October 1st Town Board Minutes

The minutes of the October 1st Town Board meeting were approved on a motion by Councilperson Gardner, seconded by Councilperson Carey, the vote went as follows:

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

Guest(s): No discussion.

Supervisors Reports

A motion by Councilman Mayer to accept the October Supervisor's reports prepared by Baldwin Business Services, seconded by Councilperson Gardner, the vote went as follows:

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

Kenneth B. Keating, VFW Post #26, Request of \$500

Supervisor Yendell read Commander J. Thomas Reynolds letter addressed to the board. The letter states "I am writing to request the \$500.00, which is in the budget under A6510.4, Veterans Contractual Allotment. We use the allotment to help buy flags that we distribute to the Lima Primary School students on Flag Day. We also use it to help Veteran sin need, in and around the Lima area. This past year we used some of the funds to repair our Downhill Derby cars and ramps. Each year it is put to good use. Thank you." The board approved the voucher for \$500.

Town Hall Gutters

Supervisor Yendell informed the board that the gutters are built into the Town Hall building and replacement will be costly. Supervisor Yendell mentioned the possibility of installing regular gutters. The Highway crew will look at the gutters to determine if regular gutters can be attached.

2016 Historical Society Agreement

Supervisor Yendell explained that due to budget restraints the Historical Society Agreement will be cut from an allowance of \$5709 for 2015 to \$5000 in 2016. After discussion, with Martha Sempowski, Barbara May, and Duane Fuller of the Lima Historical Society, it was agreed to establish a reserve account to place the monies that will be used for paving the driveway and the Historical Society will request the money from the Town. Upon motion by Councilperson Mayer to allow the Historical Society to request the left over monies to be used for paving the driveway, seconded by Councilperson Gardner, the vote went as follows:

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

Request for a Snow Fence at Mark Tubbs Park

Matt Gaynor of the Parks Commission would like to see a snow fence on the east side of the park to protect the walking trail from being snowed in. After review an estimated 840 feet of fence would be needed to protect this trail, at a cost of roughly \$1,000. Highway Superintendent Arner stated the fence would help keep some snow off the trail, however, cost for this experiment is pricey and further stated snow fences do not last long. Supervisor Yendell will contact Matt Gaynor. Any updates, new ideas, or comments will be held at the December 3rd regularly scheduled board meeting.

Board of Assessment Review- Roy Moses

Per Livingston County Office of Real Property Tax Services, a term for Roy Moses expired September 30, 2015. Upon motion by Councilperson Mayer to reappointment Roy Moses for a term of October 1, 2015 through September 30, 2020, seconded by Councilperson Carey, the vote went as follows:

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

Library Director Retirement

Catharine Allen, Library Director, submitted a letter announcing her retirement effective December 31, 2015. I am distressed that my health dictates that I must retire, as I do love and enjoy my job immensely.” The letter in its entirety has been placed in Mrs. Allen’s personal folder. The board agreed that the hiring and advertising of the next Library Director is in the hands of the Library.

New York Municipal Insurance Reciprocal

Supervisor Yendell received a letter from NYMIR (New York Municipal Insurance Reciprocal) indicating that for the first time in eight years the Board has had to raise rates based on its annual independent actuarial analysis. The overall impact of these changes should average 3.5%. The public officials and automobile policy lines may see a premium increase of more than 10%, depending on your municipality’s exposé changes and loss experience. All other lines of coverage have no change in rates from 2015.

Shared Services

No updates at this time.

Golden Agers Agreement for 2016

Upon motion by Councilperson Mayer to accept the Lima Golden Agers Agreement with no changes and allotting an allowance of \$2175 for the 2016 fiscal year, seconded by Councilperson Carey, the vote went as follows:

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

Resolution #5 of 2015-Install a light on Slocum Road

Upon motion by Councilman Carey authorizing National Grid to install a light on an existing pole at 1521 Slocum Road, seconded by Councilman Mayer the vote went as follows:

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

Resolution #5 of 2105

At a meeting of the Town Board of the Town of Lima, Livingston County, New York, held in the Town Office in the said Town on the 5th day of November, 2015.

PRESENT:

J. Peter Yendell, Supervisor
Cathy Gardner, Councilperson/Deputy Supervisor
Bruce Mayer, Councilperson
Dan Marcellus, Councilperson
Bill Carey, Councilperson

The following resolution was regularly made, seconded and carried:

RESOLVED: National Grid is hereby authorized and directed to do the following work in the Town of Lima, CSS Reference No. 65738-82109

Install: One-100 watt high-pressure sodium lamp and luminaire on existing pole 1521 at the end of Slocum Road

Estimated Annual Cost: \$125

STATE OF NEW YORK)
COUNTY OF LIVINGSTON) SS:

I, Jennifer Shanks, Town Clerk of the Town of Lima, do hereby certify that the foregoing is a full and true transcript of a resolution duly adopted at a regular meeting of the Town of Lima, Livingston County, New York as held at the Town Office on the 5th day of November, 2015, as it appears on the minutes of said meeting was regularly called and duly constituted, and that a quorum was present.

Witness my hand and the seal of said Town this 5th day of November, 2015.

SEAL

Jennifer Shanks, CMC/RMC
Town Clerk

General Code

Councilperson Mayer will have a quote at the next regularly scheduled December 3rd meeting for supplements that were not entered starting in 2013 when they first signed on with General Code and the board agreed this needs to be completed for prior legislation, as well as any new legislation, so each new local law or revision of a local law can be found easily.

Publish Legal Notice to Change Policy to Local Law

Policy Regulating Permitted Work within the Public Right-of-Way

Councilperson Gardner mentioned to the board she would like to see the policy regulating permitted work within the public right-of-way, as it exists, and organize it for a local law. With said policy becoming a local law, it will be filed with the state and be entered into the code books making it easier to locate.

Policies are not filed with the state and may get lost. Upon motion by Councilperson Gardner to hold a public hearing for the purpose of changing a policy to a local law, seconded by Councilperson Mayer, the vote went as follows:

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

Close the Public Hearing for the 2016 Preliminary Budget

The 2016 preliminary budget was closed at 7:15 P.M., with no discussion, and approved upon motion by Councilperson Mayer, seconded by Councilperson Marcellus, the vote went as follows:

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

Individual Announcements

Councilperson Gardner mentioned the new Court Clerk inquired what holidays and sick time part-time employees received. After discussion it was agreed to change the Personnel Policy as follows:

VII. Benefits: Personal and/or Sick Leave

Delete: "Sick Leave: Full-Time Employees Only"

Add: "Part-Time Employees: After completing one full year of employment, based on a full year of service as of December 31st, part-time staff working 750 or more hours annually are entitled to three (3) paid sick days annually thereafter. Sick days will be compensated at four (4) hours each, with a maximum annual allowance of twelve (12) paid hours. Sick-time must be used in the year earned and may not be accrued or carried over".

XIII. Holiday Closings

Holiday Closings are approved each year by the Town Board for all town employees.

Holiday closings shall not exceed 12 days per year. The Town of Lima will follow the Federal Holiday Closings, with the day after Thanksgiving also closed.

Full-time employees will receive one (1) additional floater holiday to be used at the employee's discretion. The floater may only be used if the office of that employee is covered and open for the public.

Part-time employees who work 750 or more hours annually will be compensated at the rate of four hours on those days that town offices are closed in observance of designated holidays.

Board members are excused to observe their individual holidays.

If a holiday falls on an employee's normal day of work the holiday will be paid, if not, the holiday will not be paid.

Upon motion by Councilperson Gardner to approve holiday pay commencing immediately for part-time employees, and sick time after 1 year of employment, seconded by Councilperson Mayer, the vote went as follows:

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

Upon Motion by Councilperson Mayer to adjourn at 8:00 P.M., seconded by Councilperson Marcellus, the vote was unanimous.

Local Law #2 of 2015 titled Town and Village of Lima Parks Law October 14th Joint Town & Village Meeting Minutes

The Town Board approved October 14th joint Town and Village Board minutes prior to this meeting. At the October 14th joint meeting both boards approved a Local Law #2 of 2015 titled "Town and Village of Lima Parks Law". Said law will be filed with the State as entered below:

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

Section 1. Title and scope.

- A. This chapter shall be known as the "Town and Village of Lima Parks Law."
- B. The rules and regulations set forth herein shall apply to and be in effect in all parks under the joint control, supervision and jurisdiction of the Town and Village of Lima.

Section 2. Purpose.

The Town and Village of Lima entered into an agreement on July 27, 1984 to provide for the joint development, maintenance and operation of the municipal park, Mark C. Tubbs Memorial Park, located on Ziegler Drive within the Village of Lima. Policies and regulations governing the park are to be established and revised by joint agreement of the Town of Lima and the Village of Lima. Administration of the park, including daily oversight, enforcement of regulations and issuance of all special use permits, shall be managed by the Village of Lima Trustees.

Park facilities of the Town and Village of Lima are subject to reasonable controls to ensure the safety of the public therein. In order to promote good order and encourage use of the facilities, the Town and Village of Lima have each jointly adopted this chapter to regulate conduct within the parks of the Town and Village of Lima that are under the joint control of both municipalities.

Section 3. Definitions.

The following terms shall have the meaning indicated in this section:

PARKS – The grounds, buildings thereon, water therein and any other property necessary for the operation thereof and constituting a part thereof, which is now or may hereafter be maintained, operated and controlled by the Town and Village of Lima for public park purposes.

PERSONS – Any individual, firm, partnership, corporation, or association of persons; the singular number shall include the plural.

VEHICLE – Every device in, upon or by which a person or property is or may be transported or drawn.

Section 4. Prohibited Activities in the Municipal Parks.

The following activities are prohibited within any municipal park:

- A. No person shall disturb the peace and good order in any park.
- B. No person shall refuse to comply with a lawful order of any peace officer or law enforcement official.
- C. No person shall beg, hawk, peddle or solicit within any park, except as may then be permitted upon application and compliance with Chapter 116, Parks and Recreation of the Code of the Village of Lima (as the municipality charged with such administrative duty).
- D. No person shall engage in gambling or gaming.
- E. No persons, except peace officers or other law enforcement officers, shall have or carry any dangerous weapons, concealed or otherwise on or about his or her person while in any park.

- F. No person shall use obscene, profane or abusive language while in any park.
- G. No person shall loiter in or near the public restrooms.
- H. No person shall carry, fire or discharge any gun, pistol or firearms nor carry any rocket, torpedo or other fireworks of any descriptions nor use any bow or arrow or engage in trapping or hunting.
- I. No person shall remove or damage or mutilate vegetation, trees, bushes, buildings, equipment, furnishings, or structures or violate the regulations of the Lima Town Board and the Village Board of Trustees relating to any building or place, damage any notice posted by order of the Village Board of Trustees or deposit materials in or upon any park land or park road or pond.
- J. No person shall write, paint or carve on any tree, bench or park structure.
- K. No person shall kill, injure or unnecessarily disturb any waterfowl, birds or animals. No person within the confines of the park shall hunt, pursue with dogs, trap or in any other way molest any wild bird or animal found within the confines of the park or rob or molest any bird nest or take the eggs of any bird.
- L. No person shall injure, deface, disturb or befoul any buildings, signs, equipment or other property located or found in the park.
- ~~M.~~ Carry in / Carry out Waste Policy: Trash cans are not provided. Park visitors are required to take all trash with them upon departing the park. This policy eliminates unsightly trash containers and the costs and nuisances associated with them and encourages all visitors to help maintain a clean park.
- N. No person shall play or practice golf within the park.
- O. No person shall ride or lead a horse in the park.
- P. No person shall appear in the park in a state of nudity or commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior, and no person shall make any indecent exposure of his or her person.
- Q. No person shall fail or refuse to comply with any reasonable order relating to the regulation, direction or control of traffic or to any other order lawfully given by any police officer or willfully resist, obstruct or abuse any police officer or other official in the execution of his office.
- R. No person shall operate a vehicle along or over any road or drive within any park in a reckless manner or without due regard for the safety and the rights of pedestrians and drivers and occupants of all other vehicles, so as to endanger the life, limb or property of any person while in the lawful use of said park drive or roads.
- S. No person shall participate in a drag race upon any park drive or park property. "Drag racing" is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other or the operation of one or more vehicles over a common selected course from the same

point to the same point wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two or more vehicles side by side, either at speeds in excess of permitted speeds on park drives or rapidly accelerating from a common starting point to a speed in excess of such permitted speeds, shall be prime facie evidence of drag racing.

- T. No person who is under the influence of intoxicating beverages, illegal drugs or substances shall operate any vehicles within the park.
- U. No person shall drive or move or cause or knowingly permit to be driven or moved within the park, any vehicle or combination of vehicles, which is in unsafe condition so as to endanger any person.
- V. No person shall use or shine spotlights or unnecessarily or continuously shine automobile headlights into park lands, except under the direction of a police officer or park employee or except where reasonably necessary for the preservation of life or property.
- W. No person shall drive or operate any snowmobile or snow machine of any type at any time within the park, except for the purpose of packing trails to provide for access by park users, when explicitly authorized by municipal authority.
- X. No person shall drive or operate any motor vehicle on any lawn, grass, sidewalk or trail area within the park.
- Y. No person shall be permitted to smoke any cigar, cigarette, pipe, e-cigarette or vape-cigarette at any location with the municipal park.
- Z. No person shall permit a pet or domestic animal owned or harbored or controlled by said person to run freely in the public park, and the use of the public park by any domestic animal shall be allowed only if such animal is kept on leash at all times while within the park. Additionally, said leash must be held by a person supervising such animal or pet at all times when the animal or pet is present within the park. Animals or pets may not be chained or tied to a fence or tree or other structure within the park, but must be under the supervision of the owner or person supervising the pet or animal at all times while within the park. All persons accompanying or allowing an animal to enter a public park are required to remove from the park any solid waste deposited by the pet or animal while present in the park. Failure to do so will subject the person to penalties as provided in Section 166-8 of the Code of the Village of Lima. These requirements and prohibitions are intended to apply to dogs and to any other domestic animal or pet.

Section 5. Park use regulations.

- A. No person shall be permitted to remain, stop or park within the confines of any village park from 9:00 p.m. to 6:00 a.m., except in an emergency or with a special permit of the Village Board of Trustees. In case of an emergency or when in the judgment of the Board of Trustees the public interest demands it, the park or any portion of the park may be closed to the public or to specific designated persons until permission is given to reopen.

- B. Without a special permit of the Village Board of Trustees to be issued for special events or organized activities, no person shall sleep, camp, lodge or reside in any park building or grounds.
- C. No person shall bring into or keep in the park any dog, cat, household pet or other animal, except that dogs or cats are permitted if held in control by a leash.
- D. Vehicle regulation:
- 1) No person shall drive any automobile, motorcycle, motorized bicycle or other vehicle upon any walks or paths or parkways, except for the proper drives and parking areas, or permit the same to stand upon the drives or any part thereof so as to congest traffic or obstruct the drive, walks or foot paths. Bicycle paths and trails shall not be used for any vehicular traffic or use.
 - 2) No person shall cause any taxi, bus limousine or other vehicle for hire to attend upon any part of the drives or parkways for the purpose of soliciting or taking in passengers or persons other than those carried to the parks or parkways by said vehicle.
 - 3) It is the duty of every person operating a vehicle within the parks or parkways to comply with the Vehicle and Traffic Law of the State of New York and Traffic Law of the State of New York and any other applicable local laws or ordinances and also the orders, directions, and regulations issued by traffic officers or officially displayed for the regulation of traffic.
 - 4) No vehicle shall be operated on any road or drive in any drive or parkway at a speed exceeding 10 miles per hour, unless otherwise posted.
 - 5) In certain areas the Town and Village of Lima may establish one-way traffic patterns for vehicular travel.
 - 6) In such instance that intersections of park drives or roadways are marked with stop signs, no persons shall operate any vehicle, except authorized emergency vehicles over or across such intersection without first bringing the vehicle to a complete stop at or near the stop sign.
 - 7) No person shall park any vehicle or permit any vehicle to remain standing on any park highway or roadway or within the boundaries of Mark C. Tubbs Memorial Park between the hours of 9:00 p.m. and 6:00 a.m. Parking areas in the parks are established for the convenience of patrons while properly using the facilities of the parks and shall not be used other than during park hours and for park visitation or use. It is expressly prohibited to park a vehicle within the park, unless and except the user of the vehicle remains present on the park lands where the vehicle is parked or said user is then actively engaged in a park related activity off site.
 - 8) The term "parking" shall mean the standing of any vehicle, whether occupied or not, upon any interior road or drive or parkway other than temporarily or while actively engaged in loading or unloading or while standing in obedience to traffic regulations or traffic signals.

- 9) The village shall erect suitable signs on all drives or parkways hereinabove restricted as to parking, which signs shall indicate any limitations upon parking or shall indicate that no parking shall be allowed at any time.
 - 10) Any vehicle left within the park after the park is closed, meaning after the posted hours of operation of the public park during which it is open and available for public use, shall be present in the park in violation of park use regulations and this local law. It shall be the policy of the Lima Town Board and the Lima Village Board of Trustees to alert police authorities to all violations of this local law, including but not limited to violation of the hours of use permitted within the park. Motor vehicles remaining in the park after posted operating hours may be detained from removal from the park by closure of the park gates; in such instance police authorities shall be alerted to locate the vehicle operator and/or owner and to ticket persons and vehicles remaining in the park after hours.
- E. Riders of bicycles shall comply with the rules for the regulation of other vehicles. In addition thereto, no person shall ride a bicycle upon the lawns, walks, paths or foot trails of the parks or parkways unless designated for such vehicles.
 - F. No person shall bring into or use any narcotic or illegal or controlled substance or alcoholic beverage (including beer) in any park unless permission is obtained from the Village Board of Trustees. Drinking alcoholic beverages, including beer, is prohibited in the parking lot and rights-of-way within the park.
 - G. No person shall picnic or cook in any area not designated by the Lima Town Board and the Village Board of Trustees for that purpose or make or kindle any fire except in places provided therefor and then subject to such regulations as may be prescribed.

Section 6. Activities authorized by permit.

Activities designated herein shall only be permitted after permits have been obtained from the Village Board of Trustees, as the municipality charged with the duty of administration of said public park, pursuant to the procedure set forth in this section.

- A. No person shall commit any of the following acts within said parks without first obtaining a written permit of the Village Board of Trustees or some person duly authorized to act for them:
 - 1) Post or display any sign, banner, advertisement or notice of any kind within any park or play any music at a volume that can be heard by other park patrons not directly affiliated with the party playing such music, or keep or offer any article for sale.
 - 2) Hold any public meeting or engage in any marching, drilling or driving as members of a military, political or other organization; use any loudspeaker or other sound-amplifying equipment.

3) Camp overnight within a park.

B. Permit procedures.

- 1) A permit to use park facilities shall be issued by the Village Clerk at the village office.
- 2) All permits must be signed upon issuance by the applicant for the permit. The person signing for the permit shall be responsible for all damages to any park facility or contents thereof and agrees to indemnify the village for any such damages.
- 3) All permits except those for which payment has been made must be picked up at the village office at least 72 hours prior to use of park area or the permit may be revoked by the Village Clerk and the permit may be reissued to a third party.
- 4) The Village Board of Trustees is hereby authorized to grant permits in conformity with the rules and regulations contained herein.
- 5) All permits issued by the Village Board of Trustees or by its duly authorized agents shall be in writing and are subject to park rules and regulations. Any violation of any term or condition thereof or any law or ordinance or rules or regulations governing the parks shall constitute grounds for revocation of said permit. No permit for the same purpose shall be issued to the person or group whose permit has been revoked during the year in which such revocation is made.
- 6) No person shall construct, repair or relocate utility fixtures such as sewers, hydrants, posts, lines and conduits or open trenches or make excavations or engage in any construction in or on park lands without a permit.

Section 7. Control of minors.

No parents, guardians or custodians of any minor shall permit or allow him or her to do any act which would constitute a violation of this chapter or any other state or local law or ordinance.

Section 8. Penalties for offenses; enforcement.

- A. Violation of this chapter shall constitute disorderly conduct and any person violating it is deemed to be a disorderly person. Such violation is punishable by a fine not to exceed \$250 or imprisonment for not more than 15 days, or both. Each violation of this chapter shall constitute a separate offense.
- B. Any peace officer may, without a warrant, arrest any offender whom he may detect in the violation of any of the provisions of the above sections and take the person so arrested before a magistrate having competent jurisdiction, and he shall have at all times the right to enter the premises of any buildings, structure

or enclosure within the park, including such grounds, buildings, structures or enclosure which may be leased or set aside for private or exclusive use of any individual or group of individuals, for the purpose of arresting violators hereof, and may use all necessary means to attain that end.

Section 9. Effective date.

This chapter shall become effective ten days after publishing and posting as required by the laws of the State of New York.

End-of-Year Meeting Date

After discussion the board agreed and scheduled an end-of-year meeting date on December 29th at 10 AM for any 2015 invoices and regular business.

Respectfully Submitted by:

Jennifer Shanks, CMC/RMC
Town Clerk