

## 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 28th day of December 2017 at 3:00 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 Heim, CMC/RMC  
                      Town Attorney, Steve Kruk  
                      Highway Superintendent, Keith Arner

Supervisor Yendell called the meeting to order at 3:00 P.M., with the Pledge to the Flag.

### **Open Public Hearings- Local Laws #1 – 4 of 2017**

Supervisor Yendell opened the public hearing at 3:05 P.M. for Local Laws #1-4 of 2017 (listed below). No discussion at this time.

Town of Lima Local Law No. 1 of 2017, relating to **a partial exemption from real property taxes for veterans entitled to an exemption under Section 458-a of the NYS Real Property Tax Law.**

Town of Lima Local Law No. 2 of 2017, relating to **a partial exemption from real property taxes for persons with disabilities who have limited income.**

Town of Lima Local Law No. 3 of 2017, relating to **a partial exemption from real property taxes for persons of 65 years of age or older who have limited income.**

Town of Lima Local Law No. 4 of 2017, relating to **a partial exemption from real property taxes for cold war veterans under Section 458-b of the NYS Real Property Tax Law.**

**Audit of Claims** Resolved that the bills contained on Abstract #1228 have been reviewed by the Town Board and are authorized for payment in the following amounts:

|                       |                     |              |
|-----------------------|---------------------|--------------|
| General Funds:        | No. 360 through 380 | \$ 11,677.88 |
| Water Funds 1, 2, &3: | No. 36 through 38   | \$ 2978.08   |
| Highway Funds:        | No. 245 through 256 | \$ 5229.42   |

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

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

**December 7th Town Board Minutes**

The minutes of the December 7th 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

**2017 End-of-Year Transfers**

After discussion and upon motion by Councilperson Gardner approving end of year transfers listed below, seconded by Councilperson Marcellus, the vote went as follows:

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

TOWN OF  
LIMA

**PLEASE MAKE THE FOLLOWING TRANSFERS AT YOUR 12/28/17 MEETING:**

**GENERAL FUND-TOWNWIDE**

|                             |                       |    |
|-----------------------------|-----------------------|----|
|                             | UNANTICIPATED REVENUE |    |
| <i>Transfer From:</i> A3005 | Mortgage Tax          | \$ |

3,247.00

**TOTAL** \$  
: 3,247.00

|                     |          |                             |                   |
|---------------------|----------|-----------------------------|-------------------|
| <i>Transfer To:</i> | A1355.1a | Assessor Clerk              | \$ 825.00         |
|                     | A1355.4  | Assessor Contr.             | \$ 651.00         |
|                     | A1650.4  | Central Comm Systems Contr. | \$ 47.00          |
|                     | A1670.4  | Central Printing Contr.     | \$ 668.00         |
|                     | A5010.4  | Hwy Sup Contr.              | \$ 443.00         |
|                     | A8810.1  | Cemeteries Svc              | \$ 613.00         |
|                     |          |                             | <u>613.00</u>     |
|                     |          |                             | <b>TOTAL</b> \$   |
|                     |          |                             | : <u>3,247.00</u> |

**GENERAL FUND-OUTSIDE**  
**VILLAGE**

UNANTICIPATED REVENUE

|                       |        |                       |                 |
|-----------------------|--------|-----------------------|-----------------|
| <i>Transfer From:</i> | B2555a | Building Permits Fees | \$ 4,191.00     |
|                       |        |                       | \$ 4,191.00     |
|                       |        |                       | <u>4,191.00</u> |

|                     |         |                           |                      |
|---------------------|---------|---------------------------|----------------------|
| <i>Transfer To:</i> | B4020.4 | Registrar Vital State Svc | \$<br>305.00         |
|                     | B7110.4 | Park Contr.               | \$<br>876.00         |
|                     | B8010.4 | Code Enforce Officer      | \$<br>2,631.00       |
|                     | B8160.4 | Refuse & Garbage Contra   | \$<br>379.00         |
|                     |         |                           | <hr/> \$<br>4,191.00 |

**LIBRARY FUND**

|                 |          |                     |                      |
|-----------------|----------|---------------------|----------------------|
| <i>Transfer</i> | L7410.14 |                     | \$<br>12,213.0       |
| <i>From:</i>    | 3        | Library Other Staff | 0                    |
|                 |          |                     | <hr/> \$<br>12,213.0 |
|                 |          |                     | 0                    |
|                 |          |                     | <hr/> <hr/>          |

|                 |          |                       |              |
|-----------------|----------|-----------------------|--------------|
| <i>Transfer</i> |          |                       | \$           |
| <i>To:</i>      | L7410.4  | Library Contr.        | 324.00       |
|                 | L7410.41 | Books                 | \$ 8,769.00  |
|                 | L7410.41 |                       | \$           |
|                 | 2        | Videos                | 919.00       |
|                 | L7410.41 |                       | \$           |
|                 | 3        | Periodicals & Serials | 582.00       |
|                 | L7410.43 |                       | \$           |
|                 | 1        | Telephone Expense     | 3.00         |
|                 | L7410.45 |                       | \$           |
|                 | 1        | Custodial Supplies    | 386.00       |
|                 | L7410.46 |                       | \$           |
|                 | 9        | Building Services     | 964.00       |
|                 | L9060.8  | Hospital/Medical      | \$ 266.00    |
|                 |          |                       | <hr/>        |
|                 |          |                       | \$ 12,213.00 |
|                 |          |                       | <hr/> <hr/>  |
|                 |          |                       | 0            |

**WATER DISTRICT #1**

UNANTICIPATED REVENUE

|                 |      |                    |             |
|-----------------|------|--------------------|-------------|
| <i>Transfer</i> |      |                    | \$          |
| <i>From:</i>    | SWUB | Unexpended Balance | 3,623.00    |
|                 |      |                    | <hr/>       |
|                 |      |                    | \$ 3,623.00 |
|                 |      |                    | <hr/> <hr/> |

|                      |                         |                        |
|----------------------|-------------------------|------------------------|
| <i>Transfer</i> SW1- |                         | \$                     |
| <i>To:</i> 8320.4    | Source of Supply Contr. | <u>3,623.00</u>        |
|                      |                         | \$                     |
|                      |                         | <u><u>3,623.00</u></u> |

**WATER DISTRICT #2**

|                      |                        |                        |
|----------------------|------------------------|------------------------|
| <i>Transfer</i> SW2- |                        | \$                     |
| <i>From:</i> 8320.4  | Source of Supply Contr | <u>1,754.00</u>        |
|                      |                        | \$                     |
|                      |                        | <u><u>1,754.00</u></u> |

|                      |                   |                        |
|----------------------|-------------------|------------------------|
| <i>Transfer</i> SW2- |                   | \$                     |
| <i>To:</i> 8310.4    | New Project Costs | 631.00                 |
| SW2-                 |                   | \$                     |
| 8340.1a              | Trans/Dist. Svc   | <u>1,123.00</u>        |
|                      |                   | \$                     |
|                      |                   | <u><u>1,754.00</u></u> |

**WATER DISTRICT #3**

|                 |                       |                        |
|-----------------|-----------------------|------------------------|
|                 | UNANTICIPATED REVENUE |                        |
| <i>Transfer</i> |                       | \$                     |
| <i>From:</i>    | Unexpended Balance    | <u>2,559.00</u>        |
|                 |                       | \$                     |
|                 |                       | <u><u>2,559.00</u></u> |

|                 |        |                        |                        |
|-----------------|--------|------------------------|------------------------|
| <i>Transfer</i> | SW3-   |                        | \$                     |
| <i>To:</i>      | 8320.4 | Source of Supply Contr | <u>2,559.00</u>        |
|                 |        |                        | \$                     |
|                 |        |                        | <u><u>2,559.00</u></u> |

**Letter from Colleen Allen**

Supervisor Yendell read a letter directed to him, from Colleen Allen, appointed member to the Board of Assessment Review and Planning Board, and read as follows:

“Dear Pete & Board Members: I was quite surprised to receive a certified letter, copy enclosed, asking my intentions as to my existing Board appointments. Of course, I intend to honor my commitment to both Boards.” This letter was prepared after Colleen Allen received a letter from Michael Falk, and his letter was sent certified mail and read as follows: “Hi Colleen, Congratulations on a hard fought campaign. Given the margin of the election, do you intend to retain your positions on the Assessment Board of Review and Planning Board? Please send your decision back in writing by December 20<sup>th</sup>, 2017 to myself at the above address. Thank you for all you have done for Lima.”

After both letters were read by Supervisor Yendell, Councilwoman Gardner asked Supervisor-Elect Mike Falk, who was in attendance as a guest, to explain to the board his reason for sending the letter to Mrs. Allen. He replied that he was advised on the matter by members of the community who provide him with advice. Councilwoman Gardner sought to understand that further by asking him who provided advice. Mr. Falk replied that this was private information and that he would keep it private. Councilwoman Gardner asked him to explain a particular part of his letter to Mrs. Allen, what does the reference to the margin of the election have to do with this matter? Mr. Falk replied that he beat Mrs. Allen in the election by nearly two to one. Councilwoman Gardner asked if he meant to infer that the 492 persons who voted for Mrs. Allen are not entitled to be represented in Lima government because she did not prevail in the general election. Mr. Falk stated that he was advised to give Mrs. Allen a chance to bow out before the Town organizational

meeting. He further stated that some people feel obligated to continue to serve on boards when they don't have to. Councilwoman Gardner expressed her viewpoint that, rather than seeking advice on town board appointees from outside advisors, Mr. Falk should consider seeking input from the chairpersons of those boards, from town board liaisons to the boards, from town board members who vote on and determine these appointments, and by attending meetings of these boards, something she pointed out that he had not yet done.

Supervisor Yendell added that it is sometimes difficult to find people willing to serve on these boards and that these are volunteers who should be treated with respect.

### **Close Public Hearing & Pass Local Laws**

Upon motion by Councilperson Mayer to close the public hearing at 3:15 P.M. and pass all (four) 4 Local Laws, seconded by Councilperson Gardner the vote went as follows:

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

As liaison to the Planning Board and to the Zoning Board of Appeals, Councilperson Gardner informed the board that terms for planning board member Doug Best and ZBA member Dennis Neenan are up at the end of the year, and that both members would like to be reappointed to renewed terms. She mentioned that Doug Best had recently submitted his resume outlining his qualifications and that his training requirements are fulfilled and stated that Dennis Neenan is a highly regarded and long serving member of both the Town/Village ZBA and the Livingston County Planning Board where he serves as the Town of Lima appointee to said board. Further, she contacted PB Chairman George Gotcsik and he supports Mr. Best's reappointment and John Bailey, ZBA Chairman recommends Mr. Neenan's reappointment. With that explanation, she said that she will recommend reappointment of both members at the organizational meeting.

### **Motion to Move Into Executive Session Regarding Past Performance of Town Responsibilities by a Particular Person**

Upon motion by Councilperson Gardner to move into executive session at 3:20 P.M., seconded by Councilperson Mayer, the vote went as follows:

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

Nays: 0

**Motion to Move out of Executive Session**

Upon motion by Councilperson Mayer to move into executive session at 3:30 P.M., seconded by Councilperson Gardner, the vote went as follows:

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

NO ACTION WAS TAKEN

Upon Motion by Councilperson Carey to adjourn at 3:30 P.M., seconded by Councilperson Gardner, the vote was unanimous.

Respectfully Submitted by:

\_\_\_\_\_  
Jennifer Heim, CMC/RMC

**TOWN OF LIMA LOCAL LAW NO. 1 of 2017**

**A LOCAL LAW INCREASING MAXIMUM ALLOWABLE VETERANS EXEMPTION UNDER SECTION 458-a OF THE REAL PROPERTY TAX LAW.**

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

**Section 1.**

This Local Law is adopted pursuant to the authority granted by Real Property Tax Law §458-a (2)(d)(ii). All definitions, terms and conditions of such statute shall apply to this Local Law.

**Section 2.**

The Town of Lima, pursuant to the authority granted by Section 458-a(2)(d)(iii) of the Real Property Tax Law, increases the maximum allowable exemption granted under paragraphs (a) (b) and (c) of the subdivision (2) of Section 458-a of the Real Property Tax Law to the sum that is equal to the exemption schedule adopted by the Livingston County Board of Supervisors, from time to time. The new allowable exemption shall be effective with the 2018 assessment roll.

**Section 3.**

This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State.

## **TOWN OF LIMA LOCAL LAW NO. 2 of 2017**

### **A LOCAL LAW PROVIDING A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES TO PERSONS WITH DISABILITIES WHO HAVE LIMITED INCOME.**

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

#### **Section 1.**

This Local Law is adopted pursuant to the authority granted by Real Property Tax Law §459-c. All definitions, terms and conditions of such statute shall apply to this Local Law.

#### **Section 2.**

Residential real property owned by a person with disabilities whose income is limited because of such disabilities, and which said real property is used as the legal and primary residence of such person, shall be entitled to a partial exemption from taxation to the extent of 50% of the assessed valuation.

#### **Section 3.**

Any other Local Law, ordinance or resolution inconsistent herewith is hereby repealed. This Local Law also expressly repeals and replaces any prior local law adopted by this Board establishing such exemption.

## **TOWN OF LIMA LOCAL LAW NO. 3 of 2017**

### **A LOCAL LAW PROVIDING A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES TO PERSONS of 65 YEARS OF AGE OR OLDER WHO HAVE LIMITED INCOME.**

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

#### **Section 1.**

This Local Law is adopted pursuant to the authority granted by Real Property Tax Law §467. All definitions, terms and conditions of such statute shall apply to this Local Law.

#### **Section 2.**

Residential real property owned by a person who has attained the age of 65 years and whose income is limited as noted herein, and which said real property is used as the legal and primary residence of such person, shall be entitled to a partial exemption from taxation to the maximum extent of 50% of the assessed valuation.

#### **Section 3.**

Any other Local Law, ordinance or resolution inconsistent herewith is hereby repealed. This Local Law expressly repeals and replaces any prior local law adopted by this Board establishing such exemption.

# **TOWN OF LIMA LOCAL LAW NO. 4 of 2017**

## **A LOCAL LAW PROVIDING A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES TO COLD WAR VETERANS.**

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

### **Section 1.**

This local law is adopted pursuant to the authorization granted by Real Property Tax Law §458-b. All definitions, terms and conditions of such statute shall apply to this local law.

### **Section 2.**

Qualifying residential real property owned by a Cold War Veteran, or other qualified owner, shall be entitled to a partial exemption from taxation to the extent of fifteen per cent (15%) of the assessed valuation, not to exceed \$12,000.00 or the product of \$12,000.00 multiplied by the latest State equalization rate. Additionally, where the Cold War Veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent (50%) of the Cold War Veteran disability rating, not to exceed Forty Thousand Dollars or the product of Forty Thousand Dollars multiplied by the latest State equalization rate.

Any other Local Law, ordinance or resolution inconsistent herewith is hereby repealed. This Local Law expressly repeals and replaces any prior local law adopted by this Board establishing such exemption.

### **Section 3.**

This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State and be effective with the 2018 assessment roll.