

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 1st day of October 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 - arrived at 6:45 PM
Councilperson, Bill Carey
Town Clerk, Jennifer Shanks, CMC/RMC
Highway Superintendent, Keith Arner
Town Attorney, Steve Kruk – arrived at 6:50 PM

GUEST(S): Jerry Kleehamer

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

Open Public Hearing - Fuel Bids & Accept Fuel Bid Received by NOCO

Supervisor Yendell read the legal notice and opened the public hearing for fuel bids at 6:05 PM. One bid was received by NOCO, 2440 Sheridan Drive, Tonawanda. The bid specified rates based on fuel prices that day, plus \$.1150 cents over per gallon for delivery charge. No discussion was had. Upon motion by Councilperson Mayer to close the public hearing at 6:07 PM and accept the fuel bid as submitted, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 4 Yendell, Gardner, Mayer, Carey
Nays: 0

Open Public Hearing – Transfer \$41,000 from Reserve for the purchase of a 2016 Kenworth Dump Truck

Supervisor Yendell read the legal notice and opened the public hearing for fuel bids at 6:08 PM. Upon motion by Councilperson Mayer to close the public hearing at 6:10 PM and approve said \$41,000 transfer from the Reserve account to purchase a new 2016 Kenworth Dump Truck for the Highway Garage, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 4 Yendell, Gardner, Mayer, Carey
Nays: 0

Audit of Claims

Resolved that the bills contained on Abstract #10 have been reviewed and signed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 285 through 321	\$ 11,488.19
Water Funds 1, 2, &3:	No. 37 through 39	\$ 1829.76
Highway Funds:	No. 169 through 185	\$ 14,715.86

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

CARRIED Ayes: 4 Yendell, Gardner, Mayer, Carey
Nays: 0

*Voucher #289 was transferred to the November Abstract. The board discussed new rates to be paid, for health insurance, by employees hired in or before 2005. After discussion, it was agreed to apply a fixed percentage of 5% and employees hired in 2006 and after, continue to pay 25%, and the town pay the remaining amount.

September 3rd Joint Town & Village Board Minutes

The minutes of the September 3rd joint meeting were approved on a motion by Councilperson Gardner, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 4 Yendell, Gardner, Mayer, Carey
Nays: 0

September 3rd Town Board Minutes

The minutes of the September 3rd joint meeting were approved on a motion by Councilperson Gardner, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 4 Yendell, Gardner, Mayer, Carey
Nays: 0

Guest(s): No discussion.

Supervisors Reports

A motion by Councilman Mayer to accept the August (report was not available for the August meeting) and September Supervisor’s reports prepared by Baldwin Business Services, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 4 Yendell, Gardner, Mayer, Carey
Nays: 0

**County Snow and Ice Control Agreement for 2015-2016
Resolution # 4 of 2015**

A motion by Councilperson Mayer to accept the 2015-2016 County Snow and Ice Control Agreement as prepared and submitted by the County Highway Department (see below), seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 4 Yendell, Gardner, Mayer, Carey
Nays: 0

RESOLUTION #4 of 2015

*At a Regular/Special Meeting of the Town Board
Of the Town of Lima
Held at the Town Hall
On October 1, 2015*

The following resolution was duly moved, seconded and adopted:

RESOLVED, that pursuant to Highway Law Section 135-a providing for snow and ice control on County Roads within the Town, the Supervisor and the Town Highway Superintendent be and they are directed to execute a contract with the County Highway Superintendent of the County of Livingston for the Town to undertake and perform snow and ice control on County Roads located in the Town for the period beginning October 15, 2015 and ending October 14, 2016 at the rates therein provided.

PRESENT:

<i>Supervisor</i>	<i>Yendell</i>	<i>Yes</i>
<i>Councilperson</i>	<i>Gardner</i>	<i>Yes</i>
<i>Councilperson</i>	<i>Mayer</i>	<i>Yes</i>
<i>Councilperson</i>	<i>Marcellus</i>	<i>was not in attendance until 6:45</i>
<i>Councilperson</i>	<i>Carey</i>	<i>Yes</i>

STATE OF NEW YORK}
COUNTY OF LIVINGSTON} SS.:

The undersigned, Town Clerk of Town of Lima, does hereby certify that I have compared the foregoing copy of the resolution attached hereto with the original thereof now on file within my office and that the same are true and correct copy thereof and of the whole of said original.

WITNESS my hand and seal this 2nd day of October 2015.

Jennifer Shanks, Town Clerk

2017-2018 Extension of State Snow & Ice Control Agreement Between State & County for the 2017-2018 Season

Elaine Szoczei, Admin. Manger of the Livingston County Highway Department mailed a letter to Clerks regarding the State Snow & Ice Control Agreement stating “the existing agreement between the State & county covering **State Snow & Ice Control** specifies that each year the agreement may be extended for one additional year, three years hence, so that the agreement always covers the next three seasons. This is to protect the State and municipalities so that any drastic changes by either party will be known well in advance of implementation. The State has asked that the County extend the agreement between NYS and the County to include the 2017-2018 season. Before the county can execute this agreement, we must be sure that the Towns will perform the snow and ice control work on the State Roads, as our subcontractors, as before.” After approval from Superintendent Arner to sign same, a motion by Councilperson Mayer to accept said Agreement, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 4 Yendell, Gardner, Mayer, Carey
Nays: 0

Town Hall Gutters

Supervisor Yendell told the board that he received a quote of \$18,000 to replace the Town Hall gutters. After discussion it was agreed that price is too high for a temporary fix and Supervisor Yendell will continue to search for other options to replace the gutters. More information will be provided as we move forward.

General Code

Councilperson Mayer contacted General Code for an estimate to include supplements, that will be included in the Town of Lima Code, and revisions to the disposition list and the index, The quote showed a cost between \$670 and \$760, which includes shipping and handling. The board agreed this need 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.

Tax Cap Resolution Rescind

After discussion to rescind the tax cap resolution, from the September meeting, and upon motion by Councilperson Gardner to leave said resolution for protection in case of needing same in the future, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 4 Yendell, Gardner, Mayer, Carey
Nays: 0

Health Insurance- Employee Contribution

A new policy year starts October 1st and after discussion, the board agreed that any employee hired before 2005 will pay 5% of the health insurance fees, with the Town paying 95%, and employees hired after 2005 to pay 25% of fees, with the town paying 75%. Upon motion by Councilperson Mayer to have employees hired before 2005 start paying 5% of their health insurance fees, effective October 1, 2015, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 4 Yendell, Gardner, Mayer, Carey
Nays: 0

Declare Excavators Surplus

After an independent Auditor noted two excavators that had been sold in 2014, at an auction, totaling \$12,000 were never declared surplus. Supervisor Yendell informed the board both excavators need to be declared surplus. Upon motion by Councilperson Mayer to declare a 1989 Case Excavator and a 1997 Badger as surplus, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 4 Yendell, Gardner, Mayer, Carey
Nays: 0

6:45 PM - Councilperson Marcellus entered the meeting

2016 Preliminary Budget

Board members held general discussion of the 2016 preliminary budget. Mentioning taxes will increase \$1.66 on a \$100,000 assessed home in 2016. The board agreed to approve the budget and advertise same. Upon motion by Councilperson Gardner to approve budget as is and hold a public hearing at the November 5th meeting, seconded by Councilperson Mayer, the vote went as follows:

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

Court Clerk Resignation

Supervisor Yendell informed the board that he received a letter of resignation from the Court Clerk, Sara Harvey, indicating her last day of work would be October 5th. Elvira Luhowy, Justice, requested the board approve a voucher pay system, for Sara, of \$15 per hour for any assisting and training needed for the new clerk. Councilperson Mayer suggested a “not to extend” date. Upon motion by Councilperson Gardner to pay Sara Harvey \$15 per hour, via voucher system, to train the new clerk and not to extend beyond December 31st, seconded by Councilperson Carey, the vote went as follows:

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

Pay Rate For New Court Clerk - \$13 per hour, Position Is Hourly

Elvira Luhowy, Justice, also requested a motion be made by the board to pay the new clerk \$13 per hour and performance will be reviewed at six months, with the possibility of a one-time midyear wage adjustment if all performance standards have been achieved at that time. Upon motion by Councilperson Gardner to start pay at \$13 per hour and make the Court Clerk position hourly, seconded by Councilperson Carey, the vote went as follows:

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

Open Public Hearing for Fire Contracts with the Town of Lima and The Village of Lima & The Town of Lima and Lakeville Fire Department

Supervisor Yendell opened the public hearing at 7:05 PM to approve both the Village and Lakeville fire contracts with the Town. Yendell explained that the Village of Lima covers the township and Lakeville covers Garden Street and South Lima areas. No discussion at this time. Both contracts are available for review in the Clerk’s office.

Upon motion by Councilperson Garner to close the public hearing at 7:10 PM, seconded by Councilperson Mayer, the vote went as follows:

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

Approve Fire Agreement with the Town of Lima and Lakeville Fire Department

Upon motion by Councilman Carey to approve the contract, no changes or fees changed in said Agreement, the Town shall pay \$6,000 to the Lakeville Fire Department by March 31st of 2016, seconded by Councilman Mayer, and the vote went as follows:

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

Approve the Fire Agreement with the Town of Lima and Village of Lima Fire Department

Upon motion by Councilman Mayer to approve the Village of Lima Fire Agreement, the Town of Lima shall pay \$95,805,75 to the Village of Lima by March 31st of 2016, seconded by Councilman Carey, the vote went as follows:

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

Individual Announcements

Councilperson Marcellus announced that Robin Ha will no longer be Chair of the Crossroads Festival. Currently seeking a replacement. Spread the word.

Councilperson Mayer had an updated list of Lima Senior Citizens members and their positions in the group. The card read: As of 9/30/15 President: Marilyn Stewart, Vice President: Barb Yorks, Secretary: Joan Riley, Treasurer: Judy Stephany, Sunshine: Sue Mends.

Councilperson Carey announced library hours will not change and cannot change unless “we hire more workers”. At this time the Lima Library hours will remain the same.

Superintendent Arner would like to see a street light installed at the end of Slocum Road. This would help plow trucks to turn around in the winter. Supervisor Yendell will contact National Grid.

Superintendent Arner also announced the sanitary survey for water was satisfactory.

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

Respectfully Submitted by:

Jennifer Shanks, CMC/RMC
Town Clerk