

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, NY on the 29th day of December 2010 at 10 am. Notice was printed in The Sentinel.

PRESENT: Pete Yendell, Supervisor
Cathy Gardner, Councilwoman
Dan Marcellus, Councilman
Bill Carey, Councilman
Jennifer Shanks, Town Clerk
Steve Kruk, Town Attorney

EXCUSED:
Keith Arner, Highway Superintendent
Bruce Mayer, Councilman

Call to Order

Supervisor Yendell called the meeting to order at 10:00 am with the Pledge of Allegiance.

Open Public Hearing

Supervisor Yendell opened the public hearing at 10:05. The public hearing is to adopt a Local Law for Licensing of Dogs. Notice was published in the Sentinel. Lou Stoffel was a guest and asked how the Town determines who has a dog. Supervisor Yendell indicated an enumeration is completed to determine who is harboring a dog that is unlicensed.

General Vouchers

General vouchers numbered #446-480 totaling \$36,687.08 were approved as presented.

Upon motion by Councilman Carey to approve vouchers as presented and seconded by Councilman Marcellus the vote went as follows:

CARRIED

Ayes: 4 Yendell, Gardner, Marcellus, Carey
Nays: 0

Minutes

The minutes of the December 2, 2010 meeting were approved on a motion by Councilwoman Gardner, second by Councilman Marcellus the vote went as follows:
CARRIED

Ayes: 4 Yendell, Gardner, Marcellus, Carey
Nays: 0

Intermunicipal Cooperation Agreement

Supervisor Yendell read an Intermunicipal Cooperation Agreement between the County of Livingston and the Town of Lima. This Agreement specifies that Section 113 of the Agriculture and Markets Law of the State of New York requires every town to have a dog control officer or to contract for dog control officer services; and Section 114 of the Agriculture and Markets Law requires every town to have a pound or shelter for dogs or a contract for pound or shelter services; and the County has dog control officer services and pound or shelter services available to meet the requirements of the Agriculture and Markets Law of the State of New York; and the Town desires to contract with the County for dog control officer services and pound or shelter services or as follows:

1. The County agrees to provide to the Town, dog control officer services and shelter services to meet the requirements of Section 113 and Section 114 of the Agriculture and Markets Law.
2. The Town agrees to remit to the County \$3.50 for each dog license issued by the Town.
3. Either party may terminate this agreement upon 60 days notice in writing delivered to the other party by certified mail, return receipt requested.

The Town Board agreed to raise dog fees from \$5.50 for spayed/neutered to \$8.00 and \$13.50 for unspayed/unneutered to \$16.00. This increase will cover the \$1.50 increase for envelopes, stamps and tags and will provide for an accrual to conduct a periodic dog census. A review will be completed at the end of 2011 and any accrued monies may be used for a periodic dog census.

Motion by Councilman Carey to accept the Intermunicipal Agreement and dog fees as noted above, seconded by Councilwoman Gardner, the vote went as follows:

CARRIED

Ayes: 4 Yendell, Gardner, Marcellus, Carey
Nays: 0

Appointments Joint Town/Village Planning & Zoning Board
 Councilwoman Gardner reviewed the process for appointments to the new, combined planning and zoning boards, as agreed upon at the joint meeting held with the Village in November. Per this plan, current appointed members will be appointed to the new combined board, with the current member having the longest remaining term appointed to the longest initial term, second longest remaining term appointed to the second longest initial term, etc.

Councilwoman Gardner reviewed existing member terms and proposed appointments and explained that Planning Board members George Harvey and Ken Carter continued to serve in expired terms during 2010. Their terms expired on 12/31/09 and were not reappointed, in anticipation of the reduced number of appointments to be made by the Town to a new combined board. Councilwoman Gardner observed that George Harvey, as a relatively new member, has been very pro-active in preparing for meetings and has been helpful to the board by doing background research on some matters of interest to the board. She recommended that he be appointed to the remaining 1 year initial term on the planning board. She further recommended that Ken Carter be invited to serve as an alternate member to the Zoning Board of Appeals.

Supervisor Yendell agreed with Councilwoman Gardner and said he agreed that George Harvey has put in a lot work.

Councilman Carey stated that Kenneth Carter has also put in a lot of work and recommended that he stay as member of the joint Planning.

Attorney Kruk mentioned that George Harvey is extremely well prepared for the meetings. Kruk also noted that Carter, being a Village resident, could possibly be appointed to the Village Board.

The member names and expiring terms, including appointments made earlier in December by the Village, are as follows:

Joint Town & Village Planning Board

Meet Monthly, 1st Wednesday (T-appointed by Town, V-appointed by Village)

MEMBER	ADDRESS	TEL.	TERM
Barry Ingalsbe-Chairman	2036 Michigan Ave.	582-1293	2011- 2011(V)
George Gotcsik-Vice Chairman	7364 East Main Rd.	624-1854	2011- 2013(T)
Colleen Allen	1325 Rochester Street	624-1522	2011- 2014(T)

Doug Best	1411 Bragg Street	582-2956	2011- 2012(T)
George Harvey	2563 Poplar Hill	624-1981	2011- 2011 (T)
Rose Reynolds	7304 West Main St.	624-9464	2011-2012(V)
Mike Youngblut	7180 West Main St.	582-2974	2011-2013(V)
Amy Klausner - Alternate	7926 East Main Rd.	624-5501	2011-2012(T)

Zoning Board of Appeals

5 Year Term- Meet as needed, (T-appointed by Town, V-appointed by Village)

MEMBER	ADDRESS	TEL.	TERM
Dennis Neenan-Chairman	2275 Clay Street	582-1345	2011 - 2012(T)
Jim Van Dick-Vice Chairman	2031 Rainbow Lane	624-5817	2011 - 2013(V)
John Bailey	1887 Livingston Street	624-1060	2011 - 2011(T)
Duane Fuller	1840 Genesee Street	624-7452	2011 - 2011(V)
Andy Matthews	7340 Doran Lane	624-1386	2011 - 2013(T)
Duane Thompson	2630 Clay Street	624-1423	2011 - 2014(T)
Steve Werner	7280 Kober Drive	624-2611	2011 - 2012(V)
<i>Kenneth Carter, Alternate</i>	<i>7223 West Main Street</i>	<i>624-9246</i>	<i>2011-2012 (T)</i>

**waiting confirmation from Mr. Carter to serve as an alternate member.*

Upon motion by Councilman Marcellus to appoint current members as proposed, and to appoint George Harvey to the joint Town/Village Planning Board and Kenneth Carter as alternate member to the joint Town/Village Zoning Board of Appeals, seconded by Councilwoman Gardner, the vote went as follows:

CARRIED

Ayes: 3 Yendell, Gardner, Marcellus
 Nays: 1 Carey

Board of Assessment Review Opening

Supervisor Yendell reported the Town received two (2) letters of interest for the Board of Assessment Review opening from Jane Dodds and John Rutkowski.

Supervisor Yendell said he had spoken with both applicants and that both applicants are good candidates for the position. He further indicated that John Rutkowski expressed the most interest in serving and he recommended that Mr. Rutkowski be appointed to the opening. Upon motion by Councilwoman Gardner to appoint Mr. Rutkowski, seconded by Councilman Carey, the vote went as follows:

CARRIED

Ayes: 4 Yendell, Gardner Marcellus, Carey
 Nays: 0

Town Hall Carpet

Supervisor Yendell reported that he received two (2) estimates for carpet for the Town office. Finger Lakes Flooring had an estimate of \$1700 and Lima Carpet's estimate was \$1849.10. Supervisor Yendell recommended Finger Lakes Flooring to install new carpet and linoleum in the Town office. Upon motion by Councilwoman Gardner to hire Finger Lakes Flooring, seconded by Councilman Marcellus, the vote went as follows:

CARRIED

Ayes: 4 Yendell, Gardner, Marcellus, Carey

Nays: 0

Mileage for 2011

Supervisor Yendell informed the board that a .01 cent mileage increase was approved at the Ways and Means Committee and recommended therefore, that Lima will follow with mileage for 2011 being .51 cents.

Supervisor Yendell informed the board that Mr. Donald Pender requested approval to install a grave marker in the Jonas Humphrey family plot at the Methodist Cemetery to honor the memory of his great grandfather, great grandmother and great aunt, whose graves are unmarked. Mr. Pender supplied death certificates and funeral/burial records with his written request. Board members expressed support for the request from Mr. Pender. Upon motion by Councilman Carey, seconded by Councilwoman Gardner, the vote went as follows:

CARRIED

Ayes: 4 Yendell, Gardner, Marcellus, Carey

Nays: 0

Transfers

Supervisor Yendell distributed a handout of transfers need to be completed for 2010. Councilwoman Gardner questioned the substantial amount of \$10,082 that was taken from the book fund and allocated for another purpose.

Supervisor Yendell suggested an annual meeting with the Library Board will be necessary to understand how and where taxpayer monies are being spent.

Upon motion by Councilwoman Gardner to approve the transfers as submitted, seconded by Councilman Carey, the vote went as follows:

CARRIED

Ayes: 4 Yendell, Gardner, Marcellus, Carey
Nays: 0

Appreciation Award

Supervisor Yendell informed Councilman Marcellus that the Livingston County Chamber of Commerce presented the Lima Crossroads Council with a 2010 Appreciation Award for their collaboration of partnership with the Livingston County Chamber of Commerce.

Individual Announcements

Town Attorney Kruk gave an update on the park expansion. Mr. Kruk stated he sent out a number of requests to individual qualified parties identified by Karen Ferguson, Regional Grants Administrator for a land appraisal with reference to the land that would possibly be utilized for the park expansion. Mr. Kruk received a few responses and expects more by the January 3rd deadline. He is currently working with Karen Ferguson to review adequacy of appraisal quotes. More updates to follow as they become available.

Councilwoman Gardner said she received the last draft from the Agriculture Consultant, George Frantz and will distribute it to the farm committee in the next couple weeks. Councilwoman Gardner acknowledged there are several steps that need to be taken to adopt the proposed zoning update, as well as new laws to form a permanent Agriculture Advisory Committee and to enact a local Right-to-Farm Law, and to adopt Lima's Agricultural and Farmland Protection Plan as part of the Town's Comprehensive Plan. Councilwoman Gardner and Town Attorney Kruk will meet and establish a schedule of the necessary steps in this process.

Councilwoman Gardner also mentioned Chairman of the Town/Village Zoning Board suggested that Code Enforcement Officer, Paul Luft, keep a record of all variance applications and determinations for on-going reference by the CEO and the ZBA. The Board agreed to this record. Attorney Kruk and Councilwoman Gardner will coordinate with CEO Luft to establish this process. Councilman Marcellus offered to establish a worksheet for CEO Luft to enter this variance information.

Supervisor Yendell informed the board that Code Enforcement Officer, Paul Luft and Deputy Clerk, Mary Smith went through the Town Code book and found no missing information.

Councilwoman Gardner mentioned the new website progress is coming along well. Essential data has been entered. The website will be up and running by January 2011. Councilwoman Gardner mentioned that Jerry Warsaw's design work was a great start to this process and that Robert Deming has been exceptional to work with. She reported that the Village opted at a recent meeting to proceed with a separate website and expressed her hope that eventually the Town and Village will combine efforts to a single site for greater convenience of use by residents and the general public.

Close Public Hearing

Supervisor Yendell asked if anyone would like to speak on the new Local Law # 5-2010. With no discussion the public hearing was closed upon motion by Councilwoman Gardner, seconded by Councilman Marcellus, the vote went as follows:

CARRIED

Ayes: 4 Yendell, Gardner, Marcellus, Carey
Nays: 0

The meeting was adjourned at 11:15 AM on a motion by Councilman Marcellus, seconded by Councilman Carey. Carried unanimously.

Respectfully Submitted,

Jennifer A. Shanks
Town Clerk