

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 6th day of March 2014 at 7 P.M. Notice was printed in the The Mendon-Honeoye Falls-Lima Sentinel.

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

Supervisor Yendell called the meeting to order at 7:00 P.M., with the Pledge to the Flag.

Open Public Hearings

Supervisor Yendell opened the public hearing at 7:05 P.M. for the purpose of considering the adoption of a local lawn known as “A local law authorizing the Town of Lima to award purchase contracts, including contracts for service work, but excluding any purchase contract necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law, on the basis of best value, as defined in Section 163 of the State Finance Law, to a responsive and responsible bidder.” No discussion at this time.

Supervisor Yendell opened the second public hearing at 7:10 P.M. for the purpose of considering the adoption of a local law known as “A local law to amend and supplement the Town of Lima Zoning Law adopted March 4, 2010 (as heretofore amended) by establishing a severability clause; confirming that any uses not expressly permitted are prohibited; articulating certain explicitly prohibited uses; adding certain new definitions , and changing certain existing definitions; and modifying, clarifying and adding to the provisions regarding variances.” No discussion at this time.

Audit of Claims

Resolved that the bills contained on Abstract #3 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 58 through 86	\$ 12,981.23
Water Funds 1, 2 & 3:	No. 7 through 10	\$ 2,217.21
Highway Funds:	No. 39 through 55	\$ 25,592.48
Fire Protection:	No. 1 through 2	\$101,502.50

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

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

February 6, 2014 Meeting Minutes

The minutes of the February 6th meeting were approved as presented on a motion by Councilperson Gardner, seconded by Councilperson Mayer, the vote went as follows:

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

Annual Financial Report

Supervisor Yendell informed the board that the Annual Financial Report is in the Town Clerk’s office for public viewing during regular business hours and has been published in the Sentinel.

Guest(s): Martha & John Sempowski- no comments.

Summer Recreation Contract

The 2014 Summer Recreation Contract is ready for signature. There was one minor change. Applications will be collected at the HF-L Manor School only this year. Upon motion by Councilperson Mayer to accept and sign the 2014 Summer Recreation Contract, seconded by Councilperson Carey, the vote went as follows:

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

Reports

Supervisor Yendell asked the board to approve the Supervisor's report. Upon motion by Councilperson Mayer to accept the Supervisor's report as accepted, seconded by Councilperson Marcellus, the vote went as follows:

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

Lift Replacement at Town Hall

Supervisor Yendell shared his concern about the vertical lift being out of service at the Town Hall. Supervisor Yendell suggested getting prices to replace the current lift and discuss an elevator that would reach the 2nd floor of the Town Hall at a later date. A motion by Councilperson Gardner to get estimates to replace the current vertical lift, seconded by Councilperson Mayer, the vote went as follows:

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

New Building Fees

A motion by Councilperson Mayer to approve the new building fees as discussed at the February 6th meeting 2nd by Councilperson Gardner, the vote went as follows:

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

Cemetery and Town Lawn Mowing

Highway Superintendent Arner reported that Norm Stratton is interested in the hand mowing assignment of cemeteries at a rate of \$11 per hour and to follow the new 2014 mowing requirements. Upon motion by Councilperson Mayer to hire Norm to mow in accordance with the new requirements, seconded by Councilperson Carey, the vote went as follows:

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

Dog Park Survey Results

The survey results were forwarded to Park Commissioner, John Correll. No one has heard any feedback as yet. Councilperson Gardner will look at pricing for dog bags and a stand for the Mark Tubbs Park. Councilperson Marcellus will donate a dog waste bin/holder.

Ice Control at the Court House

Jessie Phelps of Lima checked out the court house for spraying insulation and we are waiting for an estimate. Update will follow at the next board meeting.

Town Hall Roof Repair

Supervisor Yendell and Clark Patterson Lee will take a look at the roof but are waiting for better weather.

Drug and Alcohol Policy at the Highway Barns

Superintendent Arner mentioned retired State Trooper, David A Bernacki, of Safe Driver Solutions, a DOT Certified mobile drug and alcohol specimen collection and testing company, mentioned Mr. Bernacki could have testing completed at a cheaper cost and less time than Wyoming County Community hospital. Arner asked for the board's approval. Upon motion by Councilperson Gardner to approve the new program, seconded by Councilperson Mayer, the vote went as follows:

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

Shared Services with the Village

There was discussion to have intermunicipal agreements prepared for MOU's between the Town and Village. This recommendation came from a representative from NYMIR, per Supervisor Yendell.

Spring Clean-up for Town Residence

Superintendent Arner informed the board that the spring clean-up will be held on May 2nd and May 3rd this year. Notice is up on the website, Legal Board at Town Hall and will also be advertised in the Genesee Valley Penny Saver and Sentinel in April.

Audit of Town and Court Books

Councilperson Carey and Councilperson Mayer completed an audit of Town and Court accounting books. The accounting reports for the town books were reviewed for the year 2013. The details for the month of June were reviewed in depth and the results were as follows: Judge Ellie Lohoway, Judge Harold Harris, Court Clerk Sara Harvey and Town Clerk Jennifer Shanks – all books were found to be in order and documentation complete.

Inquiry of Speed Limit on West Main Road via e-mail

Resident, Alt Fritz, who lives on West Main Street, just east of Michigan Road, emailed a concern of noise and safety hazard where the speed limit drops from 55 to 30 MPH and asked if the speed could be dropped from 55 to 45 MPH. Mr. Fritz went on to say that few vehicles make the cut to 30 MPH on the downhill portion of Main Street. Supervisor Yendell spoke with Sheriff Dougherty who placed a sheriff to patrol the speed in this area for a few days. Councilperson Mayer will take this inquiry to the Livingston County Traffic Safety Board for their review and comments.

Capital Projects List

Supervisor Yendell distributed a capital projects list which included the level of importance, project name, funding, what year this project should be complete, estimated cost and available funds.

Article 7 Tax Litigation

Supervisor Yendell received correspondence from Peter K. Skivington stating the Article 7 tax proceeding brought by Mr. Petroski has been resolved.

Close Public Hearing

Upon motion by Councilman Carey to close the public hearing for Local Law #1 of 2014, seconded by Councilman Mayer, the vote was as follows:

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

Local Law #1 of 2014-Adopted

Upon motion by Councilperson Mayer to approve local law #1 of 2014 known as a local law authorizing the Town of Lima to award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article 8 of the Labor Law, on the basis of best value, as defined in section 163 of the State Finance Law, to a responsive and responsible bidder or offer, seconded by Councilperson Carey, the vote went as follows:

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

Adjourn Public Hearing

Town Attorney Kruk requested that the Board leave the public hearing for proposed Local Law No. 2 of 2014 open until the April meeting. Because the Livingston County Planning Board review of the proposed law was scheduled to take place on March 13, he recommended that we defer SEQR until the review and recommendations of the County Planning Board were received by our Board. This could be accomplished at our regular April meeting. He noted that two (2) guests were in attendance at tonight's public hearing, and spoke in favor of the local law. The Board left the hearing open, adjourning the matter to its April meeting.

Youth Board

Discussion was held to approve 2 people to represent Lima at the Livingston County Youth Bureau. Upon motion by Councilperson Gardner to appoint John Correll and his son, Carson, to represent Lima, seconded by Councilperson Marcellus, the vote went as follows:

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

Councilperson Marcellus

Marcellus mentioned the Crossroads Council is seeking approval from Federal to close down a portion of the road during the festival. Updates will follow as they become available.

Superintendents Arner

Arner mentioned a quarterly sample water test, as directed by the Livingston County Health Department, for chlorine bi products is better. The reading is 46 and the guideline per Livingston County Health Department states these levels can be no higher than 83.

Arner also mentioned he received 16 applications for the Heavy Equipment Operator. He has 3 potential applicants he will conduct interviews with. Arner asked that the pay rate for a new employee be increased as needed, based on skill level of job. Motion by Councilperson Gardner to pay a new employee based on their skill level of the job, seconded by Councilman Mayer, the vote went as follows:

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

Upon Motion by Councilperson Mayer to adjourn at 8:55 P.M., seconded by Councilperson Marcellus, the vote was unanimous.

Respectfully Submitted by:

Jennifer Shanks
Certified & Registered Town Clerk