

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 November 2018** at 6:00 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

PRESENT: Supervisor, Michael Falk
Councilperson, Cathy Gardner
Councilperson, Bruce Mayer
Town Clerk, Jennifer Heim, CMC/RMC
Town Attorney, James Campbell
Highway Superintendent, Keith Arner
Excused Deputy Supervisor, Dan Marcellus
Absent Councilperson, Bill Carey

Guest(s): John Correll, Gigi Correll, Pat Reynolds, Ian Adams, Trey Stephany & Matt Vogt

Call the Meeting to Order

Supervisor Falk called the meeting to order at 6:00 P.M. The Pledge of allegiance was led by Veteran Pat Reynolds.

Supervisor's Report

Supervisor Falk mentioned receipt of said report and has executed same. Upon motion by Councilperson Gardner to accept the report as presented, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 3 Falk, Mayer, Gardner
Nays: 0

Building Inspector/Code Enforcement Officer Report

Charlie Floeser, Building Inspector, touched on some points of his report. Specifically, home improvement projects in the town that are undertaken without required permits. Without permits, required inspections may not occur, allowing for potential unsafe work to be completed. In some cases, work of this type has been undertaken on homes that have been purchased for "flipping" and new owners may not be aware of the work arrangements.

Further, unpermitted projects can lead to inequities in the town's assessment base. Charlie is working with Attorney Jim Campbell to address and remedy all such identified situations

Audit of Claims

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

General Funds:	No. 319 through 355	\$ 23,074.56
Water Funds 1, 2, &3:	No. 33 through 35	\$ 3,700.63
Highway Funds:	No. 180 through 200	\$ 9,724.45

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

CARRIED Ayes: 3 Falk, Mayer, Gardner
 Nays: 0

Town Board Minutes

Minutes from the October 2nd Town Board meeting were approved by motion from Councilperson Mayer, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 3 Falk, Mayer, Gardner
 Nays: 0

Guest

Trey Stephany addressed the board on a matter of concern to him. At his request, a copy of his notes concerning the situation is included at the end of these meeting minutes.

GCC Walkway

Highway Superintendent stated due to the weather and concentrating on putting up snow fence, the sidewalk will not be completed this year but will continue to work on it.

Post Office

Supervisor Falk stated the roof was sealed with spray sealant but is still leaking. Updates to follow.

Electronic Communications

Councilperson Marcellus was excused therefore no discussion was held. Follow up at next meeting.

Mark Tubbs Park Master Plan Update

Village Trustee John Correll, indicated the Village Board approved the proposal for Village of Lima Town Park Master Plan update and preparation of a 2019 CFA grant application for improvements to the park, and asked that the Town Board review the proposal and consider approval. Falk tabled the approval to next month when all board members are present for discussion.

BAS Integrated Property Software for Building Inspector

Falk received a quote to purchase software for the Building Inspector in the amount of \$3,800 to benefit the offices of BI/CEO and Assessor. Tami Snyder, Assessor watched the webinar on said program and said it would be beneficial to see any permits, certificate of occupancy, etc., that Charlie has issued. Councilperson Gardner requested a review of permit fees relative to surrounding towns in order to determine whether any adjustments may be made to help fund the ongoing \$75 monthly support and maintenance fee that is associated with the program. Upon motion by Councilperson Gardner to purchase the two modules, with review of permit fees to see if there is opportunity to cover some costs of servicing said modules, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 3 Falk, Mayer, Gardner
 Nays: 0

Complete Streets Policy Proposed Resolution

Town Attorney Campbell is working on language in the draft resolution and will email the draft for board review to discuss at the December 4th regularly scheduled meeting.

Large Scale Solar Law

Councilperson Gardner and Attorney Campbell are working together to get a draft prepared and circulated to board members to discuss at the December meeting.

Summer Recreation Agreement

Falk received the Intermunicipal Cooperative Agreement regarding Community Summer Recreation. This program runs for six consecutive

weeks, June 24 through August 2 with the Town paying \$175 per resident camper. Upon motion by Councilperson Mayer to approve and sign the Agreement, seconded by Councilperson Gardner, asking that this topic stay in the tickle file each year, to be reviewed before future annual agreements are reached, in order to consider if this is the best expenditure of these particular dollars from the Town budget benefiting a relatively small population of residents compared to other things that would provide benefit to more residents, the vote went as follows:

CARRIED Ayes: 3 Falk, Mayer, Gardner
 Nays: 0

Fair Housing Officer

Falk said a couple of pieces that need to go with the CDBG (community development block grant) that the Town is engaged with at Bristol ID. One is that the Town needs to appoint a Fair Housing Officer and recommendation was made to appoint the Code Enforcement Officer. A FHO is a person a tenant can come to if they have a complaint against their landlord. This FHO then directs them to the correct department in HUD (housing and urban development) as HUD is funding a large part of the CDBG. Upon motion by Councilperson Gardner to appoint Charlie as FHO, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 3 Falk, Mayer, Gardner
 Nays: 0

Water Rate Increases

Supervisor Falk proposed to the board the following rates increases for districts 1, 2, 3 and 4: \$6.00 per 1,000 gallons of water plus a quarterly charge by meter size. Unit charge is \$45.00 and meter size charges are as follows:

Meter Size	Number of Units	Quarterly Charge
5/8"	1	\$45.00
1"	2	\$90.00
2"	3	\$135.00

Letters will be mailed to water users with their November invoices.

Councilperson Gardner made a motion to approve the above rates, noting the Town Board will review the rates annually as part of the budget process, to determine if the rates are adequate to maintain fund balances at appropriate

levels, and to cover both fixed and variable costs of labor and equipment allocation and water supply costs. She noted that the rates approved for the coming year have been set to replenish fund balances that have been diminished, and that such rates may be adjusted down once these balances achieve a satisfactory level to keep fund balances and equipment lines sufficient, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 3 Falk, Mayer, Gardner
 Nays: 0

Falk mentioned a meeting a year is necessary and that rates can float up and down and any monies that come in can only be benefited by those users as well as pay off any debts.

Water District #3 Repayment of Water District #1 Plan

Supervisor Falk handed out a sheet explaining to board members that \$30,309.00 is owed by District #3 to District #1. The plan was written as follows: transfer \$10,000.00 of fund balance now to avoid District #1 from going bankrupt in 2018, the remainder is \$20,309.00. He divided that amount by five making payments for the next five years as follows:

Year 2019 \$4062.00
Year 2020 \$4062.00
Year 2021 \$4062.00
Year 2022 \$4062.00
Year 2023 \$4061.00

Falk mentioned that payments will be due October of each year. After discussion a motion was made Councilperson Gardner to remedy the imbalance, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 3 Falk, Mayer, Gardner
 Nays: 0

Concerns over Fees Paid by the Town to the Village for Water Usage/Updates/Repairs, etc. for District #2 Users

Councilperson Gardner wanted to bring to the table that after reviewing all the water information very closely and in depth for the past month, it is somewhat concerning to her that the cost of water is \$1.68 per 1,000 gallons and the town is able to pass that on in District #3 and District #1 but that the burden of the costs from the Village system being spread over the 59 users in District #2 is resulting in significantly higher total costs per user, although the

cost of water (\$1.68/1,000 gallons) supplied by the City of Rochester is the same. As part of this ongoing review, she requested that the town board review and better understand the allocation method used by the Village of Lima. Supervisor Falk noted that the allocation is based upon water usage rather than number of water users. Councilperson Gardner said that she sees such allocation method as appropriate for the variable costs associated with actual water supply, but is concerned about equity for all users with regard to the allocation of repair and upgrade costs. In her view, it would seem more equitable to allocate such fixed cost of system improvements equally across users, rather than in accordance with usage. She pointed out that initial water district construction costs and on-going maintenance costs paid from fund balances are equally borne by users within the town's water districts 1 and 3. It was noted as part of this discussion that much of the Village water system is considerably older than the water main used to supply Town Water District #2, and that both water loss and repair costs for the village system are likely to be higher than would be incurred by the infrastructure which supplies Town Water District #2 users. She also requested a review of the allocation process and suggested that costs of the existing arrangement be compared to the potential for establishment of direct supply from the City of Rochester to District #2.

Falk agreed the agreement between the Village of Lima and Town of Lima will need to be revisited. Both Falk and Gardner mentioned possibly servicing our users a different way. Further discussions and updates will follow this topic.

Water District Operator

Falk stated that Highway Superintendent Arner is the water district operator and he will give a report at each meeting of any changes to water meters or problems.

Section 125 Plan

A Section 125 Plan is when employees have the choice to deduct taxes from their health care. The Town of Lima's Accountants, Baldwin Business Services, does not offer this service but the Town's brokers, Bond Financial, do at an initial cost of \$500, and an annual audit cost of \$250 beginning two years after implementation. Councilperson Gardner thought this fee was high, in consideration of the Town's small number of employees, particularly as relates to the on-going audit cost. She requested alternative cost proposals. Supervisor Falk agreed to obtain alternatives for review at the next meeting.

Purchase of a New Tractor to Plow New Sidewalk

Arner send out bid specs to Saxby, Land Pro Equipment and Empire Tractor to purchase a new tractor to plow the new sidewalk and for use with other projects. He stated he received one bid from Empire Tractor for \$15,900.00. This price includes but is not limited to: 2012 John Deere 2320, full cab with heat and windshield wiper, 4 wheel drive, 863 hours, 24 horsepower, etc. Following review and discussion of the bid particulars, a motion by Councilperson Gardner to purchase said tractor, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 3 Falk, Mayer, Gardner
 Nays: 0

2019 Inter-municipal Agreement Extension-Sharing of Machinery

Clerk Heim received a letter and the 2019 Inter-municipal Agreement from the County to extend the current Inter-municipal Agreement contract for one additional twelve month period, commencing January 1, 2019 and terminating December 31, 2019, under the same terms and conditions as the original contract. Highway Superintendent Arner okayed the extension. Upon motion by Councilperson Gardner to extend said Agreement with approval from Arner, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 3 Falk, Mayer, Gardner
 Nays: 0

Resolution #8 - 2018- Hold a Public Hearing for CDGB-Bristol ID

Clerk Heim received an email from Maureen Wheeler, Deputy Director of Livingston County Economic Development indicating a public hearing will need to be held at the December 4th meeting to meet grant requirements for the Bristol ID expansion project. Upon motion by Councilperson Mayer to hold a public hearing at the next meeting and approve below Resolution #8 of 2018, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 3 Falk, Mayer, Gardner
 Nays: 0

RESOLUTION #8 - 2018
CDBG Grant – Bristol ID

PROVIDING FOR A PUBLIC HEARING TO CONSIDER PUBLIC COMMENT ON THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT WITH THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE TOWN OF LIMA.

RESOLVED, that the Town of Lima hereby schedules a public hearing to be held on December 4, 2018 at 6:00 PM in the Board Room of the Town Hall located at 7329 E. Main Street, Lima, NY 14485 with the purpose of said hearing to provide information to the public regarding the Community Development Block Grant (CDBG) program and to consider citizen comments regarding the Town's contract with the NYS Office of Community Renewal to support the Bristol ID project, and at least ten (10) days' notice shall be given by posting thereof on the bulletin board of the Town Hall and by publishing such notice at least one (1) time in the official newspaper of the Town as provided by law.

This is to Certify that I, the undersigned, Clerk of the Town Board, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Town Board on the 6th day of November, 2018 and that same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof I have hereunto set my and the official seal of the Town of Lima this 6th day of November, 2018.

Jennifer Heim, CMC/RMC, Town Clerk
Dated: November 6, 2018

2019 Organizational Meeting & Town Board Dates

It was discussed and agreed to hold a short meeting on the morning of January 2, 2019, time to be determined, to make appointments only and hold a regular meeting on January 8, 2019 as well as the following regular Town Board meeting dates: February 5th, March 5th, April 2nd, May 7th, June 4th, July 2nd, August 6th, September 3rd, October 1st, November 5th and December 3rd.

A motion by made by Councilperson Mayer to approve above dates, seconded by Councilperson Garner, the vote was as follows:

CARRIED Ayes: 3 Falk, Mayer, Gardner
 Nays: 0

New Tires for Grader at the Highway Department

Highway Superintendent Arner asked for board approval to purchase new tires for the grader. Board approved said purchase.

Upon Motion by Councilperson Mayer to adjourn at 8:20 P.M., seconded by Councilperson Gardner, the vote was unanimous.

Respectfully Submitted by:

Jennifer Heim, CMC/RMC
Town Clerk

- On 7/16 I bought 2001 Lake Ave at auction.
- On 8/8 I called and left a detailed message for Charlie (47 sec)
- On 8/13 Charlie called me back (5:47)
- On 9/19 My contractor called me and told me that the code enforcement officer had been there and he admitted that he had made a mistake and that I did need a permit for a roof and I was to contact him immediately
- I called and left a message and Charlie quickly called me back. He apologized and said that when I spoke to him that he was looking at an old permit list. He told me that his boss Mike Faulk had received a complaint that we were moving interior walls and stairs and had instructed Charlie to issue a cease and desist order even though the current work being performed was siding which does not require a permit and the mistake was Charlies not mine. He apologized again and told me that he had bought me some time since the Village offices closed at noon. As long as I was down there first thing in the morning with the permit and check I would be ok.
- I thought things through for a few minutes then I decided to call Mike to find out who had complained and why he decided to abuse his power in such an absurd manor. Mike was defensive, argumentative, rude, and patronizing. When I asked him who had complained at first he lied to me saying he had heard it through the grapevine. When pressed for specifics he essentially admitted that there had not been a complaint but rather some assumptions he had made from doing a drive by and knowing the history of the house. He lectured me in a tone a father would use with their out of line adolescent son about how there is a right way and a wrong way of doing things and that I/Trey had not done things the right way. When I challenged him on that telling him I had called and spoke with Charlie he told me there was no record of those calls.### He continued to interrupt me in a very patronizing way not allowing me to make my points. I was pissed and told him that he needed to apologize to me. Once again in a very rude/condescending tone he said “Trey I’m not going to apologize to you”. At that point I told him what I thought of him and hung up.
- I wasn’t sure how to proceed but I was not going to allow him to think that it was ok to talk to a taxpayer that way. I called Pete Yendel and explained to him what happened. Pete apologized and said that he couldn’t believe he

abused his power in that way and threatened to shut me down. Pete suggested I speak with Carl Luft which I did. Carl was very apologetic and followed up with me the next day letting me know that he had talked with Charlie as well as Mike. He said that Mike admitted that he handled it wrong however never reached out to me to apologize. I texted Mike this morning giving him an opportunity to apologize so that my time as well as all of yours was not wasted and I did not hear from him. Those that I shared this with as well as myself got the feeling that this was personal. Not sure what I could have done to get this type of attention from Mike. Maybe he was mad that I haven't used him on a project in a while??? I'm not sure, and at this point don't care. I didn't come here tonight to get an apology from Mike. He has made it abundantly clear that that is beneath him. My hope is that if the rest of the board feels that he acted poorly, that in a constructive manor you let him know that. In the scheme of things I realize this is pretty petty. Lima has much bigger concerns and issues to deal with. Thank you all for your time.