

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

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

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

Honor a Veteran

The Town Board honored Mr. Hayes with an appreciation certificate for his services.

Reports

Motion to Accept Supervisor's Report –Review Ambulance & Building Inspector Reports (if received)

Supervisor Falk mentioned receipt of said reports. On a motion by Councilperson Gardner to accept the Supervisor's report, as amended for one voucher adjustment, seconded by Councilperson Marcellus the vote went as follows:

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

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. 70 through 106 \$ 120,432.77
Voucher #92 was transferred to Water Fund
Water Funds 1, 2, &3: No. 5 through 6 & #92 \$ 8,504.94
Highway Funds: No. 26 through 46 \$ 21,768.48

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

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

February 6th 2018 Minutes

Minutes from the February 6th meeting were approved with minor corrections by motion from Councilperson Mayer, seconded by Councilperson Gardner, the vote went as follows:

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

Guest(s): John Wadach, Marty Gardner, Mark Petroski, Jon Belec & John Correll

Open Public Hearing to Extend Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations at 6:35PM

Supervisor Falk opened the public hearing. Town Attorney Campbell read the legal notice published in the Sentinel. There were no comments from the guests. Supervisor Falk indicated he received a letter and “staff report” from the Livingston County Planning Board and said stated “there was not quorum present at this meeting. However, the Planning Board voted to informally recommend “Approval” of the proposed action with the following informal advisory comments:” Said comments are available at the Town Clerk’s Office for review). Supervisor Falk mentioned one section of the staff report titled “Municipal Notification” where advisory comment was as follows: The regulations of Town Law §264 apply to this proposal because the moratorium affects lands that are within 500 feet of the boundaries of the Towns of Avon, Livonia, Mendon, Richmond, Rush and West Bloomfield, the Village of Lima, and Monroe and Ontario Counties. If not done already, the Town should ensure that all the necessary notifications for their bordering municipalities are completed as required.

Said notification letters were not mailed. It was agreed to mail letters to affecting property within 500 feet and to keep the public hearing open until April 3rd meeting.

EV Charging Station

Village Trustee, John Wadach, distributed the Intermunicipal Agreement between the Town of Lima and Village of Lima. He explained items numbered 1 through 10: potential parking area, electric power source from Town Courthouse, Village will be responsible for obtaining all grant funding or rebates and providing matching funds to cover all construction costs, The EV charging station shall be open and accessible to the public twenty-four hours per day during the entire year, a plan is in place to monitor and report facility usage and emissions reduction data annually by both Boards, both Boards agree to provide for the maintenance of said charging station at an equal expense, any services performed by either municipal party shall be without fee or cost to the other municipality-intent being that such project is a collaborative one, the cost of providing electrical service shall be determined upon joint further agreement by the two Boards-the boards may choose to provide the electrical charge service without charge to the public for a trial period or determine allocation of the cost of electrical service between the municipalities and this Agreement is anticipated to be in full force and effect for a term of no less than 5 years. The proposal total stated on the quote is \$12,190.00. Supervisor Falk stated both the Town Hall and Court buildings could handle the charging stations depending where said stations will be placed. Councilperson Gardner suggested moving the Town Hall refuse location to the back of the parking lot to gain 2 additional parking spots and place the charging station there. Guest Mark Petroski asked if the Town was able “to sell electric to people.” Supervisor Falk stated the charging stations in the proposal allow the Town to supply electric with the vendor paying same back. Councilperson Garden reiterated re-assessing the 2 locations, one near the electrical supply adjoining town hall and the alternative at the very back of the upper level of the town parking lot, and costs. Trustee, John Wadach, will speak to the Village Board and get some bids. All agreed. Further discussion will be held at the next meeting.

GCC Walkway

Supervisor Falk and Highway Superintendent Arner met with Clark Patterson Lee, Engineers, and walked from the Lima Christian School to Gale road and back, looking at both sides of the street discussing potential crosswalks,

designs for both sides of the road, etc. Supervisor Falk also stated that until a leach field is replaced at 1458 Rochester Road no sidewalk will be installed there. Three easements on the east side of 15A are also still needed. Updates will follow as information is received.

Post Office

Supervisor Falk indicated the postal system is still completing its space study. He stated water breached the roof again February 26th and wet the mail which was delayed until it dried. The post office tried to contact the Milburn's but the call went unanswered. They will now try to contact Lyons National Bank to see if they will do some maintenance work. Updates will follow.

Speed Trailer/Display

Superintendent Arner received a few quotes for a speed display. He stated the fully mounted battery unit is estimated at \$3223, \$1,000 cheaper than the solar option. After discussion it was agreed to look at the budget at midyear to see what funds are available to purchase this unit. Supervisor Falk will check the budget and bring information to the next board meeting. Arner will check into program funding for safety improvements see if the Town can get reimbursed after purchasing the sign.

Town Clean-Up

Superintendent Arner stated the Town Clean-Up days will be May 4th and May 5th. Town Clerk Heim will have permits available at her office and advertise.

Personnel Policy

As part of the annual personnel policy review, Councilman Marcellus suggested that consideration be given to granting new employees some vacation and sick time allowance at an earlier point than the current one year anniversary. Discussion was held on this topic and agreement was reached to defer any action on these subjects, and rather to move forward with an overall update to the policy. Attorney Campbell advised the board to consider working with an outside consultant to update and develop a more comprehensive employee handbook. The board agreed to discuss this possible initiative with the Village to see if there is interest in working on this as a joint initiative. Councilwoman Gardner volunteered to work on the update.

Investment Policy

With the addition of Tompkins Bank on page 2 of said policy, a motion was made by Councilperson Mayer to approve the Investment Policy, seconded by Councilperson Gardner, the vote went as follows:

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

Procurement Policy

No changes were made to said policy. Motion by Councilperson Mayer to approve the Procurement Policy, seconded by Councilperson Gardner, the vote went as follows:

CARRIE Ayes: 5 Falk, Marcellus, Mayer, Gardner, Carey
 Nays: 0

Library Roof Replacement

Supervisor Falk mentioned receipt of a letter and estimate from Clark Patterson Lee to replace with Library roof. Said letter mentioned CPL reviewed the roof and roof leak at the Library and is showing signs of seam failure and icing conditions that were prevalent at the canopy area that create a hazardous condition for the public accessing the building. CPL also mentioned there was not asbestos detected. Based on the current roof composition, the underlying roof system and low R-value of the roof insulation, they recommend a complete removal and replacement of the main roofing system. The estimated total is \$144,525.00, inclusive of engineering fees and a 10% contingency. This includes, main roof, engineering fees, underground drain for gutter, snow guards and heat trace at canopy area. Meghan, Library Director, is seeking grant assistance. Further updates to follow.

Supervisor Falk stated energy savings plan fees, for the lighting done at the Library, were not paid on time and late fees were applied. The invoice is now paid.

Town Hall Office Hours

Supervisor Falk suggested changing the Town of Lima office hours after attending the “what’s next for my downtown” meeting. Supervisor Falk mentioned Thursday evening hours of Noon to 7PM. It was mentioned to have the CEO office and possibly the Village and Assessor open as well for an evening. Town Attorney Campbell mentioned security possibilities. It was

agreed to speak to the other employees and hold further discussion at the April 3rd meeting. Councilperson Gardner also suggested having a trial period of possibly September through March and during that time have employees track the activity at Town Hall to determine if an evening is useful for residents.

**INTER-MUNICIPAL COOPERATION AGREEMENT
Regulating the Mutual Purchase, Use and Maintenance of a Bulldozer
between the Town of Lima and Town of Avon**

Supervisor Falk received an updated Agreement prepared by Attorney Campbell. Falk will execute same and have the Town Clerk mail said Agreement to David LeFeber, Supervisor, at the Town of Avon for his signature. A motion by Councilperson Carey to execute the updated bulldozer Agreement, seconded by Councilperson Mayer, the vote went as follows:

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

Court Audit Agreement

Supervisor Falk mentioned receipt of an estimate to have a court audit completed by Ray Wager's office, not to exceed \$2100. Councilperson Gardner mentioned that the town board may choose to conduct the audit internally or secure an external audit, further noting that the court has many internal reporting requirements with the state and that the town has conducted an internal audit in the past which has satisfied the review requirement. Attorney Campbell mentioned that the Office of the Court Administrator monitors the funds so there is no real way of embezzling money. The board agreed to have the audit completed for 2017 and also agreed that internal review may be satisfactory in future years. Upon motion by Councilperson Carey, after recommendation from Gardner to include Carey and Mayer in the process, seconded by Councilperson Mayer, the vote went as follows:

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

Annexation Request into the Village Honeoye Falls

Supervisor Falk mentioned a letter he received from Theresa and Dane Perry requesting their property be annexed into the Village of Honeoye Falls to obtain a tie in to the HF sewer system. After board discussion and Attorney advice, Supervisor Falk will inform Rick Milne, Mayor of Honeoye Falls, the

Town of Lima does not support annexation, but would consider an out-of-district service agreement inclusive of a premium out-of-district service rate set by HF to cover costs of providing the requested service.

Board Members

Councilperson Gardner reported that she attended an ethics training session and that several suggested policies were reviewed, some of which are lacking and might be considered for the Town of Lima. She also said that the presenter stressed the importance of not com-mingling personal and municipal e-mail and strongly advised dedicated e-mail and telephone arrangements for all government communications.

Additionally, Councilwoman Gardner reported attendance at an all-day storm water management training session and expressed compliments to the Livingston County Planning Department for arranging an exceptional speaker and program. Planning board members Colleen Allen and Doug Best as well as ZBA member Jim Van Dick also attended from Lima.

Councilwoman Gardner expressed concern regarding discussion noted in the joint town-village meeting minutes regarding planning and zoning board member terms. As such, she reported that she spoke with Paula Gilbert, NYS Department of State, Division of Local Government and, following review with the department's General Counsel, Paula confirmed that the provisions of the laws established by the Town and Village of Lima to enact joint planning and zoning boards that pertain to the number of members and the length of terms are permissible in accordance with Municipal Home Rule Law, Town Law S284 and an official opinion from the Attorney General, #1059, issued May 13, 1992. She further stated that there is no direction or requirement in any governing regulation that seeks to have members leave after a single term. The town and village boards have the authority not to review the expired term of any appointee if they determine not to do so. Councilwoman Gardner sees no benefit to mandating such action and pointed out that it could lead to boards that lack experience and the pointless removal of members with valuable expertise and continued interest in serving.

Working together with John Correll, Village Trustee, Councilwoman Gardner prepared an application for a \$1,000 Arbor Day Community Grant to partially fund a tree planting volunteer day that she and John are organizing at Mark

Tubbs Park in celebration of Arbor Day. The date will be Saturday, April 14, details to follow.

Lift Request for the Highway Garage

Superintendent Arner asked for board permission to purchase a lift for the Highway Garage. After discussion the board was fine with Keith looking to purchase a lift for the garage.

The public hearing will remain open until next month.

Upon Motion by Councilperson Gardner to adjourn at 8:25 P.M., seconded by Councilperson Mayer, the vote was unanimous.

Respectfully Submitted by:

Jennifer Heim, CMC/RMC