

Unofficial 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 7th day of February 2013 at 7pm. Notice was printed in the Sentinel.

PRESENT: Supervisor, Pete Yendell
Councilwoman, Cathy Gardner
Councilman, Bruce Mayer
Councilman, Dan Marcellus
Councilman, Bill Carey

Absent: Town Attorney, Steve Kruk
Town Clerk, Jennifer Shanks, CMC/RMC
Highway Superintendent, Keith Arner

Supervisor Yendell called the meeting to order at 7pm with the Pledge of Allegiance.

Guest(s): Robert Morgan, Assessor

Approval of Abstracts

Supervisor Yendell asked if there were any questions regarding the abstracts. No discussion was held. General voucher's #20-76 (#43 payable to Rochester Regional Community Design Center was transferred to the March meeting, until final work is completed by them), totaling \$20,214.65 and Highway voucher's # 21-35 totaling \$27,769.45 were approved as presented upon motion by Councilwoman Gardner, seconded by Councilman Mayer, the vote went as follows:

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

January 3rd Meeting Minutes

The minutes of the January 3, 2013 meeting were approved as presented on a motion by Councilman Mayer, seconded by Councilwoman Gardner the vote went as follows:

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

Executive Session

Guest- Robert Morgan, Assessor

Robert Morgan asked for an executive session at 7:02 pm. Motion by Councilman Mayer to move into executive session to discuss pending litigation, seconded by Councilman Carey, the vote went as follows:

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

A motion was made by Councilman Mayer at 7:25 to move out of executive, with no action taken, seconded by Councilman Marcellus, the vote went as follows:

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

Supervisor's Report

Supervisor's monthly report was accepted as submitted upon motion by Councilman Mayer, seconded by Councilwoman Gardner, the vote went as follows:

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

New York State Town Clerk's Association

Supervisor Yendell noted receipt of a letter from NYSTCA awarding Jennifer Shanks with certification as a Registered Municipal Clerk. Yendell thanked Jennifer for her dedication to the residents of Lima and the excellent job she does as a Town Clerk.

Highway Superintendent's New Truck

Keith Arner submitted a detailed report for purchase of a new Town of Lima vehicle. The 2013 Ford F-250 XL, 4WD was purchased at \$31,465.15.

Inter-municipal Agreement Extension

Supervisor Yendell received a letter from the Livingston County Highway Department wishing to extend the current Inter-municipal Agreement contact for one additional twelve month period, commencing January 1, 2013 and terminating December 31, 2013. Motion by Councilwoman Gardner to extend the current contract with the Livingston County Highway Department, seconded by Councilman Mayer, the vote went as follows:

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

Municipal Cooperation Agreement

Supervisor Yendell received the Municipal Cooperation Agreement between the Village and Town of Lima for Water District Number 2 rates. The 2013 rates are as follows: Village of Lima to pay 89.00% and Town of Lima 11.00%

Councilwoman Gardner made a motion to approve the Municipal Cooperation Agreement with the Village of Lima, seconded by Councilman Mayer, the vote went as follows:

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

Department of Transportation-Speed Reduction

The Town Board has not received response / finding from the NYSDOT in reference to the requested speed reduction on Gale Road and Rochester Street. An update will follow once this information is received.

Summer Recreation

Councilman Mayer informed the board that after meeting with Honeoye Falls-Lima Central School District and members of the Lima Recreation Committee it was agreed that the Town of Lima will partner with the school district to provide recreation programs for Lima residents on an individual basis. Fees for all campers will be \$450 each. The amounts that individual parents pay will vary deepening on the municipality's contribution. It appears that Lima residents will pay \$300 per child. A contract for signature will be presented at the next meeting.

RESOLUTION #2-2013

SUPPORT FOR NYS-CONTRACT INFORMATION FOR VACANT STRUCTURES

Resolved to support New York State regarding the proposed laws concerning contact information for vacant structures.

WHEREAS, vacant, structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Town of Lima Town Board supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED, that the Town of Lima hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Town of Lima support the passage of said Bills.

Copies of this resolution to be forwarded to Senator Patrick M. Gallivan and Assemblyman Daniel J. Burling.

I, Jennifer Shanks, DO HEREBY CERTIFY, that the foregoing is a true copy of a Resolution passed by the Town Board of the Town of Lima at its regular meeting held on February 7, 2013, and members of the Town Board had due notice of said meeting, and further that such resolution has been fully recorded in the Town Clerk's books.

On a motion by Councilwoman Gardner to support the above Resolution requested by Michael Kearns, Assemblyman of the 142nd District, seconded by Councilman Marcellus the following was

ADOPTED Ayes: 5 Yendell, Gardner, Mayer, Marcellus, Carey

Sidewalk

Councilman Mayer informed the Board that due to cost the sidewalk project will be put on hold.

Executive Session-Potential Highway Appointment

Upon Highway Superintendent Arner's request, a motion was made by Councilman Mayer to move into executive session at 8:02, seconded by Councilman Marcellus, the vote went as follows:

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

Upon motion by Councilman Mayer to move out of executive session at 8:15 and agreed that Superintendent Arner can hire a full time person, when an open position becomes available, seconded by Councilwoman Gardner, the vote went as follows:

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

Mailbox Policy

Councilwoman Gardner drafted a new policy for procedure and process for any mailboxes that may be knocked down during snow plowing.

Superintendent Arner and the Board agreed this is a good policy to put in place. Upon motion by Councilwoman Gardner to accept the new policy as written, seconded by Councilman Mayer, the vote went as follows:

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

Moratorium

After discussion and upon motion by Councilwoman Gardner, it was agreed that Town Attorney Kruk inform Attorney Slotjie to prepare a Resolution that will allow the Town to extend the moratorium if necessary, after the existing moratorium has expired, when current zoning review comes up. Seconded by Councilman Mayer, the vote went as follows:

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

ZBA Applicant Refund

After discussion it was agreed to refund Kasey Conti \$300 for a variance application that was deemed not necessary, due to Town Law. Upon motion by Councilwoman Gardner to refund these monies back to the applicant, seconded by Councilman Mayer, the vote went as follows:

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

Zoning Board of Appeals Chairperson Appointment

Councilwoman Gardner informed the board that Dennis Neenan expressed his desire to resign as chairperson of the Zoning Board of Appeals and to continue to serve as a member. Mr. Neenan indicated that he has served in the position of chairperson for many years, and that he feels it is time for another member to serve in this position. Councilwoman Gardner recommended that John Bailey take his place, as Chair. She further indicated that she and Paul Fleming, Village Liaison to the ZBA, had discussed this recommendation and that Trustee Fleming will make the same recommendation to the Village Board for this joint appointment. Upon motion by Councilwoman Gardner to appoint Mr. Bailey as Chair to the Planning Board, seconded by Councilman Mayer, the vote went as follows:

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

A motion was made by Councilman Gardner to prepare a letter to Dennis, thanking him of his many years and commitment to the Zoning Board of Appeals, seconded by Councilman Mayer, the vote went as follows:

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

Quotes to Replace a Window in the Board Room

Supervisor Yendell received two quotes to replace a window in the board room. A quote from Comfort Window Co. stated they will replace and install a vinyl window for \$654 and the other quote received by Village Glass quoted \$717 to replace and install a wood window. The board agreed that a wood window should be installed, keeping the décor the same. Motion by Councilman Carey to grant the job to Village Glass, seconded by Councilman Mayer, the vote went as follows:

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

Upon Motion by Councilman Marcellus to adjourn at 8:25 pm, seconded by Councilman Mayer, the vote was unanimous.

Respectfully Submitted by:

Jennifer Shanks, CMC/RMC