

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 4th day of October 2012 at 7pm. Notice was printed in the Sentinel.

PRESENT: Supervisor, J. Peter Yendell
Councilwoman, Cathy Gardner
Councilman, Bruce Mayer
Councilman, Dan Marcellus
Councilman, Bill Carey
Certified Municipal Clerk, Jennifer Shanks
Highway Superintendent, Keith Arner
Attorney, Steve Kruk

GUESTS: Bonnie Dewey, Ed O'Brien, Rick Milne, Joyce Rapp & Dick Rapp

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

Guest, Ed O'Brien, Chairman for the Committee "Home Town Hero Banners Program". This committee consists of private citizens from the communities of Honeoye Falls, Mendon and Lima who gather together to honor local residents who are currently actively serving in the Armed Forces of the United States. Such individuals will be featured on a banner with a colored photograph of the Marine-Soldier-Sailor-Airman-Coast Guard or National Guardsman. Along with branch of service for each, and the community they are from. All donations collected are strictly used to purchase the banners. Once the individual is out of service, said banner will be donated to the family. Mr. O'Brien asked for the board's approval. Discussion was held among the Town Board members and guests. A motion by Councilwoman Gardner, in favor of supporting this effort, seconded by Councilman Mayer, the vote was unanimous.

The Town of Lima may not be utilizing brackets currently on poles in the Village and may need to purchase brackets to hang these banners. Councilwoman Gardner suggested using monies from the gateway appropriation to purchase the needed hardware to hang the banners.

Research will be completed to determine what area would be best for hanging these banners honoring our Town Heroes. Councilman Mayer and Supervisor Yendell commended the Committee for their time and fundraising efforts.

Approval of Abstracts

Supervisor Yendell asked if there were any questions regarding the abstracts. No discussion was held. General voucher's #302-336 totaling \$8,278.97 and Highway voucher's #164-177 totaling \$11,763.70 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
Nays: 0

Minutes

The minutes of the September 6th, 2012 meeting were approved as published on a motion by Councilwoman Gardner, seconded by Councilman Mayer, the vote went as follows:

CARRIED:

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

Reports Received and Filed

Supervisor Yendell noted receipt of the CEO and Supervisor's Reports. He also received the Lima Ambulance Report.

Park Update - Purchase - Bond Resolution

Town Attorney Kruk said the next step is to publish the Estoppel Notice. The final step would be the closing date of possibly October 31st. Further information will be held at the next regularly scheduled meeting.

Councilwoman Gardner and the Park Committee met with Norman Gardner, Principal Associate for Clark Patterson Lee, Design Professionals, who submitted a proposal to provide Park Master Planning services for the recently-acquired 39 + acre parcel adjacent to Mark Tubbs Park. The following Scope of Work was proposed: Task 1-Boundary Survey, Task 2-Park Preliminary Concept Plan and Task 3-Park Master Plan. The total master planning project proposal is \$6,000. Further information will be available at the next meeting.

Billboard Sign Code

Town Attorney Kruk explained he mailed and faxed a letter to Robert Nersinger, Lease Manager of Lamar Outdoor Advertising. Kruk received the letter back with a signature from Robert Nersinger, as a condition of Lamar re-erecting the billboard sign, that he acknowledges receipt of the letter and understands the requirements of the Lima Town Code pertaining to billboard signs.

Councilwoman Gardner suggested the Town Code be amended, as discussed at the July board meeting, to clarify the definition and also to correct the conflict that exists between the intent to eliminate billboards, such that this intent is realized if an existing billboard, a pre-existing nonconforming sign, falls into a state of repair, without a further requirement that more than 50% of the sign be destroyed before it cannot be replaced or repaired to avoid future misunderstandings. Town Attorney Kruk will draft a new code definition and present same at the next regularly scheduled meeting.

Credit Card Use

Supervisor Yendell informed the Board that the County Treasurers Office will be accepting credit cards for payment of taxes and would like the Town to look into same. Councilwoman Gardner and Councilman Mayer would like to know what the transaction and monthly fees or schedule of charges to the resident and Town. Further research will be completed and discussed at the next board meeting.

Gale Road Speed Reduction Petition

Supervisor Yendell noted receipt of a letter addressed to Keith Arner, Highway Superintendent, from Stacy Russell a Gale Road resident, asking for the Board's consideration to reduce the speed on Gale Road. Ms. Russell's letter states the current speed is 45 miles per hour and that this speed is too fast for a road that only one half mile long. She goes on to say there are two separate grade changes that cause reduced visibility for drivers. Discussion was held and agreed that Councilman Mayer will present same to the Traffic Safety Board meeting in November and will have an update at the regularly scheduled meeting in December.

Senior Exemptions

Supervisor Yendell received a memo from Joseph Pukos, Director of Livingston County Real Property Tax Services, stating Livingston County has raised the income limits for the Senior Citizens' Exemption and for Persons with Disabilities and Limited Incomes from \$19,500 to \$20,000. It was agreed, after board discussion,

and upon motion by Councilman Gardner to retain exemption levels as is, currently set at \$20,100, seconded by Councilman Mayer, the vote went as follows:

CARRIED

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

PILOT Amounts

Supervisor Yendell mentioned the Payment in lieu of tax amount will be approximately \$8985.56 for the 2013 tax year. It was agreed that any PILOT monies be put into the engineering fund to be used for planning purposes.

Water Turn-Off

A discussion was held between Board members, Town Clerk, Jennifer Shanks and Highway Superintendent Keith Arner, that last quarter water billing resulted in several turn offs after approximately 10 accounts are 2 quarters behind (6 months). Turning off the water sparked controversy by homeowners. Therefore, it was agreed a final letter will be mailed notifying residents they are in arrears and if payment is not received water will be turned off. It will also be noted on the letter that when water is turned off it may take up to 48 hours to be turned back on.

Public Hearing for Contracts

Councilman Mayer made a motion to schedule a public hearing on November 1st for approval of the Contracts between the Town of Lima and Village of Lima Ambulance & Fire for protection, as well as Lakeville Fire Department for protection in the South Lima area, seconded by Councilwoman Gardner, the vote went as follows:

CARRIED

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

Fuel Bid(s) for 2013

Supervisor Yendell opened the only received sealed bid from Kirkwood Heating Oil, Inc. The bid stated ultra low sulfur diesel fuel and unleaded gasoline will be delivered at 11.5 cents over cost. Upon motion by Councilman Carey to accept the bid, seconded by Councilman Mayer, the vote went as follows:

CARRIED

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

Ford Ranger

Highway Superintendent Keith Arner is continuing his search. Nothing suitable has been found yet.

Pedestrian Bridge

Highway Superintendent Arner has spoken to Superintendent of Public Works Ben Luft to get his opinion on the bridge. Mr. Luft spoke to one homeowner who has reservations about removing it. Mr. Arner will talk to the home owners and suggested that the Board send the homeowners a letter stating that the NYS DOT completed an inspection and determined that it was unsafe and closed the bridge.

Hydrofracturing Moratorium Update

Town Attorney Kruk informed the Board that a meeting with Attorneys David Slottje and Helen Slottje (and other Town attorneys) is scheduled on October 22nd. It will be held in Lima. The purpose of the meeting is to consider possible options for addressing hydrofracturing concerns following the moratorium period. An update will be presented to the Board at the next meeting.

Individual Announcements

Councilman Marcellus said the Lima Crossroads Festival went well and that Robin Ha is the new Chairperson.

Councilman Marcellus asked if there was representation from Lima on the HF-L School board. He suggested someone become active on the HF-L School Board to keep involved and aware of what is going on around the community.

Councilman Mayer stated the Lima Summer Recreation Program has approximately \$8000 dollars left over at the end its program. He also mentioned that in 2013 pay increases may be necessary.

Councilman Mayer also mentioned that Robin Ha is now President for the Friends of the Library Committee.

Councilman Carey mentioned he attended the Library meeting.

Councilwoman Gardner noted she has received several positive comments about the job Charlie Johnson is doing.

Upon motion by Councilman Mayer to hold a public hearing for the preliminary 2013 budget, at the next meeting, seconded by Councilman Carey, the vote went as follows:

CARRIED

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

Nays: 0

Councilman Mayer made a motion to adjourn at 9:12 pm and was seconded by Councilman Marcellus. Carried unanimously.

Respectfully Submitted by:

Jennifer Shanks, Certified Municipal Clerk