

## 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 1st day of June 2021 at 6:00 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

PRESENT: Supervisor, Michael Falk  
Deputy Supervisor, Leta Button  
Councilperson, Bruce Mayer  
Councilperson, Jon Belec  
Councilperson, Bill Carey  
Deputy Clerk, Pamela Wronka  
Town Attorney, James Campbell  
Highway Superintendent, John Sokolofsky  
Code Enforcement/Building Inspector, Charlie Floeser

GUESTS: None

### **Call the Meeting to Order**

Supervisor Falk called the meeting to order at 6:00 P.M. followed by the Pledge of Allegiance.

### **Supervisor's Report May & June**

Supervisor Falk mentioned receipt of said report. On a motion by Councilperson Mayer to accept the Supervisor's report, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec  
Nays: 0

### **May 4th Minutes**

Minutes were approved upon motion by Councilperson Mayer, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec  
Nays: 0

### **Audit of Claims/Abstracts**

Resolved that the bills contained on Abstract #6 have been reviewed by the Town Board and are authorized for payment in the following amounts:

**Audit of Claims/Abstracts (Cont.)**

General Funds:	No. 119 through 150	\$ 91,914.79
Water Funds 1, 2, & 3:	No. 18 through 20	\$466.83
Highway Funds:	No. 97 through 112	\$ 47,781.03

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

CARRIED           Ayes: 5       Falk, Mayer, Carey, Button, Belec  
                          Nays: 0

**Building Inspector/Code Enforcement Officer Report**

BI/CEO Charlie Floeser explained his report.

**Town District Operator Monthly Water Report**

Highway Superintendent Sokolofsky explained the water report.

**Great Expectations Daycare Water Meter**

After discussion and upon motion by Councilperson Belec to reduce the Jan water bill to 19,438 gallons to make up for the meters being switched and the customer not knowing they had a leak, seconded by Councilperson Carey, the vote went as follows:

CARRIED           Ayes: 5       Falk, Mayer, Carey, Button, Belec  
                          Nays: 0

Supervisor Falk also informed the Board that the water rates will be going up in July 2021.

**Guest(s) - None**

**Investment Policy**

The board discussed and accepted the Investment Policy as presented.

INVESTMENT POLICY

**Scope**

This investment policy applies to all money, funds and other financial resources held, controlled or administered by the Town of Lima and available for investment on its own behalf or on behalf of any other entity or individual for which or when the Town of Lima

holds or administers such funds or resources. This policy is promulgated to New York State General Municipal Law Section 39.

### **Objectives**

The primary objectives of the local government's investment activities are in priority order:

- to conform with all applicable federal, state and other legal requirements;
- to adequately safeguard principal
- to provide sufficient liquidity to meet all operating requirements;
- to obtain a reasonable rate of return;

### **Delegation of authority**

The governing board's responsibility for administration of the investment program is delegated to the Town Supervisor who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

### **Prudence**

All participants in the investment process shall seek to act responsibly as custodian of the public trust and shall avoid transaction that might impair public confidence in the Town of Lima to govern effectively.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment, and by maturity scheduling.

### **Internal Controls**

It is the policy of the Town of Lima for all funds and money collected by an officer or employee of the government to transfer those funds to the Town Supervisor within 3 business days of deposit, or within the time period specified in law, whichever is shorter.

The Town Supervisor is responsible for establishing and maintaining an internal control structure to provide reasonable assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

### **Designation of Depositories**

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>
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Five Star Bank	\$2,000,000
M&T Bank	\$2,000,000
Canandaigua National Bank	\$2,000,000
Tompkins Bank	\$2,000,000

### **Collateralizing of Deposits**

In accordance with the provisions of General Municipal Law, Section 10, all deposits of the Town of Lima, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the federal Deposit Insurance Act shall be secured:

1. By a pledge of “eligible securities” with an aggregate “market value” as provided by GML Section 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible “irrevocable letter of credit” issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least 2 nationally recognized statistical rating organizations.

### **Safekeeping and collateralization**

Eligible securities used for collateralizing deposits shall be held by a third-party bank or trust company subject to custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Lima or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities.

The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

### **Permitted Investments**

As authorized by the GMS, Section 11, the Town of Lima authorizes the Town Supervisor to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the U.S. where the payment of principal and interest are guaranteed by the U.S.;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL Section 24.0 or 25.0 ( with approval of the State Comptroller) by any municipality, school district corporation other than the Town of Lima;
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- Certificates of Participation (COPs) issued pursuant to GML Section 109b;
- Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML Sections 6c, 6d, 6e, 6g, 6j, 6k, 6l, 6m, or 6n.

All investment obligations shall be payable or redeemable at the option of the Town of Lima within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Lima within 2 years of the date of purchase.

### **Authorized Financial Institutions and Dealers**

The Town of Lima shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition at the request of the Town of Lima. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Town Supervisor is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

### **Purchase of Investments**

The Town Supervisor is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General

Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.

3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Lima by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in GML, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of an custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposits or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of securities. Such agreement shall include provisions necessary to provide the local government a perfected interest in the securities.

### **XIII. REPURCHASE AGREEMENTS**

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchased Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the U.S.A.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

### **Short Term Investment**

It is the regular and customary practice of the Town of Lima to deposit funds for which the Town anticipates no immediate need in an investment account such as a certificate of deposit or money market fund for a limited and specified period of time or term. As set forth in this Investment Policy, such funds shall be deposited in one or more of the authorized official banks or trust companies as shall be designated from time to time by the Town Board of the Town of Lima.

Just prior to the termination of the term of any certificate of deposit or money market account investment or similar investment vehicle; the chief financial officer of the Town Board as an investment depository as to the rate of interest said official depository is

willing to pay the Town of Lima for an upon the deposit of the funds the Town is to invest or deposit for the next period of time specified by the Chief Financial Officer. When making such inquiry, the CFO shall specify in each instance the same term of proposed investment when such inquiry is made of each bank or trust company. If a responsible officer of any one or more official and designated depository institution fails to respond to such inquiry within twenty-four (24) hours, the CFO shall be authorized, in his or her discretion, to determine that said depository is non-responsive and may choose to invest such funds in the bank or trust company that responds to such inquiry with the most favorable interest rate return.

The CFO will deposit the funds of the Town of Lima in the bank or trust company that then offers the greatest rate of return for the period or term specified by the Town of Lima.

Reviewed and approved on this 1st day of June 2021.

Motion by Councilperson Mayer, seconded by Councilperson Carey, the vote went as follows:

CARRIED           Ayes: 5       Falk, Mayer, Carey, Button, Belec  
                          Nays: 0

### **Procurement Policy**

The board discussed and accepted the Procurement Policy as presented.

#### **TOWN OF LIMA**

#### **PROCUREMENT POLICY**

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not

subject to the bidding requirements of GML §103 or any other law; and

WHEREAS, the Town of Lima has previously adopted a Procurement Policy in compliance with GML § 104-b; and

WHEREAS, the Town Board of the Lima wishes to update and modify the procurement policies utilized by the Town for the acquisition of goods and services, so as to be in compliance with the amended requirements of GML §103; and

WHEREAS, it has been determined that adjustment of the bidding requirements and other procurement policies is necessary to reflect changes in the law and changes in the needs of the Town;

NOW, THEREFORE, be it

RESOLVED: That the Town of Lima does hereby adopt the following procurement policies and procedures:

**Guideline 1:** Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML §103. Every Town officer, board, department head or

other personnel with the requisite purchasing authority (hereinafter collectively referred to as Purchaser) shall estimate the cumulative amount of the items or supplies or equipment needed in the given fiscal year. That estimate shall include a canvass of other departments and boards within the Town and boards or quasi-governmental boards or groups operating under the authority and review of the Town and the past history thereof to determine the likely yearly value of the commodity or service to be acquired. The information gathered and conclusions reached, during the annual budget process, shall be documented and kept with the file or other documentation supporting the purchase procurement activity.

**Guideline 2:** All purchases of (a) supplies or equipment which will exceed \$20,000 or (b) public works contracts over \$40,000 shall be formally bid pursuant to GML §103. However, 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 New York State Labor Law) may be awarded on the basis of best value, as defined in §163 of the New York State Finance Law, as provided for in Local Law # 1 of 2014, duly adopted by the Town Board of the Town of Lima on March 6, 2014.

**Guideline 3: All estimated purchases of goods totaling:**

- Less than \$20,000 but greater than \$7,000 require a written request for a proposal (RFP) and written, fax or email quotes from three vendors.
- Less than \$7,000 but greater than \$3,000 require an oral request for the goods and oral, fax or email quotes from two vendors.
- Less than \$3,000 but greater than \$1,000 are left to the discretion of the Purchaser as to securing the quotes or bids.

**All estimated: contracts for public works:**

- Less than \$40,000 but greater than \$20,000 require a written RFP and written, fax or email proposals from three contractors.
- Less than \$20,000 but greater than \$7,000 require a written RFP and written, fax or email proposals from two contractors.
- Less than \$7,000 but greater than \$1,000, are left to the discretion of the Purchaser as to the securing of quotes or bids.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery, and/or the services to be rendered. The Purchaser shall compile a list of all vendors from whom written, fax, email or oral quotes have been requested and the written, fax, email or oral quotes offered.

All the information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

**Guideline 4:** The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

**Guideline 5:** A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempts made to obtain the

proposals or quotations. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

**Guideline 6:** Except when directed by the Town board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- (a) Acquisition of professional services;
- (b) Emergencies;
- (c) Sole source situations;
- (d) Goods purchased from agencies for the blind or severely handicapped;
- (e) Goods or services procured from correctional facilities;
- (f) Good or services procured from, through, or jointly with another

governmental

agency, such as but not limited to cooperative purchases made in connection with another municipal government or entity, or a school district or services provided or obtained by or from another municipal government or entity or a school district.

- (g) Goods purchases at auction;
- (h) Goods purchased for less than \$1,000.00; and
- (l) Public works contracts for less than \$1,000.00.

**Guideline 7:** This policy shall be reviewed annually by the Town board at its organizational meeting or as soon thereafter as is reasonably practicable.  
Reviewed and approved on this 1st day of June 2021.

## **Lima Historical Society Agreement**

The board discussed and accepted the LHS Agreement as presented.

### **LIMA HISTORICAL SOCIETY AGREEMENT**

This Agreement, dated as of **January 1, 2021**, by and between the **TOWN OF LIMA**, a municipal corporation with a principal office located at 7329 East Main Street, Lima, New York (hereinafter referred to as “First Party”), and the **LIMA HISTORICAL SOCIETY**, a not-for-profit corporation registered with the New York State Board of Regents, having an address of 1850 Rochester Street, Lima, New York (hereinafter referred to as “Second Party”);

#### **WITNESSETH:**

**WHEREAS**, Second Party is a recognized not-for-profit organization registered as a Historical Society with the New York State Board of Regents, operating within the Town of Lima, that gathers, preserves, advances and disseminates knowledge about the past through research, collections, acquisition and management, preservation and/or interpretation and that carries on educational and public programs on a regular schedule and that such efforts are recognized as a public service and benefit to local residents of the Town of Lima as a whole; and

**WHEREAS**, Second Party contributes to the well-being of the Town through educational programs and exhibits of historically significant artifacts and documents, community benefits and social activities, and provides a real and substantial service within the Town in a manner that could not be readily or feasibly provided by the municipal corporation; and

**WHEREAS**, Second Party is charged with the support of an historic edifice and for the maintenance of a museum of local history where significant historical artifacts, records and documents are housed and maintained; and

**WHEREAS**, the First Party, pursuant to §57.07 of the New York Arts and Cultural Affairs Law, wishes to contract with Second Party to maintain said historic edifice and said historically significant artifacts, records and documents for public use under such terms and conditions as are stated herein;

**NOW, THEREFORE**, the Town of Lima hereby agrees to allocate for the **2021** calendar year the sum of FIVE THOUSAND and NO/100ths Dollars (\$5,000.00) to the Lima Historical Society for the purpose of maintaining the edifice known as the “Tennie Burton Museum Building” (located at 1850 Rochester Street) operated and maintained by the Second Party, and for all purposes associated with the housing, maintenance and keeping of historically significant artifacts, records and documents within such edifice, all for the purpose of preserving the same and making them available to the public for educational and historical enrichment.

The term of this Agreement shall be from **January 1, 2021 until December 31, 2021**

It is understood that the funds granted hereby shall be distributed to the Lima Historical Society on or before **April 10, 2021**. It is further understood that the allocated funds shall be used for no other purpose other than those specified above.

The Second Party agrees to account for the proper use of such allocated funds by submitting a written accounting of the same by no later than January 2<sup>nd</sup> of the year following the term of this Agreement.

It is further noted and acknowledged that this allocation is intended to further and promote a legitimate municipal goal and purpose of the Town of Lima.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the date above written.

### **Planned Development**

James Campbell will present to the Planning, Zoning and Agricultural Boards prior to submitting to the County.

### **Adult Cannabis Use**

Town of Lima will need to either start the process to opt out by September 1<sup>st</sup>, 2021 or we are included on December 31<sup>st</sup>, 2021. Councilperson Belec would like to see the Town of Lima to opt in. After effect costs would most likely include Police, EMS, Hospital and additional services. Honeoye Falls is waiting to see what the neighboring towns are planning to do before they commit.

### **Employee Health Insurance**

There are three (3) Health Care options, each funded at 75%, except for Ken Arner and Ken East, all other employees are 75% funded. Budget cycle starts this month, June 2021. The last two (2) years we have been under-cap so there is a bit of extra monies available. Employee Health Care Insurance is back on the table for the next Board meeting.

### **Supplies Needed for a Pandemic & Storage**

Town will need to have a supply of masks, sanitizer, toilet paper and other essential products available, as well as a supply of non-perishable food. Councilperson Belec informed the Board that non-perishable food can last 25 years.

### **Lease Agreement with the Village**

Facilities all listed by the Village: Library, Town Hall, Court House and Highway Garage. Motion carried by Councilperson Carey and seconded by Councilperson Belec, the vote went as follows:

CARRIED            Ayes: 5        Falk, Mayer, Carey, Button, Belec  
                             Nays: 0

### **Executive Session**

Upon motion from Mayer second Carey the board went into executive session at 7:30 pm to discuss the personnel history of a particular person. The Board came out of executive session at 7:44 pm – no action taken

### **New Highway Dept Hire**

Upon motion by Councilperson Carey to hire Brian Crye at \$22.00 per hour during a 60-day probation period at which time it is to be \$22.75 per hour. All other provisions per our current Personnel Policy.

Motion to adjourn at 7:55PM by Councilperson Mayer, seconded by Councilperson Carey, the vote was unanimous.

Respectfully Submitted by:

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Pamela Wronka  
Deputy Town Clerk

All documents mentioned in the Town Board Minutes can be reviewed at Town Hall.