

Regular Meeting
October 9, 2018

Mayor: Carl Luft

Trustees: John Wadach, Joe Schwing, Jerry Warsaw, John Correll

Attorney: Steve Kruk

Supt. Public Works: Ben Luft

Recording Secretary: Linda Banfield

Guests: Tim Vandevelt (Fire chief), Bill Carson (Health Insurance), Charles Floeser (CEO), Zach Ha, Walter Fritz, Kyle Bieter

Fire Department Report was given to the Board.

Tim stated that thanking the volunteer fire department members was more appropriate than trying to compensate them. He is planning a catered dinner in December to thank the volunteers. It will be paid for by the Fire Department's own funds. He also discussed reimbursing the assistant chiefs with a tank of gas a month. Discussion was held. The Board was not in favor of reimbursing with gasoline for personal vehicles because of the lack of audit control. The Board was receptive to the possibility of providing the chiefs with a monthly vehicle allowance. Tim will bring this to the Fire Department Executive Board and a uniform policy will be created.

CEO Report was given to the Board. Charles Floeser was sworn in as the Address Office and CEO for the Village of Lima. Discussion was held regarding an ID badge for him to present when inspecting a property. Ben Luft will determine if the vendor used by the Village for ID badges can make one for Mr. Floeser.

Bill Carson (Bond Financial) gave an overview of the Health Insurance options for 2019.

Kyle Bieter presented an Eagle Scout project to place bird houses in various locations at the park and revamping the bulletin board. The village crew will remove the old kiosk board and mount the new one. It will contain maps of the park and community events and will be lockable.

MOTION

Motion made by Joe Schwing, seconded by John Correll to approve the Birdhouse & Kiosk project presented by Kyle Bieter. Motion unanimously approved.

Zach Ha came with an update on his Eagle Scout project. The model of benches agreed upon is no longer available. Discussion was held. Board prefers benches with backs to match what is already in the park.

WALTER FRITZ: Mr. Fritz was here to talk about Village crosswalks and pedestrian safety. He gave the Board a hand out of his areas of concern. His main areas of concern involve sidewalks, pedestrian crosswalks, and the need for a mileage buffer zone on the west end of the village. Discussion was held. The State of New York has the final say in where pedestrian crosswalks are placed. Ben discussed his plan for sidewalk repair. Trustee Wadach informed Mr. Fritz of the pending DOT grant to build new sidewalks. This matter will be brought up at the next Joint meeting and Mr. Fritz will be invited.

MOTION

Motion made by John Correll, seconded by Jerry Warsaw to approve the minutes of Sept. 25th as amended. Motion unanimously carried.

MOTION

Motion made by Jerry Warsaw seconded by John Correll to approve the Joint meeting minutes as amended. Motion unanimously carried.

MOTION

Motion made by Jerry Warsaw, seconded by John Correll to approve abstracts A-5 for \$15,688.22, Ambulance for \$6,825.42, F-5 for \$33,527.91 and G-5 for \$9599.28. Motion unanimously approved.

Attorney Kruk brought up the Cooperative agreement with the Fire Dept. This will be reviewed at the next meeting.

Attorney Kruk informed the Board that the elimination of the Park Commission can be done by

Resolution provided the Town and Village enact the identical Resolution.

RESOLUTION

The following resolution made by John Wadach, seconded by John Correll:

WHEREAS, the Village of Lima and the Town of Lima by Resolution duly and severally adopted by both municipal Boards, entered into a Municipal Cooperation Agreement dated July 27, 1984. Said Municipal Cooperation Agreement provided for the acquisition of lands and the joint development and operation of a municipal park, to be named the “Mark C. Tubbs Memorial Park, and

WHEREAS, since 1984 the Mark C. Tubbs Memorial Park has been developed and improved, and twice expanded to serve the people of the Village and Town of Lima; and

WHEREAS, the Resolution of 1984 creating the park and outlining its rules and regulations established “a Board of Park Commissioners...which Board shall be composed of six (6) members to be appointed by the Mayor, subject to the approval of the Board of Trustees. The parties (Village and Town) agree that at all times three of the six appointees shall be designated by the Town Board and that three of the six appointees shall be designated by the Village Board of Trustees.” Said Resolution also provided that the Village Clerk would act as the clerk of the Park Commission, and prescribed fundraising and maintenance duties to the Park Commission; and

WHEREAS, since 1984 the Park Commission has been constituted and has been involved in the direction of the park’s mission and development and improvement, as well as providing at different times a fundraising function and organizing non-routine improvement and maintenance of the park and park amenities; and

WHEREAS, at all times since 1984 the Village Board of Trustees has acted as the lead municipality in connection with the rules and regulations governing Mark Tubbs Memorial Park, coordinating efforts with the Park Commission; and

WHEREAS, at various times since 1984 the Village Board of Trustees has enacted and amended various local laws concerning the use and regulation of Mark Tubbs Memorial Park, but has never promulgated any local law concerning the Park commission itself, and the Park commission is not created by or contemplated in any local law of the Village or Town of Lima; and

WHEREAS, as the Village Board and in recent years, the Town Board have increasingly taken on the duties and obligations of the Park Commission as set forth in the 1984 Resolution, making the Park Commission functionally redundant and without independent authority; and

WHEREAS, it has been difficult to attract new members of the Park Commission, such that members of the Park Commission have recommended to the Village and Town Boards the dissolution of the Park Commission as a separate entity; and

WHEREAS, both the Village Board and the Town Board have expressed a willingness to abolish the Park Commission, jointly accepting the duties and obligations of funding and regulating the use and development of the Mark Tubbs Memorial Park; and

WHEREAS, the 1984 Resolution provides that “it is agreed that the Board of Trustees of the Village of Lima will not abolish the Board of Park Commissioners or respecify its duties and responsibilities in the absence of a joint resolution of the Town Board or in the absence of an identical resolution of the Town Board;” and

WHEREAS, the Village of the Lima Board of Trustees agrees that abolition of the Board of Park Commissioners will be of benefit to the Village and Town and the Park itself, allowing former commissioners to better use and deploy their efforts on behalf of the park;

NOW, THEREFORE, upon motion by John Wadach, seconded by Joe Schwing, it is hereby RESOLVED by the Village Board of Trustees of the Village of Lima that the Board of Park Commissioners of Mark Tubbs Memorial Park is hereby abolished effective December 31, 2018, subject to the passing of a substantially identical Resolution by the Lima Town Board prior to December 31, 2018; and

RESOLVED, that all funds, equipment and materials, if any, that may belong or appertain to the Board of Park commissioners shall be simultaneously conveyed to the Village and the Town of Lima as of the effective date of abolition of the Park Commission; and

RESOLVED, that the term of all appointed Park Commission members shall cease and determine as of December 31, 2018 irrespective of the members’ original appointment terms; and

RESOLVED, that the Board of Trustees of the Village of Lima officially and formally thanks each and every member, past and present, of the Board of Park Commissioners for their service in the creation, improvement and maintenance of Mark Tubbs Memorial Park since its inception in 1984.

Dated: October, 2018

Vote of the Board: Carl Luft - yes John Correll - yes Jerry Warsaw - yes
Joe Schwing - yes John Wadach - yes

Attorney Kruk informed the Board that Christopher Leidlein can sign the release form at his office and pick up the check issued to him for towing charges for his motorcycle which was damaged during the road repair on College Street.

Proposed Local Law # 3 of 2018 regarding Traffic and Parking will be discussed at our next meeting. A copy of this Law will be sent to Mr. Gary Humbert.

Attorney Kruk prepared and brought to the Board for review and comment a proposed letter requesting the NYS Attorney General's opinion as to the propriety of the Village Mayor a member of the Lima Volunteer Fire Department, serving as liaison between the Fire Department and the Village Board of Trustees. A copy of the proposed letter was given to the Fire Chief Tim Vandevelt as had been previously agreed. Mr. Kruk asked him for any comments or changes that the Fire Department might think appropriate. The draft letter is to be discussed at the next Village Board meeting.

Attorney Kruk will hold an Ethics informational meeting with the village crew.

Attorney Kruk observed that the Town Board is likely to be creating new Town Water Districts in the future. The proposed water line connecting the Village of Lima to the Town of Avon along West Main Road may accelerate development in the Town and increase the demand for water outside the Village. The probable result would be that the Village out-of-district water users will be absorbed into newly created Town water districts, particularly along West Main Road. Attorney Kruk recommended to the Village Board that it begin to consider how to deal with the economic impact to the Village of future conversion of Village out-of-district customers to the Town water district customers. Also, the Village should open a dialogue with the Town concerning the allocation of the cost of the creation of the new water line between the Village and the Avon Town line. One possible discussion point is to enter into an agreement between the Village and Town that will reimburse the Village for some or all of the cost of the water line if and when the Town creates a new water district that would be serviced by the new water line. This subject should be initiated at the next Town/Village Joint meeting.

Supervisor Falk had attended a NYSEG meeting and updates are required to the sexual harassment policy.

Summer recreation year-end review was given to the Board.

Trustee Wadach stated that all forms have been filed and the village will be receiving the \$5,000.00 grant money for the completion of the EV charging station.

Ben gave an update on the water tower maintenance. All should be complete by Thanksgiving.

Trustee Correll will provide an analysis of the two health insurance plans as discussed, and will be reviewed at the next meeting.

Ambulance Report, WWTP report, and Jobs Completed by Village crew were given to the Board.

9:50 pm MOTION TO ADJOURN