

Regular Meeting  
August 13, 2019

Mayor: Carl Luft

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

Supt. Public Works: Ben Luft

Attorney: Steve Kruk

Recording Secretary: Linda Banfield

Guests: Tim Vandevelt (Fire chief), George Gotcsik (Planning Bd.), Brian Crye (WWTP), Jim Manning (Master Masonic Lodge), Shawn McHugh (Contractor), Jon Belec (7042 W. Main Rd.), Mike Falk (Town Supervisor), Dave Evans (7271 Maplewood Ave)

MOTION

Motion made by Jerry Warsaw, seconded by Joe Schwing to approve the minutes of July 9, 2019 as submitted. Motion unanimously approved.

MOTION

Motion made by John Correll, seconded by Joe Schwing to approve abstracts A-3 for \$58,419.76, Ambulance #3 for \$5,107.90, F-3 for \$20,998.39, G-3 for \$4,070.21, Water Capital Project #3 for \$21,677.50 and Sewer Capital Project for \$9,564.50. Motion unanimously approved.

7:05 pm OPEN PUBLIC HEARING ON PROPOSED LOCAL LAW #1 OF 2019 AMENDING THE COLLECTION OF UNPAID WATER AND SEWER BILLS AND RELATED LATE PAYMENT PENALTIES.

Fire Department Report was given to the Board. Fire chief reported on the many false alarms generated up at Elim Bible Institute. A discussion will take place with the fire chief, Deputy Mayor Warsaw, and Terry Kelly (Elim).

WWTP report was given to the Board.

GEORGE GOTCSIK: Mr. Gotcsik is addressing the following matter in his role as the Chairman of the Joint Planning Board. The Masonic building would like to add a handicapped assessible door ramp to their building. The ramp may infringe upon the Village Right of Way. The Planning Board will address this matter at their next meeting. A problem only exists if the ramp impedes the sidewalk.

JIM MANNING: Mr. Manning is the Master of the masonic lodge and is in the process of filling out the necessary forms for the Planning Board meeting.

SHAWN MCHUGH: Mr. McHugh is a contractor who stated that the potential tenant for the Masonic building will be a satellite office for a consulting firm and many clients are persons with special needs which is why the ramp is needed. Discussion was held on this matter.

Mr. Gotcsik then brought up the matter of 1883 Rochester Street (formerly the Decorator's workshop, and it is being renovaded into a Barbeque restaurant). The proposal asks for a cooler and a smoker to be installed in the back of the building. The area would have a patio and a low fence. The problem is that this does not meet the 15 ft. set back from the lot line in the village code. Chairman Gotcsik requested the Village consider amending the setback requirements in the downtown business district to accommodate new development since the buildings were built prior to current building codes and there are no neighbors adjacent to the property that would be directly impacted.

Discussion was held. The Board is in favor of investigating the code to determine if a change in rear setback requirements is feasible for buildings in the downtown business district.

MOTION

Motion made by John Correll, seconded by John Wadach to instruct Attorney Kruk to draft an amendment to the Zoning Code. Motion unanimously approved.

DAVE EVANS: Mr. Evans is concerned about the water run-off from Elim onto his property. He owns a

home on Maplewood Drive and has a small piece of property on Mill St. The village has a utility right-of-way on the Mill Street property in order to work on water lines. The pre-existing swale is 50/50 on Elim's property and Mr. Evans property, the swale fills with water and overflows. Ben Luft, Attorney Kruk, Mr. Evans and Mr. Cavanaugh (President of Elim Bible Inst.) will look at the situation and seek a solution. Survey stakes will be put on the property.

#### MOTION

Motion made by Jerry Warsaw, seconded by Joe Schwing to authorize Attorney Kruk to spend up to \$100.00 for survey stakes. If the cost is more than that he will e-mail the Board for a decision. Motion unanimously approved.

MIKE FALK: Supervisor Falk was here as liaison to the Village Board. He stated that Crossroad Days festival was very successful. In the future Trustee Wadach would like to see the insurance certificates of the vendors and the Village be named as an additionally insured party. Trustee Wadach also recommends that the Village insurance carrier be notified prior to the 2020 Blues Festival to ensure that the Village is properly protected from liability suits.

The Town needs to sign the Emergency Water line Agreement between Avon and the Village of Lima. This could be done at the Joint meeting on Aug. 28<sup>th</sup>.

The Supervisor would like to review the Water Agreement between the Town and the Village. He would like to change how shared expenses between the Village and Town Water District #2 are partitioned. Mr. Falk is proposing that expenses be partitioned based on the number of water users in each district instead of the volume of water used by each district. Discussion was held. Trustee Wadach stated that he was opposed because this amendment would increase costs to customers in the Village water district.

CEO Report, Ambulance Report and Financial Reports were given to the Board.

#### RESOLUTION

Motion made by John Correll, seconded by Jerry Warsaw to approve the transfer of \$8,000.00 from the Ambulance operating funds into the Ambulance Equipment Reserve. Motion unanimously carried.

Jobs Completed by Village Crew were given to the Board.

Ben Luft informed the Board that the paving on Parkside and Elm is completed and went well. A water main break on Community Drive has been repaired.

Ben mentioned that Corey Yorks and Josh Perham have been employed for three (3) months and he would like to see them receive the wage increase that is normally granted to employees who successfully complete their probationary period of employment.

#### MOTION

Motion made by Joe Schwing, seconded by John Correll to give a \$1.00/hr. raise to Corey Yorks and Josh Perham effective at the Aug. 22<sup>nd</sup> payroll. Motion unanimously approved.

Ben would like to have the village start a Sidewalk Reserve to be funded by the Sidewalk Equipment Fund (A5410.2) at year end. Discussion was held.

#### MOTION

Motion made by Jerry Warsaw, seconded by John Correll to start a Sidewalk Reserve Fund to be funded by the remaining Sidewalk Equipment Line item A5410.2. Motion unanimously approved.

Discussion was held on the location of National Grid poles for the Solar Array.

Deputy Clerk will have an email account named [hbanser@villageoflima.us](mailto:hbanser@villageoflima.us).

#### MOTION

Motion made by Jerry Warsaw, seconded by John Correll to approve the transfer of \$21,650.00 from water operating funds to the Water Capital Project Fund. Motion unanimously approved.

Trustee Correll informed the Board that there is an opportunity to clarify roles and responsibilities of the CEO, Planning Board Chair, and Planning & Zoning Board Secretary. The current procedures are slowing the application process and giving us the reputation that we are "difficult to deal with". Trustee Correll will work on the application process flow and responsibilities to improve user experience and present his findings at the next Village-Town joint meeting. Discussion was held. Board was in favor of requiring completed applications for site plans, etc. before the matter can be put on the Planning or Zoning Board agendas.

The Village of Honeoye Falls has scheduled a public hearing on Aug. 19<sup>th</sup> regarding the updating of their zoning code.

The State Historic Preservation Office has approved the emergency water line and MRB Engineering Consulting Group has submitted the following resolution:

Bid authorization Resolution made by Jerry Warsaw, seconded by John Correll.

WHEREAS, the Village of Lima Village Board of Trustees (hereinafter referred to as Village Board) is intending to make water improvements along NYS Route 5 and 20 as an Emergency Line to serve the Village of Lima and Avon in an emergency situation. The line extends from the Town of Avon/Lima Municipal line to the Village "old" Pump Station that is approximately 6,000 ft.

WHEREAS, the Village has authorized MRB Group to design the improvements and prepare bid documents. All materials and work will be supplied and performed by the Contractor selected (Low bidder). The Project will bid in accordance with Village of Lima Procurement Policy and New York State Requirements.

NOW, THEREFORE BE IT RESOLVED that the Village Board authorize the project to be placed out to bid upon improvements being approved by the Village and addressing the comments of the regulatory Agencies (County Department of Health and NYS Department of Transportation).  
Resolution unanimously carried.

Mayor Luft informed the Board that expenses incurred upgrading our water pump station (Water Project #1) has been paid in full. The Village is waiting for a \$250,000.00 New York State SAM Grant that will defray a majority of the project's cost. Funds are expected to be received in 4 -6 weeks.

Lima will be hosting the next Association of Villages' Dinner which will take place on Sept. 18<sup>th</sup> at the Lima Country Club.

#### MOTION

Motion made by John Wadach, seconded by Joe Schwing to authorize the mayor to sign the Project Management Plan and the Federal Aid Local Agreement for the Sidewalk Connection Project. Motion unanimously approved.

These documents will be sent to the Village's Project liaison at the NYS DOT.

Trustee Wadach discussed requirements, tariffs etc. required by National Grid for the LED project. They will need proof of liability coverage up to \$5,000,000.00.

#### MOTION

Motion made by John Correll, seconded by Joe Schwing to authorize Mayor Luft to sign the amended LED light agreement. Motion unanimously carried.

Trustee Wadach is concerned about the use of pesticides and herbicides at the Park. Discussion was held. The Village would request that an HFLM Baseball board member be present to review the 2020 user agreement. The agreement would also need to include specific requirements regarding the use of any chemicals on the field. Requirements include public notification at all entrances and securing the field for 24 hours.

#### MOTION

Motion made by Jerry Warsaw, seconded by Joe Schwing to direct Attorney Kruk to send a letter to the Mendon-Honeoye Falls Baseball League pertaining to their violation of Section 1, part b of the March 3, 2019 agreement between HFL-M Youth Baseball and the Village and Town of Lima that states, The parties to this agreement agree that HFL-M Youth Baseball shall be prohibited from applying any pesticide at any location within Mark Tubbs Park except upon prior notice and approval of the Municipalities. Motion unanimously approved.

Trustee Correll was concerned about dead Ash trees located on private property that pose a danger to persons or property in the Village right of way. The current Village policy is to notify the resident of this danger and request them to remove the tree at their expense. If the resident fails to act after receiving two written notifications, the Village will then take down the tree and bill the resident.

Trustee Warsaw reported that the Town/Village has received four (4) proposals for IT service. This will be taken up at the joint meeting.

10:10 PM MOTION TO CLOSE PUBLIC HEARING ON PROPOSED LOCAL LAW #1 OF 2019

MOTION

Motion made by Jerry Warsaw, seconded by John Correll to adopt Local Law #1 of 2019. Motion unanimously approved.

10:15 PM MOTION TO ENTER INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS

10:25 PM MOTION TO CLOSE EXECUTIVE SESSION

Trustee Warsaw informed the Board that BAS Software will be giving a demonstration of the water/sewer program on Sept. 26<sup>th</sup> at 10 am.

10:30 PM. MOTION TO ADJOURN