

## 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 5th day of October 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, Bill Carey  
                      Councilperson, Jon Belec  
                      Town Clerk, Jennifer Heim  
                      Town Attorney, James Campbell  
                      Highway Superintendent, John Sokolofsky

ATTENDEES:       sign-in and speaker sheets copied below

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

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

### **Town Board Meeting Protocols**

Supervisor Falk read new Town Board meeting protocols as follows:

“The Town of Lima follows NYS Open Meetings Law procedures. All meetings of the Town Board are duly noticed and open and accessible to the public. The public is there to witness the proceedings only. In the event of a Public Hearing, people may sign in and speak to the board and those assembled regarding the hearing topic for a maximum of 5 minutes once per board meeting. Speaking time belongs only to the speaker and may not be re-assigned to someone else. Privileges of the floor may be granted to anyone who wishes to address the board on any topic at all. In order for the public to be properly noticed the Privileges of the Floor must be applied for and approved by 5 calendar days prior to the Board meeting date. Privileges of the floor are not to exceed 20 min. Approval authority for privileges of the floor are held by the Supervisor or the Deputy Supervisor if the Supervisor is unavailable”

### **Approval of the Agenda**

Upon motion by Councilperson Carey to approve the agenda as distributed, seconded by Councilperson Belec, the vote was unanimous.

### **Public Hearing Continued from Last Meeting – Proposed Local Law #2 of 2021 shall be known as “A local law to amend Chapter 250 Article IX of the Zoning Ordinance of the Town of Lima, Specifically to Add a New Section 250-49 Planned Development-Entertainment (PD-E) District.**

### **Public Hearing 2022 Budget**

The 2022 budget public hearing was opened at 6:05PM upon motion by Councilperson Belec, seconded by Councilperson Mayer the vote was unanimous.

Discussion was held regarding proposed Local Law #2 of 2021. Speakers: Stephen Werner – Stephen Werner requested his questions be entered into the minutes – questions can be found at the end of the minutes, Paul Luft, Ed Luft, Liam Coyne, Cathy Gardner, and Ron Blodgett. All speakers expressed they are not in favor of the proposed local law, wanting to protect agricultural land. Councilperson Carey stated he also is not in favor and will vote “no” to proposed local law. This public hearing remains open.

### **Supervisor’s Report**

Supervisor Falk mentioned receipt of said report. On a motion by Councilperson Button 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

### **September 8th Minutes**

Minutes were approved upon motion made by Councilperson Button, seconded by Councilperson Mayer, 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 #10 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 233 through 255	\$ 23,023.13
Water Funds 1, 2, & 3:	No. 31 through 34	\$ 3,365.15
Highway Funds:	No. 158 through 173	\$ 37,439.27

Upon a motion by Councilperson Carey, seconded by Councilperson Mayer, 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 distributed his report for board review.

### **Town District Operator Monthly Water Report**

Highway Superintendent Sokolofsky distributed the water report.

### **Water District #5**

Supervisor Falk stated the Town is still waiting for results of the first survey and the second survey should be expected soon.

### **Update on Cemetery Trees**

Highway Superintendent Sokolofsky spoke with Future Forest to remove the trees. The company informed him the job was too small. He then spoke with DEC who suggested a man from Springwater, but he is booked until next spring. Supervisor Falk stated he wanted the dead trees down before spring and to book the company for spring. Highway Superintendent Sokolofsky will work on the above mentioned.

### **Dog Control Fees**

Supervisor Falk received a draft Intermunicipal Agreement for Dog Control. The agreement provides the following services: The County will respond to complaints with the Town of Lima dog control ordinances, any animals seized, captured or turned over by the owner will be held by the County and disposed of as provided by the laws of the State of New York, biannually the County will provide the Town with a report showing the number of calls and complaints responded to within the Town and the number of animals housed from the Town. The fee for a 2-year contract is \$4,900.00. After discussion of many dog complaints at the park and a resident being bit the board agreed this would be a good way to address those complaints. Upon motion by Councilperson Belec to accept the 2-year contract to see how it goes, seconded by Councilperson Carey, the vote went as follows:

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

### **Fuel Bids**

Supervisor Falk mentioned receipt of one fuel bid proposal from Kirkwood Energy Products. The fuel proposal for the 2022 calendar year:

- Diesel Fuel @ +.15/gal over Kirkwood cost
- Gasoline 87 octane @ +.15/gal over Kirkwood cost.

Upon motion by Councilperson Carey to accept the proposal from Kirkwood Energy Products, also allowing the Village of Lima to piggyback, seconded by Councilperson Button, the vote went as follows:

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

### **Water Rate Change**

Supervisor Falk distributed a document called "Service Unit Definitions". This document can be found at the end of the minutes. After discussion and upon motion by Councilperson Mayer to approve the service unit definitions and hold a public hearing at the next regularly scheduled meeting November 2<sup>nd</sup> at 6PM, seconded by Councilperson Carey, the vote went as follows:

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

### **District #3 Proposed Payoff of Water District 1 Plan**

Supervisor Falk distributed a payoff of \$12,185.00 to board members, document attached after the minutes. Upon motion by Councilperson Belec to accept the payoff the remainder \$12,185.00 October 2021, seconded by Councilperson Carey, the vote went as follows:

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

### **2022 Fire Department Contract**

Supervisor Falk emailed board members the 2022 Fire Department Contract. Upon motion by Councilperson Carey to accept the contract and coverage for 2022 for \$93,000.00, seconded by Councilperson Mayer, the vote went as follows:

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

### **2022 Ambulance Contract**

Supervisor Falk emailed board members the 2022 Ambulance Contract. Upon motion by Councilperson Mayer to accept the contract and pay \$17,000.00, seconded by Councilperson Carey, the vote went as follows:

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

### **Library Parking Plan and Crosswalk**

Discussion was had with relocating the bicycle parking to another location to allow better handicap accessibility, possibly putting in a EV charging station and crosswalk from the library to the road. Supervisor Falk will send a letter to Mayor Skiptunas.

### **Fireworks Contract**

Supervisor Falk informed the board the Town holds the insurance for said fireworks display and therefore will be holding the contract.

### **Highway Inventory**

Highway Superintendent Sokolofsky emailed the highway inventory list to the board members. Motion by Councilperson Carey to accept the highway inventory list, seconded by Councilperson Mayer the vote was unanimous.

### **Transfers**

Town Clerk Heim distributed a list of transfers, below, to board members. Supervisor Falk explained each transfer listed. Upon motion by Councilperson Belec to approve said transfers, seconded by Councilperson Carey, the vote went as follows:

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

### **Transfers**

Assessor Atty.	A1355.4A	\$2360.00
To		
Assessment Contr.	A1355.4	
Records Management, Equipt. Cap. Outlay	A1460.2	\$553.00
To		

Assessment Equipt. Cap. Outlay	A1355.2	
Records Management Contr.	A1460.4	\$199.98
To		
Assessment Contr.	A1355.4	
Contingency	A1990.4	\$672.18
To		
Taxes & Assess on Munic. Prop, Contr. Expend	A1950.4	\$156.68
Buildings, Contr. Expend	A1620.4	\$15.50
Deputy Town Clerk Srv.	A1410.1a	\$500.00
Sidewalk	B5410.4	\$1407.00
To		
Street Lighting	B5182.4	
Services Other Govts., Contr. Expend	DA5148.1	\$4000.00
To		
Brush and Weeds	DA5140.1	
General Repairs Service	DB5110.1	\$10,716.70
To		
Brush and Weeds	DB5140.1	

### **Close the Public Hearing For 2022 Budget**

With no further discussion and upon motion by Councilperson Carey to close the public hearing at 6:55, seconded by Councilperson Button, the vote was unanimous.

### **Adopt the 2022 Budget**

Upon motion by Councilperson Button to adopt the 2022 budget, seconded by Councilperson Carey, the vote went as follows:

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

The 2022 Budget can be found on the website and at the Clerk's office for viewing.

### **Planned Development Public Hearing Remains Open**

Motion to adjourn at 7:18 PM by Councilperson Belec, seconded by Councilperson Mayer, the vote was unanimous.

Respectfully Submitted by:

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Jennifer Heim  
Town Clerk

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

**Town of Lima Water District 3 Proposed  
Repayment of Water District 1 Plan  
November 2018**

**Water District 3 owes Water District \$30,309.00**

**Transfer \$10k of Fund Balance now, in 2018**

**The remainder is \$20,309.00**

**Divide it by 5 and it is payments of:**

**2019 \$4062.00**

**2020 \$4062.00**

**2021 \$4062.00**

**2022 \$4062.00**

**2023 \$4061.00**

**Payments will be due in October of each year.**



# Town of Lima Public Hearing

## SPEAKER Sign Up Sheet

Date: October 5, 2021

Hearing: Proposed Local Law #2 of 2021 Planned Development

	Name	Address	Phone
1	Stephen Werner	7280 Kober Drive	585-948-1206
2	PAUL LUFT	2184 MICK AVE	585 582 2525
3	ED LUFT	2174 Maitland Ave	585 269 4934
4	Liam Coome	5957 E. Avon-Lin Rd Avon	585-519-1835
5	Cathy Grandner	7400 Corby Rd	451 5401
6	RON BLODGET	1556 BRAGG	739-0388
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## TOWN BOARD MEETING SIGN-IN SHEET

DATE: 10/5/2021

Name	Title	Address
Stephen Wiener	Resident	7280 Kable Drive Lima
Andy & Joe Mrozicki	Land owner	1367 Heath Markham Rd
DAVE LUFT	"	284 MICH AVE
ED LUFT		2174 MICH AVE
Mark Petroski		2432 Poplar Hill Rd
DAVID KIRKWOOD		6904 EGAN RD
JAMES KIRKWOOD		7186 GALE RD
Amy H. Klausner	Land owner	7926 East Main Road
Mike Neenan		1601 York St
Ron Blodgett		1550 BRAGO ST
Sam M. M. M.		7305 E Main St
George Gotsch		7364 E. Main St
Anthony Gutino		8042 Glasco St
Liam Coyne		5997 E. Avon Rd Avon
Cathy Gardner		7400 Corby Rd
Malachy Coyne		5495 Avon E Avon Rd Avon
Elizabeth & Phil Demman		7705 Martel Rd
Richard Gung		Winding me

Lima Public Hearing on "Lima Entertainment Law" 10-5-2021

1. Is this proposed law needed for the good and true needs of all within the Town of Lima or is it based on a current opportunity of self centered greed?
2. Why did the Livingston County Planning Board shoot this proposal down 14-0 ?
3. Is this proposed law a big smoke screen by believing this is for Large spot development widespread across the Town of Lima when it is actually for a smaller start up venues already being implemented with in the town as we speak?
4. Could this proposed law have future and lasting effect of quality of life and property values for neighbors surrounding these 5 acre plus entertainment venues?
5. Could such venues already exist in this town and have hosted multiple events which have become the litmus test for this proposed law?
6. Could one of these venues exist on York St between Corby and 5&20 and are there currently additional sites mapped out by the parties involved?
7. Are the people that have been involved in these events been adhering to covid guidelines and working closely with the Livingston County Health Department to ensure everyones safety that are attending these events?
8. If any of the Board members have attended any of these events I would hope they took sensible precautions to protect themselves and others in both their social and work circles against the spread of Covid.
9. Why would such a proposed law be authored and presented by a politician and not a business owner who should be bringing it before the Lima Planning Board and then onto the Lima Zoning Board of Appeals for review?
10. With this broad sweeping plan that has been laid out will it compromise the current enjoyed rural lifestyle of the majority of property owners across the Town of Lima?

## Service Unit Definitions

C01-001  
Approved 10.16.1996

### Definition of a Service Unit

Each single family residential dwelling shall be considered to be one service unit and will be provided with a ¾ service and meter. Included in this category will be single family houses, mobile homes, an individual apartments. Multiple single family dwellings on the same parcel of land will each be considered as an individual service unit and will require an individual meter. Seasonal or non-continuous occupancy will not be taken into consideration when determining what constitutes a service unit. Any metered facility will be considered as a minimum of one service unit.

Non-residential, recreational, educational, commercial and agricultural facilities will be assigned a number of service units based on the size of the water meter required to allow a maximum pressure loss of 15 psi at the safe maximum operating capacity as shown below:

Meter Size	Safe Maximum Operating Capacity	Number of Service Units
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#### Displacement Type Meter (AWWA C700)

¾"	30 gpm	1.0 unit
1"	50 gpm	1.5 units
<del>1½"</del>	100 gpm	3.0 units
2"	160 gpm	5.0 units

\$45	\$45
\$67.50	\$90
\$135.00	\$135
\$225.00	

#### Turbine-Type Meter – Class I (AWWA C701)

3"	350 gpm	11.0 units
4"	600 gpm	20.0 units
6"	1250 gpm	40.0 units

\$495.00
\$900.00
\$1800.00

For meter types and sizes not included in the above, the number of service units will be determined by the District on a case-by-case basis.