

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 2nd day of November 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
Town Clerk, Jennifer Heim
Town Attorney, James Campbell
Highway Superintendent, John Sokolofsky

EXCUSED: Councilperson, Jon Belec

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.

Speakers: Barb Brenner, Ken Lewis, John Matthews, Kristie Schafer, and Lee Kramer. All speakers were against the proposed local law. Councilperson Carey reiterated he will be voting against the proposed local law.

Public Hearing Water Rates; Definition of a Service Unit

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of Lima, and pursuant to New York State Town Law, that a public hearing shall be held by the Town Board of the Town of Lima at the Town Hall, located at 7329 East Main Street, Lima, NY at 6:00 p.m. on Tuesday, November 2, 2021 for the purpose of considering public opinion relating to the amendment of the water billing service unit definitions involving Water Districts No. 1, 2, 3 and 4 of the Town of Lima. It is proposed that the billing service unit definitions be amended so that all properties located within the Districts shall be charged unit charges on a consistent basis pursuant to the following:

Definition of a Service Unit:

Each single-family residential dwelling shall be considered to be one Service Unit and will be provided with a 3/4" service and meter. Included in this category will be single-family homes, individual apartments and manufactured homes or mobile homes that are not located within a manufactured home or mobile home community or park.

Multiple single-family dwellings or multiple dwelling units within a single building located on the same parcel of land, including apartment buildings with multiple apartments and manufactured homes or mobile homes located within a community or park of manufactured or mobile homes, will be served by one appropriately sized master meter serving all dwelling units on such parcel. Individual meters may be considered for multiple single-family dwellings on the same parcel, provided they each have frontage to the public right-of-way and public water main. Each dwelling unit on such parcel will be considered as an individual Service Unit and the parcel upon which such multiple dwelling units exist will be charged based on the cumulative number of Service Units on such parcel. Seasonal

or non-continuous occupancy of a dwelling unit 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, which may include but are not limited to, recreational, educational, commercial and agricultural uses and/or 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 operating capacity as shown below.

Quarterly Unit charges shall be based on the following meter sizes:

<u>Meter Size</u>	<u>Safe Maximum Operating Capacity</u>	<u>Number of service Units</u>
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Displacement Type Meter (AWWA C700)

3/4"	30 gpm	1.0 unit
1"	50 gpm	1.5 units
1 1/2 "	100 gpm	3.0 units
2"	160 gpm	5.0 units

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

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.

EFFECTIVE AS OF THE DATE OF ADOPTION OF SUCH WATER BILLING SERVICE UNIT DEFINITIONS, ANY NEW WATER SERVICE INSTALLED IN THE TOWN OF LIMA WILL BE SUBJECT TO THE ABOVE UNIT CHARGE DEFINITIONS AND POLICY.

FOR ALL MULTIPLE SINGLE-FAMILY DWELLINGS OR MULTIPLE DWELLING UNITS WITHIN A SINGLE BUILDING LOCATED ON THE SAME PARCEL OF LAND, INCLUDING APARTMENT BUILDINGS WITH MULTIPLE APARTMENTS AND MANUFACTURED HOMES OR MOBILE HOMES LOCATED WITHIN A COMMUNITY OR PARK OF MANUFACTURED OR MOBILE HOMES, THE TOWN RESERVES THE RIGHT TO ENTER INTO INDIVIDUAL AGREEMENTS TO PHASE- IN THE ABOVE UNIT CHARGE DEFINITIONS AND POLICIES SO AS NOT TO CAUSE AN UNREASONABLE FINANCIAL BURDEN ON SUCH PROPERTIES.

All interested persons are invited to appear at the aforesaid time and place.

Dated: October 6, 2021

Jennifer A. Heim, CMC/RMC – Town Clerk

Supervisor's Report

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: 4 Falk, Mayer, Carey, Button
 Nays: 0

October 5th Minutes

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

CARRIED Ayes: 4 Falk, Mayer, Carey, Button
 Nays: 0

Audit of Claims/Abstracts

Resolved that the bills contained on Abstract #11 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 256 through 287	\$ 22,250.91
Water Funds 1, 2, & 3:	No. 35 through 43	\$ 28,062.82
Highway Funds:	No. 174 through 186	\$ 5,722.50

Upon a motion by Councilperson Button, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 4 Falk, Mayer, Carey, Button
 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 waiting for results of the first survey and release from USDA, however they are not in favor therefore the second survey will likely not be completed.

Municipal Cooperation Agreement Between the Village of Lima and Town and Town of Lima Water District Number Two

Supervisor Falk received the above Agreement. Said Agreement shows the Town of Lima's rate is 17.2% and Village is 82.80%. Upon motion by Councilperson Mayer to accept the Agreement, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 4 Falk, Mayer, Carey, Button
 Nays: 0

Update on Cemetery Trees

Highway Superintendent Sokolofsky is waiting for a quote from Jason Sahrle to remove the dangerous trees before winter and waiting to hear back from Springwater man to confirm removal of the remaining trees in the spring.

Library Parking Plan and Crosswalk

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

RESOLUTION #8 of 2021 Approving Joint Service Agreements for Machinery, Tools, Equipment and Service Sharing with Livingston County

Upon motion by Councilperson Mayer to accept the request for an extension of one year, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 4 Falk, Mayer, Carey, Button
 Nays: 0

WHEREAS, New York State Highway Law Sec. 133-a authorizes the Town to enter into agreements to permit the use of County-owned machinery, tools, or equipment by other municipal corporations; and

WHEREAS, it would be in the Town's interest to enter into such agreements with the County, Towns and Villages located within Livingston County, now, therefore be it

RESOLVED, that the Supervisor of the Town of Lima is hereby authorized to sign an agreement with Livingston County, the format of which was adopted by Livingston County Resolution 2016-317.

FURTHER RESOLVE, that the Town of Lima agrees to extend the terms of the Intermunicipal Agreement for an additional term of one (1) year to terminate on December 31, 2022

*(please note the resolutions are not in order (#6,#7,#8) as Resolution #8 was placed earlier on the agenda) *

Fireworks Contract

Supervisor Falk received the fireworks contract from Young Explosives. The fees for 2022 fireworks will be \$8,000.00 split between the Village. Upon motion by Councilperson Mayer to accept said contract, seconded by Councilperson, Carey the vote went as follows:

CARRIED Ayes: 4 Falk, Mayer, Carey, Button
 Nays: 0

Proclamation Request for School Choice

Supervisor Falk received a proclamation request for school choice. Councilperson Button made a motion to accept said request, the vote went as follows:

NOT CARRIED
 Ayes: 2 Falk, Button
 Nays: 2 Mayer, Carey

RESOLUTION #6 of 2021 Approval to Relevy Unpaid Water Charges on Town and County Taxes

Relevy amounts were received by Livingston County Water & Sewer Authority to be approved in the amounts of:

District #1 \$3,904.79
District #2 \$3,976.95
District #3 \$1,260.27

Upon motion by Councilperson Button to approve the relevy amounts and place said charges on Town and County 2022 Tax Bills, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 4 Falk, Mayer, Carey, Button
 Nays: 0

**Resolution #7 Ratifying and Supplementing Prior Resolution Regarding
Tupelo Trail Dedication**

**RESOLUTION RATIFYING and SUPPLEMENTING
PRIOR RESOLUTION**

At a regular meeting of the Town Board of the
Town of Lima, Livingston County, State of New York,
held at the Lima Town Offices on November 2, 2021

WHEREAS, on December 1, 2020, the Town Board of the Town of Lima adopted Resolution #10 of 2020, accepting the dedication of a fee interest from Ridgecrest Properties, LLC of the right-of-way known as Tupelo Trail, which serves the Salerno Subdivision, all as shown on an instrument survey map of said subdivision prepared by Fraser-Willey & Associates, P.C. and later amended by Willey Land Surveying, PLLC, entitled “Salerno Subdivision”, said map being filed in the Office of the Livingston County Clerk as Microfilm Map No.: AO 9880; and

WHEREAS, Tupelo Trail has been improved and completed, and has been determined by the Town of Lima Highway Superintendent that the condition of said road or right-of-way now known as Tupelo Trail of the Salerno Subdivision was of a condition deemed acceptable and complete by the Town Highway Superintendent and the Town Board for acceptance by the Town at the time of dedication on December 1, 2020; and

WHEREAS, Tupelo Trail serves all lots located within the Salerno Subdivision and such right-of-way is open to public use as a public highway; and

WHEREAS, the Town Board has reached the conclusion that the acceptance of dedication of Tupelo Trail is in the best interest of the Town of Lima and its residents; and

WHEREAS, this Resolution is intended to ratify and supplement Resolution #10 of 2020, as previously adopted, so as to comply with the requirements of the New York State Department of Transportation requirements.

NOW, THEREFORE, upon motion by Councilperson Carey, seconded by Councilperson Mayer, it is hereby

RESOLVED, that the Town Board of the Town of Lima did on December 1, 2020, by Resolution #10 of 2020 accept dedication of the right-of-way of Tupelo Trail of the Salerno Subdivision, as shown on an instrument survey map of said subdivision prepared by Fraser-Willey & Associates, P.C. and later amended by Willey Land Surveying, PLLC, entitled “Salerno Subdivision”, said map being filed in the Office of the Livingston County Clerk as Microfilm Map No.: AO 9880, being a section of paved right-of-way approximately 0.22 miles in length; and be it further

RESOLVED, by way of this ratifying Resolution and Resolution #10 of 2020, that the dedicated and accepted roadway known as Tupelo Trail is fully completed and meets all design criteria and standards of the town of Lima; and be it further

RESOLVED, that by way of this ratifying Resolution and Resolution #10 of 2020, the town of Lima does hereby accept the responsibility for all maintenance and repair of the roadway known as Tupelo Trail; and be it further

RESOLVED, that by way of this ratifying Resolution and Resolution #10 of 2020, the town of Lima does hereby accept all legal responsibility for the roadway known as Tupelo Trail; and be it further

RESOLVED, that the roadway known as Tupelo Trail is a road open to the public; and be it further

RESOLVED, that the dedicated and accepted roadway bears the official name of Tupelo Trail and commences at its point of intersection with Dalton Road and runs in a westerly direction for a distance of approximately 0.22 miles.

Dated: November 2, 2021

Vote of the Board:	Michael J. Falk	Aye
	Leta Button	Aye
	Bruce Mayer	Aye
	Bill Carey	Aye
	Jon Belec	Excused from meeting

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LIMA**

Jennifer Heim, CMC, RMC
Town Clerk

Transfers

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

CARRIED Ayes: 4 Falk, Mayer, Carey, Button
 Nays: 0

Transfers

Assessor Review	A1355.1b	
To		
Assessment Contractual	A1355.4	\$149.97
Clerk Equipment	A1410.2	
To		
Deputy Clerk	A1410.1a	\$337.00
Central Communication	A1650.4	
To		
Law Contractual	A1420.4	\$2247.48
Engineer	A1440.4	\$926.00
Buildings Contractual	A1620.4	\$614.75
Medical Reimbursement	A9060.8a	\$4328.20
Sales Tax	B1120	
To		
Sales Tax	DB1120	\$49,203.67

Close the Public Hearing Water Rates, Definition of a Service Unit

Close Public Hearing at 6:50 PM – Water Rates; Service Units Definitions

After no further discussion and upon motion by Councilperson Mayer to approve and close the public hearing regarding the definition of a service unit, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 4 Falk, Mayer, Carey, Button
 Nays: 0

Public Hearing Remains Open – Planned Development Entertainment District Proposed Local Law

It was also noted no input was received from the Planning Board or Agricultural Advisory Board.

Motion to adjourn at 6:54 PM by Councilperson Carey, seconded by Councilperson Mayer, the vote was unanimous.

Respectfully Submitted by:

Jennifer Heim
Town Clerk

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



Resolution for
Definition of Water

Town of Lima Public Hearing

SPEAKER Sign Up Sheet

Date: November 2, 2021

Hearing: Proposed Local Law #2 of 2021 Planned Development

	Name	Address	Phone
1	Barb Brenner	1999 Clay St.	520-7484
2	Ken Lewis	2520 Clay St	624-5011
3	John Meltrous	823 Cheese Factory H.F.	7460202
4	Kristy Shafer	Woodruff Road	
5	Wade Kramer	2009 Dorian Rd	624-5951
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TOWN BOARD MEETING SIGN-IN SHEET

DATE: NOVEMBER 2, 2021

Name	Title	Address
Ken Lewis		2520 clay st
Louise Lewis		2520 Clay St
John Matthews		Corky Rd.
PAUL LOFT		Mitch Ave LIMA
STEPHEN WERNER		7280 KOBER DRIVE
Andrew Matthew		7390 Dam Lane Lima
Barb Brenner		1999 Clay St
Lydia Damato		1999 Clay St
Kristy Shafer		Woodhuff Road
Leti deKAMMER		2009 DULAN ROAD
George Gorsic		7364 E. WELLS ST.
Mark Petrucci		2632 Poplar Hill Rd
Richard Garey		2674 Michigan Ave
Tom TATARIS		1854 Poplar Rd

