

## 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 3rd day of March 2020 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  
Highway Superintendent, Keith Arner  
Town Clerk, Jennifer Heim  
Town Attorney, James Campbell

**Guest(s):** Dan Marcellus, Dick Garey, Jr., & Andrew Cloninger

### **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**

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, Belec, Button  
Nays: 0

### **February 4th Minutes**

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

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

### **February 18th Minutes Joint Town & Village Minutes**

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

**CARRIED** Ayes: 5 Falk, Mayer, Carey, Belec, Button

Nays: 0

**Audit of Claims/Abstracts**

Resolved that the bills contained on Abstract #3 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 68 through 92	\$ 44,456.77
Water Funds 1, 2, &3:	No. 13 through 18	\$ 21,242.17
Highway Funds:	No. 22 through 39	\$ 28,874.67

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

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

**Guest(s)**

Guest Andrew Cloninger asked for board permission to use the upstairs of Town Hall to hold a music concert once a month. He mentioned benefits of brining the community together along with promoting community action (food drives, clothes/blankets, benefits for those in need) by partnering with local charities. His plan is to get the upstairs, once a theatre, in concert shape then reach out to local music community and select three groups, contact Lima Presbyterian Church to partner with them to create a can food drive. After discussion the board asked that Mr. Cloninger keep the Town Board informed as he progresses with his plan.

Dick Garey, Jr. expressed his concern about the coronavirus and asked what the Town is doing to keep ahead of what could become an outbreak in Lima. Garey mentioned the concern of volunteer ambulance and fire department members should an outbreak occur and we are without these volunteers because of the potential of being exposed to the virus to go to a call. He stated he thinks there are certain things we could do now to issue guidance to the people in Town or to coordinate within the Town to get the ball rolling and conduct some recruit planning in preparation of identifying the people within the Town who will need help that cannot stay inside for two weeks because they have an underlying medical condition, they don't have enough food, individuals who rely on meals-on-wheels – which would stop if the virus hits Lima, etc. He stated there is training going that the first responders should be going to.

After much discussion it was agreed to get a group together to start planning for the safety of residents.

Information regarding the Coronavirus COVID-19 can be obtained on the website [www.lima-ny.org](http://www.lima-ny.org)

**Request for Proposal - Managed Security Services**

Supervisor Falk worked as a consultant and subcontractor for one of the companies listed, therefore he recused himself from deliberation and voting. Deputy Supervisor Button managed the meeting at this time. Deputy Supervisor Button stated two bids were received for the Information Technology Managed Services requested by the Town. Company names and quotes listed below.

<u>Company</u>	<u>One Time Fee</u>	<u>Monthly Fee</u>
Skyport	\$3,473.50	\$1,878.50
Capstone	\$3,955.00	\$2,447.00

After discussion and upon motion by Councilperson Carey to accept Skyport with the lowest bid, seconded by Councilperson Belec, the vote went as follows:

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

**Request for Proposal – IT Infrastructure**

Deputy Supervisor Button mentioned receipt of one bid by Skyport in the amount of \$14,025.00. Upon motion by Councilperson Belec to accept Skyport for infrastructure services, seconded by Councilperson Carey, the vote went as follows:

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

Daniel Marcellus, CEO of Skyport, asked if he could make a recommendation and the board agreed. He suggested, because there is only one bid, the Supervisor communicate with Livingston County to make sure there is not a government bid schedule that he may be able to purchase equipment on.

Town Attorney Campbell said the bid is still good if Falk does not find anything on State bid or piggyback on something else. Town Attorney



\$2,040.00. Supervisor Falk asked for board approval to complete this work for said \$2,040.00 in exchange to get the easement to install the sidewalk in this area and avoid residents walking on the street.

### **Plan Development**

Supervisor Falk referred to the official Town of Lima Zoning Map, available in the Building Inspectors office, and the area colored purple, referring to “planned development or P-D” located on Rochester Street and extending to Gale Road. He then referred to the Lima Town Code, §250-44 titled “Planned Development Districts P-D; Planned Senior Residential District”. Attorney Campbell explained this section was titled in such a way that permitted uses can be misunderstood to suggest that the area is zoned only to accommodate senior development. Despite that, there has been anything but senior development. He went on to say if you look at the Zoning Code it is unclearly worded and organized and makes this section sound like the planned development area is limited to senior residential development, and that is not how the code actually reads or should be interpreted. He went on to say there is currently someone who wants to buy land in this area for a light industrial use and believes the joint PB members will not likely look favorably on this potential development based on the PB’s prior rejection of a proposed use that was not senior residential development. He noted it is not the PB who determines the use of a property through zoning classification and enumerated permitted uses. That responsibility is the exclusive jurisdiction of the Town Board. Attorney Campbell suggested it would be possible for the Town Board to adopt a confirming resolution to validate what uses are deemed appropriate within the PD, for example, commercial and light industrial. Another possibility is that the potential buyer/developer can come to the Town Board and ask for approval of the proposed use and if approved by the Town Board, the PB would still have the responsibilities associated with site plan review and any subdivision approval necessary, but it is not their purview to determine whether a given use is appropriate. Supervisor Falk will contact the buyer. Attorney Campbell suggested they submit a written statement of what the anticipated business will be and if the board finds that use to be appropriate and desirable, Attorney Campbell will prepare the use approval documents to the following Board meeting.

**Water Agreement with the Village**

The Agreement was signed at the joint meeting. Supervisor Falk mentioned this district #2 is slowly losing it finances because the bills from the Villages \$4 million project, the town is responsible for a percentage and this year the percentage is 14.30%, are mounting and the total fund balance at this time is \$29,543.67. There is discussion of getting a bond anticipation note (BAN) in hopes of getting AIM Funding will come in to be applied toward payments.

**State Snow and Ice Agreement- 5 Year Request**

Supervisor Falk and Clerk Heim received a letter from Livingston County Highway Department regarding an extension of state snow and ice control agreement between state and county for the 7/1/2019-6/30/2024. This will require the County to rescind the contract for the period 7/1/2019-6/30/2020. Upon motion by Councilperson Mayer to approve the above mentioned extension, seconded by Councilperson Carey the vote went as follows:

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

**RESOLUTION #1 of 2020**

At a Regular Meeting of the Town Board  
Of the Town of Lima  
Held at the Town Hall  
On March 3, 2020

The following resolution was duly moved, seconded and adopted:

**RESOLVED**, that pursuant to Highway Law Section 12 providing for snow and ice control on State highways within the Town/Village, the Supervisor and the Town/Village Highway Superintendent be and they are directed to execute a contract with the County Highway Superintendent of the County of Livingston for the Town/Village to undertake and perform snow and ice control on State highways located in the Town/Village for the period beginning **July 1, 2019 and ending June 30, 2024** at the rates therein provided.

PRESENT:

Supervisor Falk                    Yes  
Councilperson Mayer                Yes

Councilperson Carey	Yes
Councilperson Belec	Yes
Councilperson Button	Yes

STATE OF NEW YORK}  
COUNTY OF LIVINGSTON} SS.:

The undersigned, Town Clerk of Town of Lima, does hereby certify that I have compared the foregoing copy of the resolution attached hereto with the original thereof now on file within my office and that the same are true and correct copy thereof and of the whole of said original.

WITNESS my hand and seal this 3rd day of March 2020.

Jennifer Heim, Town Clerk

### **BAR – Board of Assessment Review**

Supervisor Falk mentioned receipt of an email, below, that went out to the board from Tami Snyder, Assessor.

Town of Lima Assessor  
7329 East Main Street  
Lima, NY 14487  
February 26, 2020

Dear Town Board Members:

As you are aware we have a current opening on the Board of Assessment Review for 1 person. Our recent advertising brought us 1 applicant.

I am excited to say I met with our applicant, Brett Siewert on February 26, 2020 and talked about the requirements of the position on the Board of Assessment Review. Mr. Siewert has been a resident of Lima for some time and he has a local business in the community. After our conversation I believe he would be a good asset to our Board of Assessment Review Team.

I would recommend the Town Board approve Brett Siewert as my new Board of Assessment Review member for a 5 year term. If so approved I would ask the Town Clerk to send his name and contact information onto Sandy Johnson at Livingston County Real Property Office so they may update our records. Mr. Siewert has been informed of the Training date in April for this position and the Grievance Date, May 28 and understands his commitments. Thank you for your consideration in this matter.

Sincerely,  
Tami Snyder  
Assessor Town of Lima

Upon motion by Councilperson Mayer to accept Mr. Siewert to the BAR, seconded by Councilperson Carey, the vote was unanimous.

**Grocery Study Grant**

Supervisor Falk mentioned receipt of \$25K from CFA, which he thought was a 50% match for a grocery study, however, they mailed a letter stating they will be giving the town 41.6% and expect the Town to spend \$35K to get this done. Supervisor Falk spoke with the County for funding but said there is slim change but does not expect any funding to come from there. He also mentioned you can see the grant funding fall from the state. Supervisor Falk asked for board approval to transfer funds from the audit line, upon motion by Councilperson Mayer to transfer said funds, seconded by Councilperson Carey the vote went as follows:

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

**Town Cleanup Scheduled for May 1<sup>st</sup> & May 2<sup>nd</sup>**

Highway Superintendent informed the board of cleanup days to be Friday, May 1<sup>st</sup> and Saturday, May 2<sup>nd</sup>. Clerk Heim will advertise and have permits available in her office next month.

Upon motion by Councilperson Belec to adjourn at 8:08 PM, seconded by Councilperson Carey, the vote was unanimous.

Respectfully Submitted by:

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Jennifer Heim, CMC/RMC  
Town Clerk

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