

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 6th day of April 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, Jon Belec
Councilperson, Bill Carey
Town Clerk, Jennifer Heim
Town Attorney, James Campbell
Highway Superintendent, John Sokolofsky
Code Enforcement/Building Inspector, Charlie Floeser

GUESTS: Kim Quinlan-Lima EMS Rescue Chief, Michael Finucane-Lima EMS Rescue Captain, Sarah Santora-Senator Gallivan
Community Representative, Blake Benson, Elizabeth Parmelee

Call the Meeting to Order

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

Moment of Silence of Joyce Rapp

Supervisor Falk asked for a moment of Silence for long time Historian, Joyce Rapp who passed on March 30, 2021.

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 Button, the vote went as follows:

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

March 2nd Minutes

Minutes were approved upon motion 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 #4 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 62 through 89	\$ 17,610.76
Water Funds 1, 2, & 3:	No. 7 through 10	\$ 1,872.37
Highway Funds:	No. 52 through 79	\$ 22,319.62

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

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

Guests:

Sarah Santora introduced herself as working for Senator Gallivan as Community Representative and if the board needs anything to reach out.

Kim Quinlan introduced herself and Mike Finucane and asked where the Town stands with the Lima Ambulance short term/long term plans. Supervisor Falk mentioned a meeting with Honeoye Falls Ambulance HF-L Ambulance was asking for funding to cover the Lima area. Supervisor Falk said Lima residents already pay for two ambulance services through taxes – Lima and Livingston County and will not be paying for a third service.

Supervisor Falk informed Kim they are currently chartered by the Village, however, going forward the Village asked the Town to consider paying by the tax levy which in the Town is 73% of taxable value outside Village limits and the balance in the Village. If agreed, this would make the Town the majority shareholder. Further discussion about this particular topic will be at the next joint meeting.

Supervisor Falk mentioned the Town has no intentions to shut down the ambulance.

It was mentioned by board members what great job they have been doing and thanked them.

Proposed Local Law #1 of 2021 – Amend the Zoning Ordinance of the Town of Lima to Modify Chapter 250 Article III and Article IV of the Zoning Ordinance of the Town of Lima.

Much discussion was had regarding the above mentioned proposed local law. Councilperson Belec asked “how did the original crafters of the code arrive at the number “three”, with regard to employment outside of the family? I’m in favor of striking that sentence altogether in our new definition of “Agribusiness Enterprise.” The board agreed to leave that section as is and all agreed to add “cideries” to §250-11R. The board also agreed to move ahead with adopting mentioned proposed local law after 4 months discussions and consideration of other suggestions, as entered in past minutes.

**Continuation of Proposed Local Law #1 of 2021
SEQR (State Environmental Quality Review Act)
Part 1 – Project – Setting, Part 2 – Identification of Potential Project Impacts and Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance**

Attorney Campbell explained each part of the Full Environmental Assessment Form and went through question by question with the Board to answer same.

Approve Part 2

Upon motion by Councilperson Mayer to approve the findings of Part 2 of the EAF, seconded by Councilperson Carey the vote went as follows:

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

Approve Part 3

Upon motion by Councilman Carey to approve Part 3 and declare same as a negative declaration, seconded by Councilman Mayer, the vote went as follows:

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

Execute SEQR Documents

Upon motion by Councilperson Mayer authorizing Supervisor Falk to execute SEQR documents, submit to Town Clerk to file with the State and County Planning Board, seconded by Councilperson Carey the vote went as follows:
CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Adopt Local Law #1 of 2021

Upon motion by Councilperson Mayer to adopt Local Law #1 of 2021 with the addition of cideries, seconded by Councilperson Carey, the vote went as follows:
CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

**LOCAL LAW NO. #1 OF THE YEAR 2021
OF THE TOWN OF LIMA**

A local law to amend the Zoning Ordinance of the Town of Lima, Livingston County, New York to modify Chapter 250 Article III and Article IV of the Zoning Ordinance of the Town of Lima.

Be it enacted by the Town Board of the Town of Lima as follows:

SECTION 1. TITLE AND SCOPE

This local law shall be known as “A LOCAL LAW TO AMEND CHAPTER 250 ARTICLE III AND ARTICLE IV OF THE ZONING ORDINANCE OF THE TOWN OF LIMA, SPECIFICALLY TO MODIFY ONE OR MORE DEFINITIONS IN SECTION 250-9 OF SUCH CHAPTER AND TO MODIFY SECTION 250-11 R. TO ADD NEW PERMITTED USES AND USES PERMITTED WITH A SPECIAL USE PERMIT.”

SECTION 2. PURPOSE.

A. Authority. This Local Law is adopted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, and Articles 2 and 3 of the Municipal Home Rule Law, to protect and promote public health, safety, convenience, order, aesthetics, prosperity and general welfare of the Town of Lima in a fashion that is not inconsistent with the Comprehensive Plan of the Town of Lima. This Local Law regulates the use of buildings and structures and the development and use of land within the Town of Lima.

B. To these ends, this local law and the Article that it amends is designed to:

1. Enhance and regulate the orderly growth, development and redevelopment of the Town in accordance with a well-considered plan so that the Town may realize its potential as a place to live and work, with the most beneficial and convenient relationships among the agricultural, commercial, industrial, and residential areas within the Town and with due consideration to the character of each district and its suitability for particular uses; and
2. Protect and manage the character of the Town.

SECTION 3. CHANGES TO SECTION 250-9 – DEFINITIONS.

The current Section 250-9 of the Zoning Ordinance of the Town of Lima is hereby modified and amended to repeal the former definition of “AGRIBUSINESS ENTERPRISE” and to entirely replace the same with a new definition which shall be as follows:

“AGRIBUSINESS ENTERPRISE

A retail or wholesale enterprise providing services or products principally utilized in agricultural production or agriculturally related endeavors, operated by the owner of a farm or agricultural operation existing on the property, including sale and erection of structures used in support of agricultural operations or farms, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer, equestrian supplies, equipment repairs, storage and shipping of crops, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations, including the packaging and storage of raw and processed materials utilized in the operation of said enterprise. Such enterprises shall not employ more than three persons who are not residents of the premises on which the enterprise is located.”

SECTION 4. CHANGES TO SECTION 250-9 – DEFINITIONS.

The current Section 250-9 of the Zoning Ordinance of the Town of Lima is hereby modified and amended to add the following new definition of “FIREWOOD PRODUCTION AND SALES” which shall be as follows:

“FIREWOOD PRODUCTION AND SALES

The cutting, splitting, processing and/or preparation of trees to produce firewood for sale to the public.”

SECTION 5. CHANGES TO SECTION 250-11 – PERMITTED USES

A. The current Section 250-11 of the Zoning Ordinance of the Town of Lima is hereby amended to include a new permitted use, which such section is designated as “§250-11 S.” and shall read as follows:

“S. Firewood Production and Sales, subject to Article XV, Site Plan Review, excepting as such use may be exempt under the New York State Agriculture and Markets Law.

- (1) All Firewood Production and Sales shall be an accessory use to an existing One-Family Dwelling, Farm or an agricultural operation.
- (2) Firewood Production and Sales shall not take place excepting on a parcel that is a minimum of five (5) acres in size.
- (3) All Firewood Production and Sales shall be restricted to daylight hours.

SECTION 6. CHANGES TO SECTION 250-11 R. – USES PERMITTED WITH A SPECIAL USE PERMIT.

A. The current Section 250-11 R. (1) of the Zoning Ordinance of the Town of Lima is hereby repealed in its entirety and is hereby replaced with the following language:

- “(1) Wineries, breweries, cideries and distilleries, including wine, beer and liquor production facilities, sales and display areas, recreational, educational and entertainment activities operated in conjunction with and as part of an overall direct marketing strategy for the winery, brewery or distillery, including facility tours, tastings, the on-site processing and sale of prepared foods in support of marketing wine, beer or liquor, as well as public and private parties and special events such as festivals and receptions hosted for the purpose of promoting the marketing or sale of wines, beer or liquor produced on premises, subject to Article [XV](#), Site Plan Review.

SECTION 6. EFFECTIVE DATE.

This local law shall be effective thirty (30) days after its filing with the Office of the Secretary of State.

Building Inspector/Code Enforcement Officer Report

BI/CEO Charlie Floeser explained his report.

Town District Operator Monthly Water Report

Highway Superintendent Sokolofsky explained the water report.

Deputy Highway Superintendent

Supervisor Falk deferred this item.

Elevator Project

Supervisor Falk informed the board the elevator project is complete.

Planned Development Districts - Entertainment

Still in development.

Purchase a Utility Detector for Highway Department

Highway Superintendent Sokolofsky asked for approval to purchase utility line locator/receiver. Hanes Supply Inc. quoted \$21,294.80 for the detector. Upon motion by Councilperson Mayer to approve said purchase for \$21,294.80, seconded by Councilperson Button, the vote went as follows:

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

Purchase Security Cameras for Highway Department

Highway Superintendent Sokolofsky asked for approval to purchase security cameras for the highway garage. West Fire quoted \$1,788.00 for material and installation. Upon motion by Councilperson Mayer, seconded by Councilperson Carey, the vote went as follows:

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

Building Permit Fees Schedule

Supervisor Falk emailed a fee schedule showing 2019 money collected for permit fees and a comparison sheet should the board agree to raise permit fees. This increase would help cover BI/CEO hourly costs. Board members will digest the information and discuss at the next regularly scheduled board meeting May 4th.

Resolution #5 of 2021 - DOT Request for Bragg & Doran

After discussion it was agreed to table said resolution until next month, after Councilperson Mayer FOILS the State Troopers for accident reports to include in the resolution.

Public Health & Emergency Response

Attorney Campbell emailed the board a Public Health and Emergency Response Plan that is required pursuant to New York State law. After reviewing a motion was made by Councilperson Belec to accept, seconded by Councilperson Mayer, the vote was unanimous.

PUBLIC HEALTH EMERGENCY RESPONSE AND OPERATIONS PLAN

The following represents the Town of Lima's Public Health Emergency Response and Operations Plan (hereafter "Plan") as required by Chapter 168 of the Laws of the State of New York for the year 2020, also known as legislation number S8617B/A10832. This Plan includes the identification of essential positions, facilitation of remote work for non-essential positions, provision of personal protective equipment, and protocols for supporting contact tracing.

This Plan shall be modified from time to time by the Lima Town Board by way of written resolution.

1. Definitions. For the purposes of this Plan, the following defined terms shall apply:
 - a. "Contractor" shall mean an individual performing services as party to a contract with the Town.
 - b. "Communicable disease" shall mean an illness caused by an infectious agent or its toxins that occurs through the direct or indirect transmission of an infectious agent or its products from an infected individual or via an animal, vector or the inanimate environment to a susceptible animal or human host.
 - c. "Essential" shall refer to a designation made that a Town employee or Contractor is required to be physically present at a work site to perform his or her job.
 - d. "Non-Essential" shall refer to a designation made that a Town employee or Contractor is not required to be physically present at a work site to perform his or her job.
 - e. "Personal Protective Equipment" shall mean all equipment worn to minimize exposure to hazards, including gloves, masks, fact shields, foot and eye protection, protective hearing devices, respirators, hard hats, and disposable gown and aprons.
 - f. "Retaliatory Action" shall mean the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.
 - g. "Town" shall mean the Town of Lima, located in Livingston County, New York.
2. This Plan shall go into effect and be utilized during any period of time during which the Governor of the State of New York has declared a public health emergency involving a Communicable Disease.
3. The following employee positions shall be deemed Essential:
 - a. Town Clerk – The Town Clerk is the official records keeper for the Town and has exclusive access to many records, documents and data that are used on a daily basis for a wide range of Town business. The Town Clerk is responsible for all processing and payment of claims and/or expenditures and also serves as the Personnel Clerk, being responsible for all processes related to payroll, health insurance and other employee related benefits, which may involve records that are only available on-site.

- b. Deputy Town Clerk – The Deputy Town Clerk is an Essential employee during such times that the Town Clerk is unavailable to perform the duties associated with the Town Clerk’s Office.
 - c. Town Highway Superintendent – The Town Highway Superintendent is responsible for the care and maintenance of all local roads, rights-of-way and other infrastructure that provide for safe vehicular and pedestrian access throughout the Town. The Highway Superintendent also acts as the head of the Town’s Water Department and is responsible for all maintenance, testing and monitoring of the Town’s public water distribution system;
 - d. Town Highway Department Crew – All full-time employees of the Highway Department are instrumental in the care and maintenance of the local roads, rights-of-way and other infrastructure that provide for safe vehicular and pedestrian access throughout the Town. Certain member of the Highway Department crew also act as water operators for the Town’s water distribution system;
 - e. Code Enforcement Officer, Fire Marshall and Building Inspector – The Code Enforcement Officer (hereafter “CEO”) acts in various capacities which also include acting as Fire Marshall and Building Inspector. The CEO is responsible for all compliance with the Town’s Zoning Code, as well as the New York Uniform Code, both of which are integral to the health, safety and welfare of the community. The CEO also regularly conducts physical inspections of building sites at various stages of work to ensure compliance with local and State regulations.
 - f. Code Department Clerk – The Code Department Clerk is responsible for issuance of permits, accepting and documenting intake of applications on behalf of the Planning Board and Zoning Board of Appeals, relating to Site Plan, variances and other types of matters involving application of the Town of Lima Zoning Code. While not all functions require on-site presence, some aspects cannot be accomplished remotely because of large-scale physical mapping/plans and access to historical records of the Town that may not be available electronically.
4. The following are general guidelines that should be followed by all employees and Contractors for reducing the potential spread of infection during a public health emergency involving a Communicable Disease:
- Using hand sanitizer and washing hands with soap and water frequently, including:
 - After using the restroom
 - After returning from a public outing
 - After touching/disposing of garbage
 - After using public computers, touching public tables, and countertops, etc.
 - Practice social distancing when possible
 - If you are feeling ill or have a fever, notify your Supervisor and immediately and go home

- If you start to experience coughing or sneezing, step away from people and food, cough or sneeze into the crook of your arm or a tissue, the latter of which should be disposed of immediately
 - Clean and disinfect workstations at the beginning and end of each shift
 - Other guidance which may be published by the CDC, the State Department of Health, or County health officials.
5. In the event of a state-ordered reduction of in-person workforce, the following protocols will be followed to permit Non-Essential employees or Contractors the ability to work remotely:
- a. All Non-Essential employees shall be provided with written instructions on how to access the Town's computer network on a remote basis. Such instructions shall be re-issued periodically to all Non-Essential employees as the Town's hardware and software technology and access tools change. All Non-Essential employees will be issued individual log-in credentials that will enable them to access their Town computer workstations as needed to perform their respective functions. The Town's network administrator and/or technology consultant will be available to assist Non-Essential employees with technical issues relating to remote access.
 - b. The Town Clerk shall receive all requests from Non-Essential employees with regard to facilitating or requesting the procurement, distribution, downloading and installation of any needed devices or technology, including software, data, office laptops or cell phones, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace. Upon receipt of such request, the Town Clerk shall notify the Town Supervisor and Town Board members of the request and the Supervisor and/or Town Board shall determine whether or not to authorize any procurement of the same that involves expenditure of Town funds.
 - c. All department heads shall coordinate with each other by email (with email copy to the Supervisor and Town Board) of how each department will, to the extent possible, stagger work shifts of Essential employees and Contractors in order to reduce overcrowding in or about the Town facilities and at worksites.
 - d. The Town shall maintain an adequate supply of appropriate Personal Protective Equipment for Essential employees and Contractors, based upon the various tasks and needs of such employees and Contractors in a quantity sufficient to provide at least two pieces of each type of Personal Protective Equipment to each Essential employee and Contractor during any given work shift over at least a six (6) month period. The Personnel Clerk shall be responsible for procurement of such Personal Protective Equipment and shall acquire and maintain the required levels of such equipment, with all such purchases being approved by the Supervisor and/or Town Board. Such equipment shall be stored in a place and in a manner to prevent degradation and permit immediate access in the event of an emergency declaration. The Personnel Clerk shall notify all Town Officials, department heads, Essential employees and Contractors of where such equipment is located so that it can be efficiently accessed in the event of an emergency declaration.

- e. In the event any employee or Contractor is exposed to a known case of the Communicable Disease that is the subject of the public health emergency, exhibits symptoms of such disease, or tests positive for such disease, said employee or Contractor shall immediately notify the department head in charge of that employee or Contractor. Upon notification, the department head shall authorize such employee or Contractor to leave the Town facilities (if working at the Town Hall or other Town facilities at the time of such notification) to go home, pending further instruction and in order to prevent the spread or contraction of such disease in the workplace. The department head shall ensure that appropriate actions are immediately taken to thoroughly disinfect the work area of any employee or Contractor known or suspected to be infected with the Communicable Disease as well as any common area surface and shared equipment such employee or Contractor may have touched. The department head shall immediately notify in writing (via email or text message) the Supervisor, Town Board and Personnel Clerk of the employee or Contractor that has been exposed to a known case of the Communicable Disease that is the subject of the public health emergency, exhibits symptoms of such disease, or tests positive for such disease. Upon receiving such notification, the Personnel Clerk shall immediately notify the Livingston County Department of Health to seek guidance on additional protocol and procedures as might be recommended or mandated as a result of the public health emergency.
 - f. The Town's policy on available leave in the event of the need of any employee to receive testing, treatment, isolation, or quarantine shall, at a minimum, mirror the minimum requirements of the then existing Federal and New York State guidelines regarding sick leave and health information privacy.
 - g. During a declared public health emergency involving a Communicable Disease, each department head shall maintain a written log documenting precise hours and work locations, including off-site visits, for Essential employees and Contractors. Such log shall be in a format that will aid in tracing of the disease and to identify the population of exposed employees and Contractors in order to facilitate the provision of any benefits which may be available to certain employees and Contractors on that basis.
 - h. The Town shall work with local resources within the Town and Livingston County to identify potential sites for emergency housing for Essential employees and Contractors in order to further contain the spread of the communicable disease that is the subject of the declared emergency, to the extent applicable to the needs of the workplace.
6. The Town does not currently have a collective bargaining unit representing any of the Town employees. Should that change in the future, all revisions to this Plan shall be presented to any then existing and duly recognized or certified representatives of the Town's employees, who shall then be granted an opportunity to review the Plan and

make recommendations, if any, provided that nothing shall preclude such representatives from making such recommendations prior to the draft being completed. The Town shall then consider and respond to such recommendations in writing within a reasonable timeframe. A copy of the final version of such plan shall then be published in a clear and conspicuous location, and in the employee handbook, to the extent that the employer provides such handbook to its employees, and in a location accessible on either the employer's website or on the internet accessible by employees. No employer shall take retaliatory action or otherwise discriminate against any employee for making suggestions or recommendations regarding the content of the plan.

7. Any alleged or believed violations of any of the provisions described in this Plan shall be reported in writing to the Town's Personnel Clerk, who shall promptly notify the Supervisor and Town Board of the alleged violation. Thereafter, the Town Board shall investigate or cause to be investigated the alleged violation to determine if such violation occurred and if so, proper steps to remedy such violation and to the extent possible and practical, how to ensure that such violation does not occur again.

G&G Municipal Consulting and Grant Writing Medium Income Survey Agreement

Supervisor Falk received a letter of agreement to conduct an income survey to determine the median household income of 700 households in the Town. Cost is as follows: \$12,990.00 plus postage for 700 households with door-to-door canvassing, \$95.00 additional questions for dog census added to income survey, \$3,595 for 700 door-to-door canvassing for dog census and \$8,690.00 plus postage for additional dog censuses mailed to 577 Village households with door-to-door canvass. Total of \$25,370.00. Upon motion by Councilperson Mayer, seconded by Councilperson Carey, the vote was
CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Move into Executive Session – Particular Employee

Upon motion by Councilperson Mayer to move into executive session at 8PM, seconded by Councilperson Carey, the vote was unanimous.

Move out of Executive Session

Upon motion by Councilperson Mayer to move out of executive session at 8:40PM, seconded by Councilperson Belec, the vote was unanimous.

No Action Taken.

Motion to adjourn at 8:41PM by Councilperson Carey, seconded by Councilperson Mayer, the vote was unanimous.

Respectfully Submitted by:

Jennifer Heim, CMC/RMC
Town Clerk

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