

## Official Minutes

An official 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 28th day of December 2023 at 4:00 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

**Present:** Supervisor Michael Falk, Councilperson Leta Button, Councilperson Bill Carey, Councilperson Mark Petroski, Councilperson Andy Torpey, Town Clerk Jennifer Heim, Highway Superintendent John Sokolofsky

**Excused:** Town Attorney Jim Campbell

**Guests:** Steve Werner, Ron Blodgett

Supervisor Falk called the meeting to order and led in the Pledge of Allegiance.

### **Approval of the Agenda**

Supervisor Falk asked for a motion to approve the agenda. Upon motion by Councilperson Carey to approve the agenda as distributed, seconded by Councilperson Button, the vote was unanimous.

### **Town Board Meeting Protocols**

Meeting protocols were not read.

### **Approval of Abstracts**

Resolved that the bills contained on Abstract #1228 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 404 through 423	\$14,845.63
Highway Funds:	No. 165 through 172	\$18,462.09

Upon a motion by Councilperson Petroski approving said abstracts, seconded by Councilperson Button, the vote went as follows:

CARRIED            Ayes: 5        Falk, Button, Carey, Petroski, Torpey  
                             Nays: 0

## **December 5<sup>th</sup> Minutes**

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

CARRIED           Ayes: 5       Falk, Button, Carey, Petroski, Torpey  
                          Nays: 0

Discussion was had regarding correspondence being entered from the public. After discussion and upon motion by Councilperson Petroski to amend the motion to include Town Board response regarding said correspondence, seconded by Councilperson Button, the vote went as follows:

CARRIED           Ayes: 5       Falk, Button, Carey, Petroski, Torpey  
                          Nays: 0

Said response from the Town Board is below.

All correspondence being requested by the public to be entered into minutes will be by approval/votes of the board at time of request.

## **Budget Transfers**

No budget transfers at this time.

## **Resolution #7 of 2023**

After discussion and upon motion by Councilperson Button to rescind the Resolution #6 of 2023, seconded by Councilperson Carey, the vote went as follows:

CARRIED           Ayes: 5       Falk, Button, Carey, Petroski, Tropey  
                          Nays: 0

In the Matter of the Formation of the Town of Lima Water District No. 5  
Located Therein, Within the Town of Lima,  
Livingston County, New York.

## **RESOLUTION # 7 of 2023 TO RESCIND PREVIOUSLY ADOPTED RESOLUTION MADE SUBJECT TO PERMISSIVE REFERENDUM**

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**WHEREAS**, on December 5, 2023, the Town Board of the Town of Lima adopted a Resolution authorizing the preparation of a Map, Plan and Report by Clark, Patterson, Lee, for a new water district yet to be perfected and to be known as the “Town of Lima Water District No. 5;” and

**WHEREAS**, said Resolution authorized the expenditure of not more than \$10,000.00 for the preparation of the Map, Plan and Report; and

**WHEREAS**, said Resolution was made subject to permissive referendum as required pursuant to Article 7 of the New York State Town Law; and

**WHEREAS**, the permissive referendum period has not expired as of the date of this Resolution; and

**WHEREAS**, the Lima Town Board has determined that it requires more information and would benefit from further discussion regarding the preparation of a Map, Plan and Report relating to a proposed Town of Lima Water District No. 5; and

**WHEREAS**, the Lima Town Board has determined that it is in the best interest of the citizens of the Town of Lima and to the potential benefitted properties of any future Town of Lima Water District No. 5, that the Town Board rescind its prior approval Resolution made on December 5, 2023, approving the preparation of a Map, Plan and Report pending receipt of further project engineering and cost information and options and consideration of the same by the Town Board.

**NOW THEREFORE**, be it

**ORDERED** by the Town Board of the Town of Lima as follows:

1. That the Resolution authorizing the preparation of a Map, Plan and Report by Clark, Patterson, Lee, for a new water district yet to be perfected and to be known as the Town of Lima Water District No. 5, as adopted by the Town of Lima Town Board on December 5, 2023, is hereby rescinded and shall be of no affect at law; and be it further resolved
2. That the Town Board will endeavor to schedule a workshop meeting with the Town's engineer, Town Board, Town of Lima Agricultural Advisor Board, Village Board of Trustees and the Livingston County Water and Sewer Authority to have more discussion about the various options relating to a new Town of Lima Water District No. 5 and the potential costs associated with the same and to discuss the process under which such a district may be formed; and be it further resolved
3. That prior to a Map, Plan and Report being authorized for a future Town of Lima Water District No. 5, the Lima Town Board shall be required to authorize the same by resolution, subject to the permissive referendum requirements of Article 7 of the New York State Town Law.

The question of the adoption of the foregoing Resolution was duly submitted for approval by vote of the Lima Town Board on Tuesday, December 28, 2023, recorded as follows:

**Vote of the Board:**

<b>Councilperson Leta Button</b>	<b>Aye</b>
<b>Councilperson Bill Carey</b>	<b>Aye</b>
<b>Councilperson Mark Petroski</b>	<b>Aye</b>
<b>Councilperson Andrew Torpey</b>	<b>Aye</b>
<b>Supervisor Michael J. Falk</b>	<b>Aye</b>

This is to certify that I, the undersigned, Clerk of the Town Board of the Town of Lima, Livingston Count, New York, was duly adopted by the Town Board of said Town on date above, and that the same is a true and correct transcript of said resolution.

In witness where of I have hereunto set my hand and the official seal of the Town Clerk this 28<sup>th</sup> day of December, 2023.

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Jennifer A. Heim – CMC, RMC - Town Clerk

**Set a Date for WD#5 Workshop**

After discussion the board agreed to hold a workshop regarding Water District #5 on January 30<sup>th</sup> at 7:30PM at Town Hall, located at 7329 East Main Street. LCWSA will facilitate said meeting with Town of Lima, Village of Lima, Town of Avon, Lima Agricultural Advisory Committee, Lima Fire Department and Lima Ambulance. Same will be advertised.

**Reimbursement for Unused Vacation Time for Town Clerk**

After discussion and upon motion by Councilperson Carey to reimburse the Town Clerk for 64 hours of unused vacation time (as she had no deputy to cover for said vacation this year) seconded by Councilperson Petroski, the vote was unanimous.

**Thank You**

Supervisor Falk thanked both Councilperson Button and Councilperson Torpey for their time and service to the board and handed each of them a plaque.

Motion by Councilperson Petroski to adjourn at 4:24PM seconded by Councilperson Carey, the vote was unanimous.

Respectfully Submitted by:

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Jennifer Heim, CMC/RMC  
Town Clerk

**All documents mentioned in the Town Board Minutes are available upon request.**

**SUPERVISOR:**  
Michael J. Falk

**TOWN CLERK:**  
Jennifer Heim, CMC/RMC

**TOWN COUNCIL:**  
William Carey  
Leta Button  
Andrew Torpey  
Mark Petroski

## **TOWN OF LIMA**

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Lima, New York 14485  
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clerk@townoflima.org  
www.lima-ny.org

**JUSTICES:**  
Harold Harris  
Joseph Schwing

**HIGHWAY SUPERINTENDENT:**  
John Sokolofsky

**BUILDING INSPECTOR:**  
Charlie Floeser

**ASSESSOR:**  
Tami Snyder

Town Board Response to the Comments submitted by Cathy Gardner 12/5/2023

The Town Board appreciates Mrs. Gardner's passionate discussion of the data summarizing the result of the Townwide Petition for Water District #5. It would have been a dereliction of the Town Board's responsibility not to attempt the petition given prior surveys suggesting that 46% responding had interest in public water.

We cannot be certain that everyone who wanted water was not intimidated by the process or the many written and vocal criticisms of the Town Board, however, we have learned that there are pockets of concentrated interest for public water. The petition data is much better than anything else the Town has been able to collect.

Over the course of the many meetings that Water District #5 has been on the Town Board agenda, it has been questioned many times why the Town Board does not just simply focus on the areas where people want or need water. Well, that is where we are now, given the results of the petition, and what the Town Board intends to pursue.

The Town Board has tried in the past to help areas of deficient water quantity or quality. The cost was a major hurdle. This time, the Town is still queued up for grant funding and low interest loans from USDA, which may make the next follow-up effort a positive culmination to what was attempted in the past. Further work is needed to define a revised water district boundary and a potential water supply project from which costs can be determined.

The Town Board hopes to decide at the December 28, 2023, meeting to change course and establish some open meetings to further gather input from the citizens who still desire public water. Hopefully, these discussions will be centered on helping our neighbors.

A further note of interest. Most people in the Town of Lima receive their water from private wells. Recent local well testing information gathered by the Town, which was part of the USDA Grant Application, was shared publicly. Some found that there were potential concerns from the water testing. As with any water sampling effort, additional confirmatory tests should be conducted to verify circumstances, and then proper resources consulted as to what to do next. An excellent resource for understanding your private well, why to test, what to test, and what to do about it, will be posted to the Town website. This publication is also available through the Livingston County Department of Health. We encourage all residents to become more educated about their private wells, including what is happening locally in your environment, as well as statewide and nationally in the political discourse.