

## 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 **8th day of January 2019** at 6:00 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

PRESENT:                   Supervisor, Michael Falk  
                                Deputy Supervisor, Ian Adams  
                                Councilperson, Dan Marcellus  
                                Councilperson, Cathy Gardner  
                                Councilperson, Bruce Mayer  
                                Councilperson, Bill Carey  
                                Town Clerk, Jennifer Heim  
                                Highway Superintendent, Keith Arner  
Excused:                    Town Attorney, James Campbell

**Guest(s):** Tom Simpson

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

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

### **Introduce New Deputy Supervisor**

Supervisor Falk introduced the new Deputy Supervisor, Ian Adams.

### **Supervisor's Report**

Supervisor Falk mentioned receipt of said report. On a motion by Councilperson Gardner to accept the Supervisor's report, seconded by Councilperson Mayer, the vote went as follows:

CARRIED:                 Ayes: 5     Falk, Marcellus, Mayer, Gardner, Carey  
                                Nays: 0

### **Building Inspector/Code Enforcement Officer Report**

CEO, Charlie Floeser, emailed his report to the Town Board for review and explained same work he has done and currently working on. Motion by Councilperson Marcellus to accept the report, seconded by Councilperson Gardner, the vote went as follows:

CARRIED:                 Ayes: 5     Falk, Marcellus, Mayer, Gardner, Carey

Nays: 0

### **Town Water Report**

Highway Superintendent Arner emailed a water report to the Town Board for review. Arner stated in District #1 a sample was taken and tested negative and no issues with chlorine at 0.5%. District #2 a main valve box was repaired north of Corby Road and backflow prevention test was completed at 1260 Rochester Street. District #3 has no issues.

Falk mentioned new line items for each district, for billing purposes, were added as follows: Department of Health fees, New York Rural Water Authority dues, water supply invoices, electricity charges for water pumping, natural gas for supply, chemicals added to the supply, contractor services for supply projects, engineering for supply projects, and water testing fees. A new water district #4 appropriation lines were also added for the new housing development on Dalton Road, when water is serviced there.

Arner mentioned a 2" meter was removed from Enarco and scrapped. He received \$69.60 for that scrap meter that will be put into water district #1 where the meter was removed.

### **Audit of Claims/Abstracts**

Resolved that the bills contained on Abstract #1 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 1 through 11	\$31,127.52
Water Funds 1, 2, &3:	No. 1 through -	\$ 220.00
Highway Funds:	No. 1 through 11	\$17,785.52

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

CARRIED            Ayes: 5       Falk, Marcellus, Mayer, Gardner, Carey  
                    Nays: 0

### **Town Board December 28<sup>th</sup>**

Minutes from the December 28<sup>th</sup> Town Board meeting were approved, with a change to indicate Town Attorney Campbell said a special use permit is not needed, referring to the solar installation at the Lima Ambulance, and not to read as if Councilperson Gardner said the permit was not needed. A motion

by Councilperson Gardner, seconded by Councilperson Carey, the vote went as follows:

CARRIED            Ayes: 5       Falk, Mayer, Gardner, Marcellus, Carey  
                    Nays: 0

### **Town Board January 2<sup>nd</sup>**

Councilperson Gardner noted changes needed to be made to the January 2<sup>nd</sup> organizational minutes. Said minutes will be reviewed again at the February 5<sup>th</sup> meeting.

### **Guest**

Tom Simpson attended the meeting to discuss the proposed temporary land use moratorium prohibiting large scale solar installations in the Town of Lima. Falk mentioned the public hearing will be held at the February meeting.

### **Proposed Local Law Public Hearing**

Councilperson Gardner made a motion to hold a public hearing at the February 5<sup>th</sup> meeting, seconded by Councilperson Mayer the vote was unanimous.

### **Complete Streets Resolution**

This agenda item was tabled to the February meeting when Attorney Campbell is present to discuss same.

### **Post Office**

Falk mentioned another leak developed behind the front counter and they are not certain where the leak is coming from but could be the older part of the roof that was not coated. Also, the post office has been completely repainted at the Postal Services expense and they are putting in all new signage inside.

### **Electronic Communications**

Tabled. No discussion.

### **Village Hooking into Avon Water**

Falk mentioned the Village of Lima has a project that will extend the water main from Livonia Center Road to the Avon line from grant money received. Falk had Eric Weiss of Clark Patterson Lee, Engineers, look at this project to possibly add a new Town water district to the 16 homes/businesses. Mr. Weiss stated it would not be a big deal to attach to the water main.

Councilperson Gardner stated she did not know that the Board reached an agreement to have Clark Patterson look into forming another potential water district or to spend money to do so. She stated a good area of that stretch is agricultural and within the agricultural district and at the local, county and state levels, a process needs to be followed before that happens and referrals are also needed.

She stated, specifically in 1999 per the Livingston County Agricultural and Farmland Protection Plan, page 47, the Livingston County Sewer and Water Authority adopted construction guidelines in a lateral restriction policy for water transmission mains located in an agricultural district. The only land and/or structures which will be allowed to connect to the proposed water lines within the agricultural district will be existing structures at the time of construction, future agricultural structures, land and structures that have already been approved for development by the local governing body prior to 1999.

Gardner went on to say that most of the frontage are parcels that are in the Livingston County agricultural district but actively enrolled, which gives them the privilege to determine if there is not a house on the property they may opt in or out of the cost of that water main.

Lastly, Gardner stated, the most important piece of it is the state's requirement for a notice of intent. Before extending a water or sewer line that would serve non-farm structures within an agricultural district, a notice of intent must be provided to the NYS Commissioner of Agriculture and Markets and to the County Agriculture and Farmland Protection Board for review and comment. The policy of the state is that if the local government intends to construct water or sewer facilities to serve non-farm structures within the agricultural zoning district the Town should use all practical means in undertaking such actions to realize the policy and goals set forth in Article 25AA, Agricultural Districts Law to protect farmland.

Falk clarified he asked Clark Patterson Lee to review said project to see if the Town would have to bury a second pipe, next to the Villages pipe, to form a district or not and they did so free of charge. Their opinion is, whether there is an 8" 10" or a 12" main, the Town can simply tag in as we have done with district #2 and provide water that way. The Town would not have to run

another pipe and said the Village is going to run the supply line regardless what the Town does. Falk said if the Town decides to form a district, he is aware that the above process, Gardner mentioned above, needs to be followed.

## **RESOLUTION #2-2019**

### **Adopt Standard Work Day and Reporting Resolution for Elected and Appointed Officials**

Charlie Floeser, Code Enforcement Officer, submitted his RS 2417-A, Standard Word Day and Reporting Resolution. On motion by Councilperson Carey, seconded by Councilperson Gardner, the following resolution was

**ADOPTED** Ayes: 5 Falk, Marcellus, Mayer, Gardner, Carey  
Nays: 0

RESOLVE to adopt the following Standard Work Day and Reporting Resolution I, Jennifer Heim, Clerk of the governing board of the Town of Lima, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 8th day of January 2019, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Lima on this 9th day of January 2019.

Signature of Clerk: \_\_\_\_\_

Affidavit of Posting: I, Jennifer Heim, being duly sworn, deposes and says that the posting of the Resolution began on January 9, 2019 and continued for at least 30 days. That the Resolution was available to the public on the community board at Lima Town Hall.

### **Out-of-District User on York Street**

Falk mentioned a discussion last spring regarding a resident of Lima on York Street, the last house on York - just before the Village of Honeoye Falls and that these residents wanted sewer from Honeoye Falls. The Board discussed and agreed to allow an out-of-district user instead of moving the county line.

Falk said Honeoye Falls sent over a Resolution but no agreement from their attorney. Monroe County said the Village of Honeoye Falls is not allowed to charge the residents because they are outside the county line. The only way the Village of Honeoye Falls can get reimbursed is if the Town of Lima places the sewer on their taxes and reimburses the Village of Honeoye Falls. Falk's recommendation is that, since the Town only received the resolution, Attorney Campbell meet with the Village of Honeoye Falls attorney to get this agreement finished up.

### **Highway Superintendent Arner Completed his Certified Excavator**

Arner mentioned he attended the County Highway facilities to take his certified excavator operator program, per the recommendation of the county that each highway department take this exam if a Town wants to complete work for the County. Arner passed. He plans to send 1 or 2 other guys on his crew to complete same.

### **Vacancies**

Discussion was held regarding vacancies to boards. It was agreed to advertise on the website and in the Penny Saver for Planning Board, Board of Ethics, Board of Assessment Review and Board of Assessment Review secretary.

### **Rescind Motion for Public Hearing**

Clerk Heim informed Supervisor Falk that a public hearing for the proposed local law was passed at the December 28<sup>th</sup> meeting and said public hearing is already scheduled for February 5<sup>th</sup>. Councilperson Gardner rescinded her motion, seconded by Councilperson Mayer, the vote went as follows:

CARRIED              Ayes: 5        Falk, Marcellus, Mayer, Gardner, Carey  
                            Nays: 0

Upon Motion by Councilperson Mayer to adjourn at 6:40 P.M., seconded by Councilperson Gardner, the vote was unanimous

Respectfully Submitted by:

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Jennifer Heim, CMC/RMC  
Town Clerk