

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

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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

**TOWN BOARD  
TOWN OF LIMA  
COUNTY OF LIVINGSTON**

**RESOLUTION 6 A**

At a regular meeting of the Town Board of the Town of Lima, Livingston County, State of New York, held at the Lima Town Hall on the 2<sup>nd</sup> day of November, 2021.

**WHEREAS**, the Town of Lima has certain water distribution facilities within the jurisdictional limits of the Town, which are located within the Town of Lima Water Districts No. 1, 2,3 and 4; and

**WHEREAS**, the Town has determined that it is in the best interest of the benefitted properties within each of those Water Districts to amend the definition of a “Service Unit” for water billing purposes; and

**WHEREAS**, the Town has held a duly noticed public hearing on November 2, 2021, at which time all interested parties were afforded an opportunity to be heard; and

**WHEREAS**, the Town desires to amend the definition of a “Service Unit” for purposes of Town of Lima Water Districts No. 1, 2,3 and 4; and

**WHEREAS**, the Town has determined that the action of amending the definition of a “Service Unit” is a Type 2 Action under the New York State Environmental Quality Review Act 6 NYCRR 617.5.

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

**RESOLVED**, that the definition of a Service Unit shall now be as follows:

**“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.

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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>
<b>Displacement Type Meter (AWWA C700)</b>		
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
<b>Turbine-Type Meter - Class I (AWWA C701)</b>		
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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.**

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**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.”; and be it further**

**RESOLVED**, that the above definition of a “Service Unit” shall apply to all users and customers within the Town of Lima Water Districts No. 1, 2, 3 and 4.

DATED: November 2, 2021

**VOTE OF THE BOARD:**

The vote duly taken resulted as follows:

Michael J. Falk, Supervisor	Aye
Leta Button, Deputy Supervisor	Aye
Jon Belec	Absent
Bill Carey	Aye
Bruce Mayer	Aye

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LIMA

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Jennifer A. Heim, CMC/RMC  
Town Clerk

**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**

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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	
<b>To</b>		
Assessment Contractual	A1355.4	\$149.97
Clerk Equipment	A1410.2	
<b>To</b>		
Deputy Clerk	A1410.1a	\$337.00
Central Communication	A1650.4	
<b>To</b>		
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	
<b>To</b>		
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

**TOWN BOARD  
TOWN OF LIMA  
COUNTY OF LIVINGSTON**

**RESOLUTION 6 A**

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**WHEREAS**, the Town of Lima has certain water distribution facilities within the jurisdictional limits of the Town, which are located within the Town of Lima Water Districts No. 1, 2,3 and 4; and

**WHEREAS**, the Town has determined that it is in the best interest of the benefitted properties within each of those Water Districts to amend the definition of a “Service Unit” for water billing purposes; and

**WHEREAS**, the Town has held a duly noticed public hearing on November 2, 2021, at which time all interested parties were afforded an opportunity to be heard; and

**WHEREAS**, the Town desires to amend the definition of a “Service Unit” for purposes of Town of Lima Water Districts No. 1, 2,3 and 4; and

**WHEREAS**, the Town has determined that the action of amending the definition of a “Service Unit” is a Type 2 Action under the New York State Environmental Quality Review Act 6 NYCRR 617.5.

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

**RESOLVED**, that the definition of a Service Unit shall now be as follows:

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servicing 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.

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2"	160 gpm	5.0 units
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**IN THE ABOVE UNIT CHARGE DEFINITIONS AND POLICIES SO AS NOT TO CAUSE AN UNREASONABLE FINANCIAL BURDEN ON SUCH PROPERTIES.”; and be it further**

**RESOLVED**, that the above definition of a “Service Unit” shall apply to all users and customers within the Town of Lima Water Districts No. 1, 2, 3 and 4.

DATED: November 2, 2021

**VOTE OF THE BOARD:**

The vote duly taken resulted as follows:

Michael J. Falk, Supervisor	Aye
Leta Button, Deputy Supervisor	Aye
Jon Belec	Absent
Bill Carey	Aye
Bruce Mayer	Aye

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LIMA

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Jennifer A. Heim, CMC/RMC  
Town Clerk

**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:

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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 Matthews	822 Cherokee Factory H.F.	7460202
4	Kristy Shafer	Woodruff Road	
5	Lizet/Alison	2009 Dolan 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		MICH AVE LIMPA
STEPHEN WERNER		7280 KOBER DRIVE
Andrew Matthew		7340 Down Lane Lima
Barb Brenner		1999 Clay St
Lydia Tamato		1999 Clay St
Kristy Shafer		Woodhuff Road
let DEKAMER		2009 DUNN RD
George Gorske		7364 E. 24th St.
Marilyn Petruska		2632 Poplar Hill Rd
Richard Gurey		2674 Michigan Ave
Tom TARKES		1854 DOWMAN RD