

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 5th day of December 2023 at 6:00 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

Present: Supervisor Michael Falk, Councilperson Bill Carey, Councilperson Mark Petroski, Councilperson Andy Torpey, Town Clerk Jennifer Heim, Town Attorney Jim Campbell-via phone, Highway Superintendent John Sokolofsky

Excused: Councilperson Button

Guests: Paul Luft, Mike Neenan, Barb Finucane, Cathy Gardner, Marty Gardner, 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 Torpey to approve the agenda as distributed, seconded by Councilperson Carey, the vote was unanimous.

Town Board Meeting Protocols

Supervisor Falk read 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 five 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 is held by the Supervisor or the Deputy Supervisor if the Supervisor is

unavailable. At the beginning of each meeting the public may sign up to speak for 5 minutes on any posted agenda topic. Questions can be answered during the agenda discussion or logged for answer after research. At the very end of each meeting the public may sign up to speak for 5 minutes on any topic at all. Questions can be answered or researched and answered later.”

Open Public Hearing – Move Funds from Dog Park Reserve to A8510.4

No Comment. The public hearing remained open.

Supervisor’s Report

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

CARRIED Ayes: 4 Falk, Carey, Petroski, Torpey
 Nays: 0

Supervisors Communication to the Board

Supervisor Falk received emails on behalf of Christopher Norton and Holly Adams with subject line reading: “Constituent request: nuclear weapons are a local issue, please sign this letter and a card from Douglas Churchill of the Lima Volunteer Fire Department stating “we extend our sincere thanks and gratitude for your recent approval of the assessment reduction for first responders.”

November 7th Minutes

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

CARRIED Ayes: 4 Falk, Carey, Petroski, Torpey
 Nays: 0

November 13th Special Meeting Minutes

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

CARRIED Ayes: 3 Falk, Carey, Torpey
 Nays: 0
 Abstain: 1 Petroski

Audit of Claims/Abstracts

Resolved that the bills contained on Abstract #12 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 360 through 403	\$24,091.39
Highway Funds:	No. 157 through 164	\$9,459.53

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

CARRIED Ayes: 4 Falk, Carey, Petroski, Torpey
 Nays: 0

Paid Family Leave

Bill Carson of Assured Partners was not present at this time. A motion by Councilperson Petroski to move on with the agenda, seconded by Councilperson Carey, the vote was unanimous. (Discussion was held later in the meeting. See below.)

Water District #5

Eric Wies, Engineer from CPL, distributed a handout showing percentages of those in favor of the proposed water district #5 and three (3) maps of potential options to install water. Discussion was held and the below resolution was approved.

Resolution #6 of 2023

A resolution to engage the services of Clark Patters Lee to prepare a Map, Plan and Report for the “Town of Lima Water District No. 5” project at a cost not to exceed \$10,000.00.

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 #6 of 2023

WHEREAS, the Town Board of the Town of Lima is considering the construction of certain water delivery improvements within a new water district yet to be perfected and to be known as the “Town of Lima Water District No. 5;” and

WHEREAS, the improvements are to be located throughout various portions of the Town of Lima, excepting within the already existing Town of Lima Water Districts No. 1 - 4, all being located within County of Livingston and State of New York; and

WHEREAS, prior to completion of the improvements and the financing thereon, a district formation must be perfected to create the “Town of Lima Water District No. 5;” and

WHEREAS, in order to facilitate the creation of the “Town of Lima Water District No. 5” and the intended infrastructure improvements therein, the Town must engage the services of a professional engineer to prepare a Map, Plan and Report to provide the details of the improvements and the costs of such improvements to take place within the newly created district; and

WHEREAS, the cost of such Map, Plan and Report is intended to be borne by the district to be formed in which such improvements will be made; and

WHEREAS, the Town of Lima, on behalf of the “Town of Lima Water District No. 5” (which is yet to be perfected), desires to engage the services of Clark Patterson Lee to prepare a Map, Plan and Report with respect to such improvements.

NOW THEREFORE, be it

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

1. That the Town Supervisor is authorized to engage by written agreement, the engineering firm of Clark, Patterson, Lee to prepare a Map, Plan and Report for the “Town of Lima Water District No. 5” project at a cost not to exceed \$10,000.00; and
2. Any such costs shall be passed on to the “Town of Lima Water District No. 5” upon formation of said district. If such district extension is not formed, the expense incurred for the preparation of such Map, Plan and Report shall be a Town charge and shall be assessed, levied and collected in the same manner as other Town charges; and
3. Adoption of this Resolution is subject to permissive referendum pursuant to 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 5, 2023, recorded as follows:

Vote of the Board:

Councilperson Leta Button	Absent
Councilperson Bill Carey	Aye
Councilperson Mark Petroski	Aye

Councilperson Andrew Torpey **Aye**
Supervisor Michael J. Falk **Aye**

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 5th day of December, 2023.

Jennifer A. Heim – CMC, RMC - Town Clerk

Upon motion by Councilperson Petroski, seconded by Councilperson Torpey, the vote went as follows:

CARRIED Ayes: 4 Falk, Carey, Petroski, Torpey
 Nays: 0

Building Inspector/Code Enforcement Officer Report

BI/CEO Charlie Floeser emailed his report for board review and discussed the same.

Highway Department Monthly Report

Highway Superintendent John Sokolofsky emailed his report for board review and discussed the same. Highway Superintendent Sokolofsky asked for board approval not to exceed \$5,500.00 to complete the design to install a crosswalk from Meadowlark to the main sidewalk on 15A. Upon motion by Councilperson Carey to move forward with the CPL to complete the study, seconded by Councilperson Torpey, with the project starting in January, the vote was unanimous.

Paid Family Leave

Representative Bill Carson, Benefits Consultant, of Assured Partners arrived at 6:52PM. Discussion was had regarding Paid Family Leave. It was agreed that more information needs to be completed such as having a professional firm review the Town of Lima's Personnel Policy to ascertain whether PFL will conflict with same. Attorney Campbell advised that it may be prudent to engage a municipal labor attorney to review the Town's employment policies

to ensure that there is no conflict between such policies and the mandates of Paid Family Leave, should the Town wish to offer it to its employees. This discussion was tabled until the regularly scheduled meeting January 2nd, after the Organizational meeting.

Siemens Energy Services

No updates.

Court Audit

Councilperson Carey informed the board the audit was not completed. He will reschedule with Councilperson Button to have this completed by the end of the month.

CEO Intermunicipal Agreement between Town and Village

Upon motion by Councilperson Petroski to approve the Intermunicipal Agreement, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 4 Falk, Carey, Petroski, Torpey
 Nays: 0

2024 Intermunicipal Agreement between Town and County

Upon motion by Councilperson Petroski to accept the Agreement for services sharing with the County from January 1, 2024, to December 31, 2024, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 4 Falk, Carey, Petroski, Torpey
 Nays: 0

Close Public Hearing to Move Funds from Dog Park Reserve

After no discussion the public hearing was closed at 7:49PM.

Upon motion by Councilperson Carey to approve Resolution #5 of 2023 below, seconded by Councilperson Torpey the vote went as follows:

CARRIED Ayes: 4 Falk, Carey, Petroski, Torpey
 Nays: 0

Resolution #5 of 2023

1. Transferring \$664.00 from Dog Park Reserve to A8510.4 to pay Fencing Company, 2. Transfer funds from B Fund Park Reserves to pay for the new pavilion and 3. Transfer funds to pay for half share of playground equipment.

Dated December 5, 2023

Funds Transfers

Upon motion by Councilperson Carey to approve the below funds transfers, seconded by Councilperson Petroski, the vote as follows:

CARRIED Ayes: 4 Falk, Carey, Petroski, Torpey
 Nays: 0

Funds Transfers – December 5, 2023

Transfer From	A1450.4	Elections Contract	\$2500.00
	A5010.4	Street Admin Contr.	\$1340.96
Transfer To	A1410.4	Clerk Contr.	\$37.81
	A1620.4	Bldgs. Contr.	\$2182.65
	A3310.4A	Traffic Pavement Mark	\$1608.00
	A3510.4	Control of Animals	\$12.50
Transfer From	B5410.4	Sidewalk Contr.	\$664.50
Transfer To	B1420.4	Attorney Contr.	\$664.50
Transfer From	DA5142.4	Snow Removal Contr.	\$7081.59
Transfer To	DA5148.1	Services Other Govt, Pers Ser	\$7081.59
Transfer From	DB5140.4	Brush & Weeds Contr.	\$30.00
Transfer To	DB5140.4A	Drug Testing	\$30.00

End-of-Year Meeting Date and Time

The Town Board will hold its end-of-year meeting on December 28th at 4PM.

Organizational Meeting

The Town Board will hold its Organizational Meeting January 2nd at 6PM with the regular Town Board meeting to follow.

Public Comment

Cathy Gardner asked that the below correspondence be entered into the minutes.

Motion by Councilperson Petroski to adjourn at 8:21PM seconded by Councilperson Carey, the vote was unanimous.

Respectfully Submitted by:

Jennifer Heim, CMC/RMC
Town Clerk

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

FACTS

**The petition to request Lima Water District No. 5
FAILED TO PASS**

In FACT, it failed in a LANDSLIDE:

82.5% of the assessed valuation did NOT sign

ONLY 17.5% of assessed valuation signed

**The total assessed value of the petition, which excluded most
farmland value, was \$168,803,558**

**Half of that amount, \$84,401,780,
was needed to pass the petition**

**Only \$29,542,050 signed, 35% - barely 1/3
of the amount needed to pass**

**Even on Doran Rd, where interest was high, the petition failed.
ONLY 44% of the total assessed valuation signed
56% did not sign**

**Residents made their preferences clear. It is time for the town
board to let facts and overwhelming resident choice rather than
opposing personal agenda inform the decision process**

Totals shown are corrected for two properties that were given double assessed value on the petition: 1411 Bragg St and 7160 Heath-Markham Rd and subtraction of one duplicate signature, Marietta Tenny - 3/14/23 and 10/14/23.

*Comments for the minutes of
12/5/23 Lima Town Bd meeting - Cathy Gardner*