

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 **3rd day of September 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, Cathy Gardner
 Councilperson, Bill Carey
 Councilperson, Bruce Mayer
 Town Clerk, Jennifer Heim
 Town Attorney, James Campbell
 Highway Superintendent, Keith Arner

EXCUSED: Councilperson, Dan Marcellus

Guest(s): George Gotcsik

Call the Meeting to Order

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

Amend the Agenda

A motion by Councilperson Mayer to amend the agenda by adding bids for sealing the parking lot at Town Hall, seconded by Councilperson Gardner the vote was unanimous.

Open Public Hearings

Large Scale Battery Energy Storage Installations

A motion by Councilperson Gardner to open the advertised public hearing regarding temporary land use moratorium prohibiting large scale battery energy storage system installations within the Town of Lima, seconded by Councilperson Mayer the vote was unanimous.

Attorney Recovery Fees

A motion by Councilperson Mayer to open the advertised public hearing regarding a local law to amend chapter 112 of the code of the Town of Lima to modify article II professional consultants.

Fire Protection Agreements – Village FD & Lakeville FD

Upon motion by Councilperson Mayer to open the advertised public hearing regarding an agreement between the Village of Lima and Town of Lima for fire protection, second by Councilperson Gardner the vote was unanimous.

Upon motion by Councilperson Mayer to open the advertised public hearing regarding an agreement between the Lakeville FD and Town of Lima for fire protection in South Lima, seconded by Councilperson Gardner the vote was unanimous.

After all public hearings were open; Town Attorney Campbell informed the board that the large scale battery energy proposed local law is currently at the County and will be reviewed by the County Planning Board for remarks. Therefore, the public hearing will remain open until the October 1st meeting.

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 Carey, the vote went as follows:

CARRIED: Ayes: 4 Falk, Gardner, Carey, Mayer
 Nays: 0

August 6th Town Board Minutes

Minutes were approved, upon motion by Councilperson Mayer, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
 Nays: 0

Audit of Claims/Abstracts

Resolved that the bills contained on Abstract #9 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds: No. 265 through 294 \$ 23,833.38
Water Funds 1, 2, &3: No. 30 through 33 \$ 7,212.54

Highway Funds: No. 137 through 156 \$225,985.44

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

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
 Nays: 0

Building Inspector/Code Enforcement Officer Report

Charlie Floeser discussed his report.

Town Water Report

Highway Superintendent Arner explained the water report. Same is available in the Clerk's office. Attorney Campbell said he will draft an Intermunicipal agreement between the Town of Lima and Livingston County Water Authority to possibly have billing completed by the county. Gardner was not aware of this possible arrangement and asked that someone from the water authority attend the next meeting to answer questions and provide more information before agreeing to an agreement to turn water billing over to the county.

Communications

Supervisor Falk received an email from Jeff James of Cougar Carwash regarding the 10% late fee penalty being high on his water invoice. After discussion it was agreed that because the invoice states to pay by the due date or have the payment postmarked by the due date there is no exception to remove the penalty or lower it from 10%. With consideration of Attorney Campbell's advice that the board should change the town's late water payment fee policy in order to ensure equity to all water customers if any exception(s) to the policy are to be granted and with consideration to the finding that the town's 10% late fee is consistent with policy of Livingston County and other municipalities.

2020 Tentative Budget

Clerk Heim distributed the budget to board members. A motion by Councilperson Mayer to hold a public hearing at the October 1st meeting, seconded by Councilperson Gardner, the vote was unanimous.

Discussion was held regarding Arner requesting no increase in his salary. Gardner asked that the Highway Superintendent salary increase by the standard 3%. Upon motion by Councilperson Gardner to increase Highway

Superintendent Arner's salary by 3%, seconded by Councilperson Carey, the vote was as follows:

CARRIED Ayes: 3 Gardner, Carey, Mayer
 Nays: -
 Abstained: Falk

Village Water Project

Falk mentioned he will be meeting with Mayor Luft to discuss the reimbursement money to the Town water district #2 when the Village receives grant monies, estimated reimbursement amount of \$38,000.

Hazardous Materials Study

Falk mentioned the bid proposal to have the asbestos removed went out to 3 bidders and waiting to hear back and complete a walk-through of the Town Hall to show areas of asbestos removal.

Property Issue Form

Attorney Campbell drafted a new Property Issue Form for Building Inspector/CEO Floeser. Floeser said he has been using the form and it works well.

Fuel Bids

Arner asked for board approval to go out to bid for fuel. Upon motion by Councilperson Carey to advertise for fuel bids, seconded by Councilperson Gardner the vote was unanimous.

2000 Sterling Plow & Wing Declared as Surplus

Arner asked the board to declare a 2000 sterling plow and wing as surplus to sell same at an auction. Upon motion by Councilperson Gardner declaring the above surplus and allowing Arner to sell at an auction, seconded by Councilperson Carey, the vote was unanimous.

Water Rate Increases

After discussion the board agreed to increase the water rates as follows:
District #1 & #3 will increase \$.05 cents; therefore, rates will now be \$6.05 per 1000 gallons used. District #2 will increase \$.60 cents; therefore, rates will now be \$6.60 per 1000 gallons used. This increase starts on the next invoice. Upon motion by Councilperson Gardner to accept the above increases,

seconded by Councilperson Carey, the vote went as follows:
CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
Nays: 0

CEO Appointment

Falk mentioned Floeser passed the civil service exam. Floeser will now go from provisional to probationary for 180 days. Upon motion by Councilperson Gardner to appoint Charlie a 4 year appointment with a 6 month probationary period, seconded by Councilperson Carey the vote went as follows:

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
Nays: 0

The Village Green

George Gotcsik distributed a design for “The Village Green” design. Said design can be viewed at the Town Clerk’s Office. This is a site design and is the continuation of planning efforts set in motion by the completion of the 2013 Town of Lima 15A Corridor Community Vision plan. The proposed Village Green restores the lost historical bandstand and fountain that were once landmarks. New amenities include a space for seasonal ice rink, outdoor movie screenings, performances and passive recreation located on a recently vacant property next to Town Hall.

Historian Appointment

Falk mentioned receipt of a letter from Livingston County Personnel & Civil Service mailed regarding the Historian position. The letter asked that a “new position duties statement” be completed for this position and minutes be sent once this position has been created. Upon motion by Councilperson Gardner, seconded by Councilperson Mayer the vote went as follows:

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
Nays: 0

Sidewalk Fee for New Commercial Construction outside the Village

After discussion to determine a fee for construction of sidewalks in the Town it was decided to see what surrounding communities charge. Gardner will look at communities to the north of Lima and Floeser will look at communities south of Lima. Discussion to be continued at the October meeting.

Proposed Dog Law

Campbell emailed and discussed a draft of an enhanced dog law. After discussion Councilperson Gardner asked that a revision be made to section part “c” under “running at large or run at large” to not specify if property is posted or unposted. Campbell said he will change this section to read “private land with the permission of the owner”.

Deputy Clerk Position & Advertising

Falk mentioned that Deputy Clerk Mary Smith quit her job August 29th and he needs approval to advertise for this position. Upon motion by Councilperson Gardner to advertise, seconded by Councilperson Carey, the vote was as follows:

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
 Nays: 0

Asphalt Seal Bids

Falk received 2 bids to seal the Town Hall driveway. The bids came from Livingston Asphalt Sealers \$927.00 and Blades Landscaping \$1200.00. Upon motion by Councilperson Mayer to use Livingston Asphalt, seconded by Councilperson Carey, the vote was as follows:

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
 Nays: 0

BBS Accounting

Falk received the contract for bookkeeping and payroll services from Baldwin Business Services. The fees for 2020 will be \$12,500. Upon motion by Councilperson Carey to accept the contract, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
 Nays: 0

Close Public Hearings

Upon motion by Councilperson Gardner to close the public hearing for local law #3 of 2019 – Attorney Fee Recovery, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
 Nays: 0

Upon motion by Councilperson Gardner to close the public hearing for the Lakeville FD contract, seconded by Councilperson Care , the vote went as follows:

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
 Nays: 0

Upon motion by Councilperson Gardner to close the public hearing for the Lime FD contract, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
 Nays: 0

Local Law #3 of 2019

Upon motion by Councilperson Carey to approve the Attorney Fee Recovery local law #3 of 2019, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
 Nays: 0

Attorney Campbell mentioned this is a type II action.

**LOCAL LAW NO. 3 OF THE YEAR 2019
OF THE TOWN OF LIMA**

A local law to amend Part II, Chapter 112 Article II of the Code of the Town of Lima, Livingston County, New York, modifying those provisions relating to the reimbursement to the Town of Lima of certain costs associated with Professional Consultants.

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 112 OF THE CODE OF THE TOWN OF LIMA, LIVINGSTON COUNTY, NEW YORK TO MODIFY ARTICLE II PROFESSIONAL CONSULTANTS.”

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.

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

1. Enhance regulations and processes that lead to 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 and to ensure through the proper use of professional consultants that development and redevelopment does not create negative environmental, health, aesthetic, safety or traffic impacts within the Town.

SECTION 3. CHANGES TO CHAPTER 112, ARTICLE II PROFESSIONAL CONSULTANTS

The current Chapter 112 **Fees** - Article II **Professional Consultants**, including §112-7 through and including §112-19 shall be completely replaced and superseded by a new Article II which shall read as follows:

Article II Professional Consultant Fees Reimbursement Policy of the Town of Lima

§112-7. Title.

This Article shall be known as the “Professional Consultant Fees Reimbursement Policy of the Town of Lima.”

§112- 8 Legislative findings; intent and purpose; statutory authority.

The Town Board hereby finds and determines that, in order to protect and safeguard the Town of Lima, its residents and their property with respect to land development and redevelopment within the Town, all buildings, structures, highways, drainage facilities, sanitary sewer facilities, water supply utilities, other utilities and parks should be designed and constructed in a competent and workmanlike manner and in conformity with all applicable accepted industry standards, governmental codes, rules and regulations and, where applicable, dedicated and conveyed to the Town in a legally sufficient manner.

In order to assure the foregoing, it is essential for the Town to have competent engineers retained by the Town to review and approve plans and designs, make recommendations to the Town Board, Zoning Board of Appeals and Planning Board, inspect the construction of highways, drainage, sewer, other facilities and parks to be dedicated to the Town and to recommend their acceptance by the Town for dedication. It is likewise essential for the Town to have competent attorneys retained by the Town to negotiate and draft appropriate agreements with developers,

obtain, review and approve necessary security instruments, insurance and other legal documents, review proposed deeds and easements to assure the Town is obtaining good and proper title and to generally represent the Town with respect to any issues relative to such development or redevelopment, including at the Town Board, Zoning Board of Appeals and Planning Board. The Town Board further determines that the cost of retaining such competent engineers and attorneys and other professional consultants should ultimately be paid by those who seek to profit from such development or redevelopment rather than from general Town funds which are raised by assessments paid by taxpayers of the Town.

This Section is enacted under the authority of New York State Municipal Home Rule Law § 10, Subdivision 1, Paragraphs (ii)a(12) and d(3), and New York State Municipal Home Rule Law § 22. To the extent Town Law §§ 274-a, 276 and 277 do not authorize the Town Board, Zoning Board of Appeals or Town Planning Board to require the reimbursement to the Town of legal and engineering and other professional expenses incurred by the Town in connection with the review and consideration of any of the applications for the permits or approvals described herein, it is the expressed intent of the Town Board to change and supersede such statutes. More particularly, such statutes do not authorize the deferral or withholding of such approvals in the event such expenses are not paid to the Town. It is the expressed intent of the Town Board to change and supersede Town Law §§ 274-a, 276 and 277 and any other provision of the New York State Town Law or General Municipal Law to empower the Town to require such payment as a condition to such approvals.

§112-9 **Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

Applicant - Any person, firm, partnership, association, corporation, company, limited liability company or entity or organization of any kind that applies for a permit or approval for any of the following:

- A. Acceptance by the Town Board for the dedication of sidewalks, highways, public rights-of-way, drainage facilities, parks or utilities.
- B. Planning Board review or approval of site plans, subdivisions, special use permits or special permits pursuant to relevant provisions of the Code of the Town of Lima.
- C. Zoning Board of Appeals approval of variances or special use permits under relevant provisions of the Code of the Town of Lima.
- D. Rezoning of real property in the Town by the Town Board.
- E. The establishment of any improvement district in the Town, pursuant to Article 12, 12-A or 12-C of the New York State Town Law.

- F. A certificate of occupancy from the Code Enforcement Officer in connection with a development or redevelopment within the Town.
- G. Any other Application that shall require, at the discretion of the relevant Board, the review of an attorney or an engineer or other professional consultant retained by the Town.

Application - The formal request by an Applicant or Developer, as those terms are defined herein, for any permit or approval by the Town Board, Planning Board, Zoning Board of Appeals or Code Enforcement Officer for the items set forth hereinabove in Subsections A through G of the definition of "Applicant" in this section, along with the preparation of any and all plans and submittals submitted in connection therewith, including but not limited to any required review under the New York State Environmental Quality Review Act (SEQRA) or any other New York State or Federal guidelines or requirements.

Developer - Any person, firm, partnership, association, corporation, company, limited liability company or entity or organization of any kind, whether or not an Applicant, as defined hereinabove, that constructs or proposes to construct one or more Highways, Drainage Facilities, Utilities or Parks within or in conjunction with a Development and to convey or dedicate the same to the Town.

Development - Includes a subdivision, site plan, special use permit, special permit or variance for which approval is required under the Code of the Town of Lima and any construction of buildings, structures, drainage facilities, highways, parks or utilities to be undertaken in connection with any of the foregoing.

Drainage Facility - All surface water drainage facilities, including but not limited to catch basins, detention and retention ponds or basins, storm sewers or other forms of water conveyance facilities and their appurtenances, drainage swales and ditches, and any easements through or over which said facilities may be constructed or installed in or in connection with a development.

Highway - Includes a street, avenue, road, square, place, parking area, alley, lane, boulevard, concourse, parkway, driveway, overpass and underpass, or other form of public right-of-way for motor vehicle travel, and also includes all items appurtenant thereto, including but not limited to bridges, culverts, ditches, shoulders and sidewalks in or in connection with a Development.

Park - An area of land located within a Development which is open to the public and devoted to active or passive recreation, which may include dedicated open space.

Town - The Town of Lima, the Town Planning Board, Assessor, Zoning Board of Appeals, Code Enforcement Officer or Town Board.

Utilities - All water, sanitary sewer, gas, electric, telephone, cellular, cable television facilities, fiber optic, Wind Energy Systems or Solar Energy Systems and any easements

through or over which said facilities may be constructed or installed in or in connection with a development.

§112-10 Reimbursement of fees and expenses.

- A. The Applicant, for approval of any items set forth hereinabove in Subsections A through G of the definition of "Applicant" in §112-9, shall reimburse the Town for all reasonable and necessary engineering, legal, other professional consulting fees and reasonable expenses incurred by the Town in connection with the review and consideration of the Application for such approval.
- B. A Developer who constructs or proposes to construct one or more Highways, Drainage Facilities, Utilities, Parks, communications towers, antennas or accessory communications structures within or in conjunction with any development in the Town shall reimburse the Town for all reasonable and necessary legal, engineering, other professional consulting fees and other expenses (which shall also include the costs of any necessary studies with regard to the same) incurred by the Town in connection with the inspection and acceptance by the Town of such Highways, Drainage Facilities, Utilities, Parks, communications towers, antennas or accessory communications structures and the dedication of same to the Town, where applicable.
- C. Notwithstanding anything to the contrary contained in this Article, an Applicant shall reimburse the Town for all reasonable costs of publication(s) relating to the Application.

§112-11 Exceptions.

Notwithstanding anything to the contrary contained in this Article, an Applicant or Developer shall not be required to reimburse the Town for any part of a legal, engineering, other professional consulting fees or other expenses incurred by the Town for services performed in connection with legal action by a third party as to which the Town Board determines that the Applicant and/or Developer had no responsibility or which such legal action was beyond the reasonable control of the Applicant or Developer.

§112-12 Deposit and payment of fees.

- A. Except as otherwise provided herein, simultaneously with the filing of an Application as defined herein, and prior to the commencement of any review of such Application and prior to the construction of Buildings, Highways, Drainage Facilities, Utilities or Parks therein, the Applicant or Developer, as the case may be, shall deposit with the Town Clerk a sum of money, in furtherance of §112-10 of this Article, which such sum may be determined from time to time by the Town Board, or on a case-by-case basis upon the recommendation of the Town engineer or attorney and which such sum of money shall be used to pay the costs incurred by the Town for engineering and legal services and the services of other professional consultants as described in §112-8 of this Article.

- B. The Applicant shall pay all engineering fees associated with an Application for subdivision approval as follows:
1. For concept approval: together with the Application for preliminary subdivision approval or within 90 days of disposition of the Application for concept approval, whichever is sooner.
 2. For preliminary subdivision approval: together with the Application for final subdivision approval or within 90 days of the disposition of the Application for preliminary subdivision approval, whichever is sooner.
 3. For final subdivision approval: prior to signature of the final subdivision plot by the Chairman of the Planning Board or within 90 days of the disposition of the Application for final subdivision approval, whichever is sooner.
- C. Payment of all engineering and legal fees and the fees of other professionals associated with an Application for zoning variance or other relief from the Zoning Board of Appeals or the Planning Board (other than subdivision) shall be a condition of such Application and/or approval and shall be charged to and paid by the Applicant prior to the final filing of the resolution granting the relief sought or within 90 days of final disposition of the Application, whichever is sooner. Failure of the Applicant to reimburse the Town for such fees as required hereby shall result in revocation of the conditioned variance approval granted by the Zoning Board of Appeals.
- D. Payment of all engineering and legal fees and the fees of other professional consultants associated with an Application for a building permit shall be a condition of such Application and/or approval and shall be charged to and paid by the Applicant prior to the issuance of any certificate of occupancy or within 90 days of final disposition of the Application, whichever is sooner.
- E. Payment for engineering and legal costs and the costs of other professional consultants associated with inspection and sign-off on all improvements secured by a letter of credit shall be secured by said letter of credit by provision of additional security in the sum of 4% of the proposed improvement, secured for the Town's engineering and legal costs and the costs of other professional consultants, and 4% to secure the services of Applicant's engineer for site inspection purposes. This security shall not serve as a limit upon the obligation of the Applicant for the entire cost of the Town's engineering and legal costs and the costs of other professionals, which shall be fully payable, with or without recourse to the letter of credit, within 30 days of the inspection or sign-off, whichever is sooner.
- F. Upon receipt of such sums, the Town Supervisor shall cause such moneys to be placed in a separate non-interest-bearing account in the name of the Town and shall keep a separate record of all such moneys so deposited and the name of the Applicant or developer and project for which such sums were deposited.

- G. Upon receipt and approval by the Town Board of itemized vouchers from an engineer and/or attorney and other professional consultants for services rendered on behalf of the Town pertaining to the Application or Development, the Town Supervisor shall cause such vouchers to be paid out of the moneys so deposited and shall furnish copies of such vouchers to the Applicant or Developer at the same time such vouchers are submitted to the Town.
- H. The Town Board shall review and audit all such vouchers and shall approve payment of only such engineering, legal fees and other professional consultant fees as are reasonable and necessarily incurred by the Town in connection with the review, consideration and approval of any Application for Development and the inspection of all construction and acceptance of Highways, Drainage Facilities, Utilities and Parks within or in conjunction with such Development. For purpose of the foregoing, a fee or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by engineers or attorneys or other professional consultants to the Town for services performed in connection with the approval or construction of a similar Development. In this regard, the Town Board may take into consideration the duration of the review process, changes to any submitted plans and/or specifications, the size, type and number of Buildings, Structures or facilities to be constructed; the amount of time to complete the Development; the topography of the land on which such Development is located; soil conditions; surface water; drainage conditions; the nature and extent of Highways, Drainage Facilities, Utilities and Parks to be constructed; and any special conditions or considerations that the Town Board may deem relevant. A fee or part thereof is necessarily incurred if it is was charged by the engineer or attorney or other professional consultant for a service which was rendered in order to protect or promote the health, safety, welfare, community character, compliance with the Comprehensive Plan or other vital interests of the residents of the Town or to protect public or private property from damage from uncontrolled surface water runoff and other factors and to assure the proper and timely construction of Highway, Drainage Facilities, Utilities and Parks and protect the legal interest of the Town, including receipt by the Town of good and proper title to dedicated Highways and other facilities and the avoidance of claims and liability, and such other interests as the Town Board may deem relevant.
- I. If at any time during or after the processing of such application or in the construction, inspection or acceptance of Buildings, Highways, Drainage Facilities, Utilities or Parks there shall be insufficient moneys on hand to the credit of such Applicant or Developer to pay the approved vouchers in full, or if it shall reasonably appear to the Town Supervisor that such moneys will be insufficient to meet vouchers yet to be submitted, the Town Supervisor shall cause the Applicant or Developer to deposit additional sums as the Supervisor deems necessary or advisable in order to meet such expenses or anticipated expenses.
- J. In the event that the Applicant or Developer fails to deposit such funds or such additional funds, the Town Supervisor shall notify, as applicable, the Chairman of the Planning Board, Town Board, Zoning Board of Appeals and/or the Town's Code Enforcement Officer of such failure, and any review, approval, building permit or certificates of occupancy may be withheld by the appropriate Board, officer or employee of the Town until such moneys are deposited.

- K. The issuance of a final certificate of occupancy or certificate of compliance shall not occur unless and until all fees incurred hereunder have been paid in full.
- L. After final approval, acceptance and/or the issuance of a certificate of occupancy or certificate of compliance relating to any specific Development, and after payment of all approved vouchers submitted regarding such Development, any sums remaining on account to the credit of such Applicant or Developer shall be returned to such Applicant or Developer, along with a statement of the vouchers so paid.

§112-13 Deposit amounts.

Unless otherwise provided herein, the amount of the initial deposit for the various Developments covered by this Article shall be set forth in a schedule of deposits established from time to time by resolution of the Town Board or in the event of an unusual or particularly sophisticated Application, on a case-by-case basis upon the recommendation of the Town engineer or attorney. Said schedule shall remain in effect and shall apply to all Applicants and Developers until amended or revised by subsequent resolution.

§112-14 Application fees.

The deposits required by this Article shall be in addition to any Application fees as may be required by other laws, rules, regulations, or ordinances of the Town and shall only be used to offset the specific expenses of the Town in connection with the Application for Development and shall not be used to offset the Town's general expenses for legal and engineering services and other professional consultant services for the several boards of the Town, nor its general administration expenses.

§112-15 Applicability to pending Applications.

The provisions of this chapter shall be effective regarding engineering and legal fees and other professional consultant fees incurred from this date forward on pending Applications, after due notice to all pending Applicants.

§112-16 Municipal approval to address fees.

All resolutions or decisions disposing of municipal approval applications shall address the fees imposed in this chapter; provided, however, that the failure to do so does not constitute a waiver of the Town's right to charge and collect said fees or relieve the applicant from the obligation to pay said fees.

§112-17 Waiver of fees by Town Board.

Upon proper application to the Town Board, the Board may, in its sole discretion, upon good cause shown, waive any or all of said fees, which waiver shall be effective only by resolution duly adopted by the Board.

SECTION 4. EFFECTIVE DATE.

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

Lakeville Fire District Contract

Upon motion by Councilperson Mayer to approve the Lakeville fire contract, seconded by Councilperson Gardner the vote went as follows:

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
 Nays: 0

Village of Lima Fire District Contract

Upon motion by Councilperson Mayer to approve the Village fire contract, seconded by Councilperson Gardner, the vote went as follows:

CARRIED Ayes: 4 Falk, Gardner, Carey, Mayer
 Nays: 0

Upon motion by Councilperson Gardner to adjourn at 7:45 PM, seconded by Councilperson Mayer, the vote was unanimous.

Respectfully Submitted by:

Jennifer Heim, CMC/RMC
Town Clerk

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