

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 6th day of December 2022 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, Town Attorney, Jim Campbell, Town Clerk, Jennifer Heim, CEO/Building Inspector, Charlie Floeser, Highway Superintendent, John Sokolofsky

Guests: Sign-in sheet attached below.

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

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”

Approval of the Agenda

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

Discussion of Empty Town Board Seat

Supervisor Falk asked board members to vote between two candidates, Stephen Werner or Andrew Torpey. Councilperson Button – Votes Andy, Councilperson Carey – Votes Steve, Councilperson Petroski – Votes Andy, Supervisor Falk – Votes Andy. With three votes for Andy and upon motion by Councilperson Button to assign Andy Torpey to fill the vacant Town Board seat, seconded by Councilperson Carey, the vote was as follows:

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

Swearing In

Andy was sworn in and seated at the Town Board table.

Supervisor’s Report

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

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

Supervisors Communication to the Board

Letter was received from NG to change metering and a bid from NOCO.

November 1st Minutes

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

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

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. 369 through 412 \$117,953.59
Highway Funds: No. 175 through 187 \$ 5,169.16

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

CARRIED Ayes: 4 Falk, Button, Carey, Petroski

Nays: 0

Building Inspector/Code Enforcement Officer Report

Charlie Floeser distributed his report for board review and discussed said report.

Highway Department Monthly Report

Highway Superintendent distributed his report for board review and discussed said report.

Replacement of plow truck was discussed, waiting on quotes.

MEO job opening – received one applicant who was not hired. The ad is being placed again.

DOT to investigate traffic conditions for Jenks Road, between Route 15A and Poplar Hill and Woodruff Road, between 15A and Poplar Hill.

Crosswalk on 15A – waiting for the proper permit application from DOT.

Water District #5

Eric Weiss, Senior Associate for Clark Patterson Lee dropped off the Final Map, Plan and Report for Water District #5. Attorney Campbell indicated that the Map, Plan and Report contains a very lengthy and detailed legal description of the proposed Water District, along with the other pertinent information related to improvements and costs related to those improvements. Attorney Campbell also stated a resolution needs to be approved by the Board – see said resolution below, to accept the Map, Plan and Report; The Town Board previously approved a resolution authorizing the preparation of the Map, Plan and Report, which was subject to permissive referendum. The Town Clerk published notice of Adoption of Resolution subject to permissive referendum in the official newspaper and thereafter, no petitions seeking a referendum were turned in to the Town Clerk.

Accordingly, the Town Board can now entertain a motion to adopt the Map, Plan and Report. Upon motion by Councilperson Button to adopt a Resolution as prepared by the Attorney for the Town that accepts the Map, Plan and Report, seconded by Councilperson Petroski, the vote went as follows:

CARRIED Ayes: 4 Falk, Button, Carey, Petroski
 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 #12 of 2022

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 the entire 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 Board adopted a resolution on April 5, 2022, authorizing the engagement of Clark Patterson Lee to prepare a Map, Plan and Report to delineate the proposed district and to provide the details of the improvements and the costs of such improvements to take place within the newly created district; and

WHEREAS, adoption of the Resolution authorizing preparation of the Map, Plan and Report was subject to permissive referendum pursuant to Article 7 of the New York State Town Law; and

WHEREAS, the Town Clerk for the Town of Lima caused a Public Notice of Resolution of the Town of Lima Adopted Subject to Permissive Referendum to be duly published in the Town’s official newspaper within ten (10) days of its adoption as required by New York State Town Law §90; and

WHEREAS, no petitions meeting the requirements of New York State Town Law §91 and New York State Election Law §6-140(1)(a) have been filed seeking permissive referendum with regard to the published notice; 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. If such district 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

WHEREAS, Clark Patterson Lee has prepared such Map, Plan and Report with respect to the establishment of the “Town of Lima Water District No. 5” and all improvements intended to be made therein and presented the same to the Lima Town Board; and

WHEREAS, the Lima Town Board now wishes to accept such Map, Plan and Report so that it may schedule a Public Hearing regarding the potential creation of the “Town of Lima Water District No. 5”;

NOW THEREFORE, be it

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

1. That the Town Board of the Town of Lima has been presented with the Map, Plan and Report for the “Town of Lima Water District No. 5” as prepared by Clark Patterson and Lee and hereby accepts the same on behalf of the district to be formed; and
2. Any such and all costs associated with such Map, Plan and Report shall be passed on to the “Town of Lima Water District No. 5” excepting and unless the district is not formed, in which case, the cost of such Map, Plan and Report shall become an expense of the Town as a whole and shall be paid out of the Town’s General Fund; and
3. Pursuant to New York State Town Law, the Town Clerk shall hereafter file the Map, Plan and Report at the Office of the Town Clerk, where it may be viewed by the public.

The question of the adoption of the foregoing Resolution was duly submitted for approval by vote of the Lima Town Board on Tuesday, December 6, 2022, recorded as follows:

Vote of the Board:	Councilperson Andrew Torpey	No Vote
	Councilperson Leta Button	Aye
	Councilperson Bill Carey	Aye
	Councilperson Mark Petroski	Aye
	Supervisor Michael J. Falk	Aye

This is to certify that I, the undersigned, Clerk of the 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 6th day of December, 2022.

Jennifer A. Heim, CMC, RMC - Town Clerk

Lease Agreement between Town “Landlord and Village “Tenant”

Tabled to December 30th meeting. If no action this item will be tabled to February 7th meeting.

2023 Fire Protection Contract between Town and Village

Attorney Campbell indicated that Councilperson Petroski requested language be added to the Village draft regarding insurance coverage. Said language was drafted and sent to Village Attorney Lenahan but there has been no response back to-date. Tabled to December 30th meeting. If no action this item will be tabled to February 7th meeting.

2023 Ambulance Services Contract between Town and Village

Attorney Campbell indicated that Councilperson Petroski requested language be added to the Village draft regarding insurance coverage. Said language was drafted and sent to Village Attorney Lenahan but there has been no response back to-date. If no action this item will be tabled to February 7th meeting.

Siemens Energy Services

Chris Catt, Account Executive of Siemens distributed and discussed utility data analysis and facility improvement measures for Town buildings (garage, town hall, town court and town library).

2023 Inter-Municipal/Services Sharing Agreement Extension

Said Agreement was received from Livingston County. Upon motion by Councilperson Button to allow Supervisor Falk to execute same, seconded by Councilperson Petroski, the vote went as follows:

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

Resolution #13 of 2022

Contract Extension - Intermunicipal Agreement Extension for Machinery, Tools, Equipment and Services Sharing Access

Approving Joint Services Agreement for Machinery, Tools, Equipment and Services Sharing Access

WHEREAS, New York State Highway Law Sec. 133-a authorizes the County 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 County's interest to enter into such agreements with Towns and Villages located within Livingston County, now, therefore, be it

RESOLVED, that the Chairman of the Livingston County Board of Supervisors is hereby authorized to sign joint services agreements, with any Town or Village in Livingston County for a term of one year terminating December 31, 2025.

Approved: December 6, 2022

Charter Communications, Inc. Franchise Agreement

Supervisor Falk received a letter from Charter, writing they are, looking forward to renewing the franchise agreement with the Town in 2025. After discussion it was agreed Attorney Campbell will reach out to determine formal process or informal process is best for the Town.

Dog Park Update

Supervisor Falk mentioned the fencing is done and paid, with a Thank You to Cathy Gardner. The balance of the money has been moved into a park reserve account. When fees are established allowing access to the dog park, those monies will be applied to that account.

Budget Transfers

The below transfers were approved upon motion by Councilperson Petroski, seconded by Councilperson Button. The vote went as follows:

CARRIED Aye: 4 Falk, Button, Carey, Petroski
 Nays: 0

TOWN OF LIMA				
PLEASE MAKE THE FOLLOWING BUDGET MODIFICATIONS				
AT YOUR NEXT MEETING:				
		<u>GENERAL FUND-TOWNWIDE</u>		
	<i>Transfer From:</i>	A1355.4A	Assessor Attorney	\$ 1,876.47
		A1460.4	Records Mgmt, Contr Expend	\$ 1,000.00
		A3310.4	Traffic Control, Contr	\$ 450.67
		A7550.4	Celebrations, Contr Expend	\$ 35.00
			TOTAL:	\$ 3,362.14
	<i>Transfer To:</i>	A1620.4	Buildings, Contr Expend	\$ 2,876.47
		A3120.4	Police Contr.	\$ 450.67
		A6989.4	Community Eco & Dev Contr.	\$ 35.00
			TOTAL:	\$ 3,362.14
			<u>GENERAL FUND-OUTSIDE VILLAGE</u>	
	<i>Transfer From:</i>	B5410.4	Sidewalk Contra	\$ 1,630.00
		B8010.2	Code Enforcement Off. Equip.	\$ 1,046.31

	<i>Transfer To:</i>	DB5110.1A	Cell Reimb		\$ 80.00
					\$ 80.00
			<u>WATER DISTRICT #1</u>		
	<i>Transfer From:</i>	SW1-8310.4	Administration Contra		\$ 29.38
					\$ 29.38
	<i>Transfer To:</i>	SW1-9030.8	Social Security		\$ 29.38
					\$ 29.38

Motion by Councilperson Carey to adjourn at 7:45PM seconded by Councilperson Button, the vote was unanimous.

Respectfully Submitted by:

Jennifer Heim, CMC/RMC
Town Clerk

All documents mentioned in the Town Board Minutes can be reviewed upon request.

TOWN BOARD MEETING SIGN-IN SHEET

DATE: DECEMBER 6, 2022

Name	Title	Address
Chris Giff	Project Lead/Giannas	72 Woodrow St Vinton, VA 25654
Andrew Torpe,		2776 Pond rd.
Blake Benson		6577 Woodluff Rd
Stephen Weener		7280 Kobec Drive
Kinny Baker		7155 W. MAIN ST.
Crie Bakers		" "