

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 6th day of October 2020 at 6:00 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

PRESENT: Supervisor, Michael Falk
Councilperson, Leta Button
Councilperson, Bruce Mayer
Councilperson, Jon Belec
Councilperson, Bill Carey
Town Clerk, Jennifer Heim
Highway Superintendent, Keith Arner
Highway Superintendent, John Sokolofsky
Town Attorney, James Campbell
Building Inspector/CEO, Charlie Floeser

Call the Meeting to Order

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

Open Public Hearings – Water Formation District #4 & Preliminary Budget

Upon motion by Councilperson Carey to open the public hearing at 6:00PM regarding the budget, seconded by Councilperson Mayer, the vote was unanimous.

Upon motion by Councilperson Mayer to open the public hearing regarding the formation of water district #4, seconded by Councilperson Carey, the vote was unanimous.

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 Carey, the vote went as follows:

CARRIED: Ayes: 5 Falk, Mayer, Carey, Button, Belec
Nays: 0

September 1st Minutes

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

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Audit of Claims/Abstracts

Resolved that the bills contained on Abstract #10 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 285 through 313	\$ 31,179.66
Water Funds 1, 2, &3:	No. 40 through 41	\$ 857.33
Highway Funds:	No. 134 through 150	\$ 13,641.41

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

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Guest(s) None

Building Inspector/Code Enforcement Officer Report

Charlie Floeser discussed his report.

Town Water Report

Highway Superintendent Arner explained the water report.

Elevator Project

Supervisor Falk informed the board the lift has yet to be delivered to make the front accessible. Once this arrives the project will start. Location of the next board meeting is to be determined.

Sidewalk Installation Progress

Superintendent Arner said the sidewalk will be completed after the concrete is delivered Wednesday.

Proclamation Policy

The Board discussed the proclamation policy and agreed to adopt same. Upon motion by Councilperson Carey to adopt the policy, seconded by Councilperson Mayer, the vote was unanimous.

Fuel Bids

Superintendent Arner informed the board no bids were received. The Town will advertise again and discuss at the next regularly scheduled meeting, November 3rd.

Wheeled Excavator

Superintendent Arner asked the board to accept the bid from George & Swede for the purchase of a wheeled excavator in the amount of \$194,000.00. Upon motion by Councilperson Carey to accept the bid and purchase the excavator, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Fire District #2

After discussion the board agreed to use the Lima Fire Department for fire coverage in the South Lima area, replacing Lakeville Fire Department and saving \$4,779.24 in cost. This is possible due to the 24/7 mutual aid agreement between the Lima and East Avon Fire departments.

Baldwin Business Services for Bookkeeping and Payroll

Supervisor Falk mentioned receipt of the above contract. Fees for the fiscal year 2021 will be \$15,200.00. Upon motion by Councilperson Carey, seconded by Councilperson Button, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Livingston County Water and Sewer Authority – Metering Contract

Supervisor Falk has yet to receive the metering contract from the LCWSA. This topic will be tabled to the next regularly scheduled meeting, November 3rd.

NYSDOT Shared Services Agreement

Supervisor Falk mentioned receipt of the Shared Services Agreement between NYSDOT and Town of Lima. This agreement indicates the State and Town of

Lima wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources.

Mini Excavator Agreement with the Village of Lima

This is an Inter-municipal Agreement regulating the mutual purchase, use and maintenance of a mini excavator between the Town and Village of Lima. The above Agreement was approved by the Village Board at their September 22nd meeting. Upon motion by Councilperson Mayer to sign and accept the Agreement, seconded by Councilperson Carey the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

CEO Agreement

This agreement states the Town and Village wish to enter into a formal agreement whereby the Town and the Village will share the services provided by the CEO. The Village Board signed said Agreement on September 22nd. The Town Board agreed to the Agreement. Upon motion by Councilperson Carey, seconded by Councilperson Belec, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Fire Protection Agreement

This topic is tabled to for the regularly scheduled meeting November 3rd.

Ambulance Services

This topic is tabled to for the regularly scheduled meeting November 3rd.

Livingston County Highway Department 2021 Inter-municipal Agreement Extension

Supervisor Falk mentioned receipt of the 2021 Inter-municipal Agreement extension from the County Highway Department. The County wished to extend the current Agreement for one (1) additional twelve (12) month period commencing January 1, 2021 and terminating December 31, 2021. Upon motion by Councilperson Carey, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Resolution #6 of 2020

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, 2021 with the option to renew for up to five additional one-year terms through December 31, 2022, subject to the approval of the County Administrator and County Attorney.

Approved: October 6, 2020

Close Public Hearing for Water Formation District #4

No comments or discussion. Upon motion by Councilperson Carey to close the public hearing at 6:45PM, seconded by Councilperson Mayer, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Water District #4 – Short Environmental Assessment Form

Town Attorney Campbell completed a Short Environmental Assessment Form (Part 1 – project information and Part 2 – impact assessment) with the Town Board. Upon motion by Councilperson Mayer to adopt the answers as the official findings of the Short Environmental Assessment Form.

Water District #4 – Declare a Negative Declaration

Upon motion by Councilperson Mayer to declare a negative declaration, seconded by Councilperson Belec, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec

Nays: 0

A Negative Declaration indicates said formation will most likely not result in a significant negative environmental impact.

Resolution #7 of 2020 – Forming Water District #4 on Tupelo Trail

In the Matter of the Petition for the Establishment of a Water District in the Town of Lima, Livingston County, New York, to be known as the “Water District No. 4.”

RESOLUTION AND ORDER TO ESTABLISH DISTRICT

(Pursuant to Town Law §209-e)
Resolution #7 of 2020

WHEREAS, it is the intent of the Town of Lima to create Water District No. 4 to include all of the real property indicated in the final map, plan and report prepared by Clark Patterson Lee, dated June, 2020 and being styled “Map, Plan and Report for the Town of Lima Water District No. 4” (hereafter “Map, Plan and Report”), said real property being located in the Town of Lima, County of Livingston and State of New York; and

WHEREAS, the real property that will be included in the district is more particularly described in said Map, Plan and Report filed in the Lima Town Clerk’s Office; and

WHEREAS, the Town of Lima Town Board (hereafter “Town Board”), acting on behalf of the Town of Lima Water District No. 4, having previously directed the Town Engineer to prepare a map, plan and report with respect to the proposed district, said direction being authorized by a resolution of the Town Board and said Map, Plan and Report being accepted by the Town Board by resolution that was adopted on August 4, 2020; and

WHEREAS, the Town Board has directed that the charges incurred for the Map, Plan and Report shall be a Town charge until such time as the district formation shall take place at which time they shall become a district charge; and

WHEREAS, the Map, Plan and Report was subsequently filed in the office of the Lima Town Clerk; and

WHEREAS, the Board having previously complied with the relevant provisions of SEQR; and

WHEREAS, the Town Board on September 1, 2020 adopted a Resolution and Order pursuant to Town Law §209-d which directed that a public hearing be held on October 6, 2020 to receive public comment relating to the possible adoption of a resolution to establish the Town of Lima Water District No. 4; and

WHEREAS, the notice of public hearing was properly published and posted pursuant to New York State Town Law §209-d; and

WHEREAS, the notice of public hearing contained all necessary information to comply with New York State Town Law §209-d; and

WHEREAS, a public hearing having been held on the 6th day of October, 2020 at 6:00 P.M. at the Lima Town Hall located at 7329 East Main Street, Lima, New York, with respect to the creation of the Town of Lima Water District No. 4 to include the property noted in the Map, Plan and Report and as more particularly described in the Map, Plan and Report on file at the Lima Town Clerk's Office, in the Town of Lima, County of Livingston and State of New York; and

WHEREAS, a copy of the Map, Plan and Report describing the proposed district boundaries, the improvements to be constructed therein and a detailed explanation of the estimated cost of hook-up fees and the cost to the typical property, as well as the boundaries of the entire Town of Lima Water District No. 4, was available for the public inspection at the Lima Town Clerk's Office prior to and at each of the public hearings referenced above and is attached hereto and made a part hereof; and

WHEREAS, the Board having given due consideration to the testimony and evidence given at the public hearing conducted on October 6, 2020; and

WHEREAS, the Map, Plan and Report calls for the installation of water main, valves, water services and one or more hydrants to service eight (8) homes within the Salerno Subdivision Tupelo Trail; and

WHEREAS, that the cost for the water delivery improvements that will serve the proposed Town of Lima Water District No. 4 will be entirely borne by the developer of the Salerno Subdivision Tupelo Trail as part of the development cost of such project; and be it further

WHEREAS, the anticipated cost to the typical property located within the Town of Lima Water District No. 4 is estimated to be \$575.00, which includes no debt service for the costs associated with the improvements, but rather is comprised of quarterly water charges of \$45.00 per quarter for (\$180.00 annually), plus estimated annual water costs of \$394.20 (estimated based on historical usage of single-family residential units within the Town of approximately 180 gallons per day); and

WHEREAS, that the cost associated with connecting the individual homes within the proposed Town of Lima Water District No. 4 has been paid for by the developer of the Salerno Subdivision Tupelo Trail and shall not result in additional charges to the benefitted properties within said District; and

WHEREAS, adoption of this Resolution and Order shall be subject to permissive referendum pursuant to Article 7 of the New York State Town Law; and

WHEREAS, because the anticipated cost to the typical property located within the Town of Lima Water District No. 4 is estimated to be below that of the estimated cost computed by the New York State Comptroller for the creation of similar types of districts, the formation of the Town of Lima Water District No. 4 will not require approval of the New York State Comptroller's Office.

NOW THEREFORE, be it

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

1. That the notice of public hearing for the October 6, 2020 public hearing was published and posted as required by law and was otherwise sufficient;
2. That all of the property and property owners within the proposed Water District No. 4 are benefited thereby;
4. That all of the property and property owners benefited by Water District No. 4 are included within the limits of the proposed district; and
5. That it is in the public interest to form the Town of Lima Water District No. 4 as set forth; and it is further

RESOLVED and ORDERED, that subject to permissive referendum pursuant to Article 7 of the New York State Town Law, the Town Board of the Town of Lima does hereby establish the Town of Lima Water District No. 4 as set forth in the Map, Plan and Report; and it is further

RESOLVED and ORDERED, that within ten (10) days after the adoption of this Resolution, the Town Clerk is directed to record a certified copy of this Resolution in the Livingston County Clerk's Office and shall file a certified copy to the New York State Department of Audit and Control.

The question of the adoption of the foregoing Order was duly submitted for approval by vote of the Lima Town Board on Tuesday, October 6, 2020 recorded as follows:

Vote of the Board:	Councilman Mayer	—	AYE
	Councilman Carey	—	AYE
	Councilman Belec	—	AYE
	Deputy Supervisor Button	—	AYE
	Supervisor Falk	—	AYE

I, the undersigned, Clerk of the Board of the Town of Lima, Livingston County, New York, do hereby certify that the above Resolution was duly adopted by the Town Board of said Town on the 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 October, 2020.

Jennifer Heim, CMC, RMC - Town Clerk

**PUBLIC NOTICE OF RESOLUTION OF THE TOWN OF LIMA
ADOPTED SUBJECT TO PERMISSIVE REFERENDUM**

PLEASE TAKE NOTICE that a Resolution was adopted by the Town Board of the Town of Lima on October 6, 2020 by majority vote at a duly convened and noticed public meeting, subject to permissive referendum whereby the Town Board of the Town of Lima determined that it was in the best interest of the public to establish the Town of Lima Water District No. 4 and the Town Board did establish the same which will result in the installation of installation of water main, valves, water services and one or more hydrants to service eight (8) homes within the Salerno Subdivision Tupelo Trail and which the costs there of will be entirely borne by the developer of the Salerno Subdivision Tupelo Trail as part of the development cost of such project. The anticipated cost to the typical property located within the Town of lima Water District No. 4 is estimated to be \$575.00, which includes no debt service for the costs associated with the improvements, but rather is comprised of quarterly water charges of \$45.00 per quarter for (\$180.00 annually), plus estimated annual water costs of \$394.20 (estimated based on historical usage of single-family residential units within the Town of approximately 180 gallons per day).

Such action was adopted subject to permissive referendum and notice thereof is hereby provided pursuant to New York State Town Law §90; and

Pursuant to New York State Town Law, any petition for referendum must be made and filed pursuant to Article 7 thereof; and

Copies of the Town Board minutes reflecting the above referenced Town Board Resolution may be obtained at the Lima Town Hall from the Office of the Town Clerk.

Dated: October 7, 2020

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LIMA

Jennifer Heim, CMC, RMC - Town Clerk

Close Public Hearing for Preliminary Budget

Upon motion by Councilperson Mayer to close the public hearing at 6:51PM, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Adopt the 2021 Budget

Discussion was had and a change in the fire district fees will be made. With said change, upon motion by Councilperson Carey to adopt the 2021 budget, seconded by Councilperson Button, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays: 0

Proposed Local Law

Attorney Campbell distributed a proposed local law to amend Chapter 250 Article III and Article IV of the zoning ordinance of the Town of Lima, specifically to modify one or more definitions in Section 250-9 of such chapter and to modify section 25-11 R. To add new permitted uses and uses permitted with a special use permit. Specifically, repeal the former definition of “agribusiness enterprise” and to entirely replace the same with a new definition which shall be as follows: A retail or wholesale enterprise providing services or products principally utilized in agricultural production or agriculturally related endeavors, operated by the owner of a farm or agricultural operation existing on the property, including sale and erection of structures used in support of agricultural operations or farms, agricultural equipment and agricultural equipment repairs, storage and shipping of crops, or providing for wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of agricultural operations, including the packaging and storage of raw and processed materials utilized in the operation of said enterprise. Such enterprises shall not employ more than three persons who are not residents of the premises on which the enterprise is located.

Attorney Campbell stated he also included breweries and distilleries where wineries is entered in the code. The Board agreed and upon motion by Councilperson Carey to have Attorney Campbell submit said proposed local law to the County Planning Board for their feedback and approval as well as the Agricultural Advisor Board and Town Planning Board for comment, seconded by Councilperson Button, the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays:

A public hearing will be scheduled for December 1st, a regularly scheduled board meeting.

Planned Development Districts - Entertainment

After discussion regarding a “PD entertainment section” to include, music, hotels, seasonal functions, driving ranges, etc., the board was receptive to allow growth in Lima. More discussion to follow.

Right of Way on Harold Avenue

Supervisor Falk received a request to drive commercial fiber, for a wireless provider, along Harold Avenue and will need a right of way from the Town. Superintendent Arner suggested installing said fiber on the North side of the street. Supervisor Falk will inform the company before signing the easement. Upon motion by Councilperson Mayer to get the easement started, seconded by Councilperson Carey the vote went as follows:

CARRIED Ayes: 5 Falk, Mayer, Carey, Button, Belec
 Nays:

Use of Training Request by Zoning Board Member

A ZB member asked to use his training for sexual harassment and workplace violence instead of the recommendation of using NYMIR’s Webinars from the Town. After discussion the board disagreed as the training has nothing to do with sexual harassment or workplace violence. Supervisor Falk to inform the board member that per NYS every member/employee needs to take these trainings annually.

Motion to adjourn at 7:45PM by Councilperson Mayer, 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 can be reviewed at Town Hall.