

## 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 3rd day of May 2022 at 6:00 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

**Present:** Supervisor, Michael Falk, Deputy Supervisor, Leta Button, Councilperson, Bill Carey, Councilperson, Jon Belec, Councilperson, Mark Petroski, Town Clerk, Jennifer Heim, Town Attorney, Jim Campbell - Via Telephone, CEO/Building Inspector, Charlie Floeser, Highway Superintendent, John Sokolofsky

**Guests:** Paul Luft, Jason Molino, Lee DeKramer, Steve Werner, Blake Benson, Mike Neenan and Kristy Shafer

Supervisor Falk called the meeting to order at 6:00 P.M., with the Pledge to the Flag.

### **Approval of the Agenda**

Upon motion by Councilperson Carey to approve the agenda as distributed, seconded by Councilperson Button, 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”

### **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, Button, Carey, Belec, Petroski  
                          Nays: 0

### **April 5th Minutes**

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

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

### **Audit of Claims/Abstracts**

Resolved that the bills contained on Abstract #5 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 136 through 160	\$ 23,662.48
Water Funds 1, 2, & 3:	No. 11 through 13	\$ 3,230.79
Highway Funds:	No. 53 through 77	\$ 21,997.72

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

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

### **Building Inspector/Code Enforcement Officer Report**

BI/CEO Charlie Floeser distributed his report for board review.

### **Lease of Town of Lima Water Districts #1,2,3 & 4 Proposal to LCWSA**

Jason Milano, Executive Director of LCWSA discussed a 40-year lease of Town of Lima water districts to LCWSA. This would cover operation, maintenance, and financial improvements pertaining to said water districts. There is no cost to the Town other than existing debt and residents should see no change of service. After discussion and upon motion by Councilperson Button to hold

public hearing at June 7th's meeting, seconded by Councilperson Carey, the vote went as follows:

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

Said Lease Agreement will be included in next month's minutes.

### **Water District Operator Monthly Water Report**

Highway Superintendent Sokolofsky distributed and read the water report.

### **Water District #5**

Supervisor Falk passed out some sample legislation that limits water connections based on exempted Agricultural Districts, creating restricted hookups if a resident is in the agricultural district. Anyone agricultural district resident that does not hookup does not have to pay into the project if they choose not to connect.

Supervisor Falk asked the board to review the legislation. A draft will be made by Town Attorney Campbell and discussed at the next meeting.

Lee DeKramer distributed the April 6, 2022 "draft" Agricultural Advisor Committee meeting minutes to the board. Included at the end per request.

### **Library Crosswalk and Parking Plan**

Supervisor Falk wrote a letter back to the Library Board regarding EV stations, parking plan, etc., and includes the new Climate Action Plan by the state – changing the building code, no more new construction in NYS without using electricity. No natural gas, no propane, all appliances must be electric. By 2030 there will be no gas appliances sold in NYS, no gasoline vehicles, etc.

Highway Superintendent Sokolofsky will be working within the next few weeks to complete the crosswalk.

### **Highway Truck Auction**

Highway Superintendent Sokolofsky mentioned items taken to the auction for sale: Chevy S10, 2-ton crane, and digging bucket from an old excavator. Upon motion by Councilperson Petroski to send requested items to the auction, seconded by Councilperson Carey, the vote was unanimous.

**Proposed Local Law #1 of 2022 – Revision to Dog Code**

The Town of Lima has entered a contract with Livingston County Dog Control and therefore want to remove language from the code that refers to complaints being filed with the Town Clerk who then contacts Dog Control. Upon motion by Councilperson Petroski to hold a public hearing at the June 7th meeting for proposed Local Law #1 of 2022, seconded by Councilperson Carey, the vote went as follows:

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

**Town Bridge Inspection by CPL**

Supervisor Falk informed the board the bridge at the end of Cleary Road needs to be inspected. Upon motion by Councilperson Carey authorizing CPL to inspect the bridge, seconded by Councilperson Button, the vote was unanimous.

**New Hire – Benjamin Martin – Pay Rate**

Highway Superintendent Sokolofsky mentioned Benjamin Martin was hired and asked his salary start at \$22 per hour and after his six-month probation period he be paid \$23.50 per hour. Upon motion by Councilperson Petroski approving the rates suggested, seconded by Councilperson Carey, the vote went as follows:

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

**New Truck Auction Approval**

Sokolofsky would like to purchase a new truck to replace the Chevy S10 going to auction. The email below Sokolofsky sent to board members showing similar trucks the highway crew is interested in purchasing. Upon motion by Councilperson Belec to purchase a dump truck up to \$45,000.000, seconded by Councilperson Carey the vote went as follows:

CARRIED            Ayes: 4        Falk, Button, Carey, Belec  
                             Nays: 1        Petroski

Petroski would like to see a plan that identifies all Town Highway equipment, how old it is, when the Highway Department expects to replace it, how much the Highway paid when first purchased, etc. Sokolofsky said he has started that list. Petroski feels the Town spends a lot of money on equipment and is the one thing the Town should pay close attention to.

*“Below is a list of dump trucks sold by RTI Auction in the last year. These have features the crew and I would like to see for our next truck. We will discuss this further tonight.*

*Truck List:*

*2015 Chevy 3500 dump, 9k miles, gas, \$43,100*

*2011 F450, 32k miles, diesel, plow, \$32,900. Municipal truck*

*2016 RAM550 diesel dump with plow, 32k miles manual transmission, \$40,100 municipal truck*

*2012 f550 cab and chassis diesel plow 57k miles, \$28,500. This one is municipal last year at palmyra”*

## **Supervisor Appointment of Karen Zisler as Historian**

Supervisor Falk appointed Karen Zisler as Historian.

Motion by Councilperson Carey to adjourn at 7:05PM seconded by Councilperson Belec, the vote was unanimous.

Respectfully Submitted by:

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Jennifer Heim, CMC/RMC  
Town Clerk

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

**DRAFT**

**Lima - Agricultural Advisory Committee  
Meeting Report – April 6, 2022, 7 PM**

**PRESENT:** Chairman, Dennis Neenan, Ed Blodgett, Jr., Lee DeKramer, Dick Gruschow, Marc Krieger, John Lehning, Mike Neenan, Ted Zornow

**GUESTS:** Mike Falk, Supervisor, Cathy Gardner, Secretary

Dennis Neenan called the meeting to order at 7PM and invited Supervisor Falk to lead the Pledge of Allegiance.

Dennis explained that the purpose of this meeting is to review and make a recommendation on the Town's plan to extend public water along all town roads currently without public water service.

To begin, he asked Supervisor Falk for an update on the Town's public water service expansion plan.

Mike stated that the project is to install water mains in the entire town, that the design is not set and that it may be part of a larger county water project to extend service to other towns. The first water survey sent to all affected residents drew a 40% response rate. 71% of respondents were in favor of the plan, based on the preliminary information provided. Some households responded with more than one survey – Mike explained that this allowance was consistent with how a vote would be held on a final proposal, with every registered voter in the affected area given a right to vote.

The Town's engineering firm, CPL, developed the initial drawing of the service expansion plan and conducted the first survey. A consulting firm has been hired to complete a door-to-door survey, in conjunction with a dog census, to gather household income information that is required by the USDA for consideration of increased funding. The USDA has not yet approved this survey and the Town is waiting for a decision.

The Town Board has authorized CPL to prepare a detailed map, plan and report and has hired Municipal Solutions to identify funding sources and write grant applications for the project.

A deposit of \$7,000 has been paid for the door-to-door survey with a balance of \$7,000 due. This will be partially funded by retained revenue from dog licenses. The Town share of federal American Rescue Plan Funds is \$207,000 and some of these funds will be used for work that has been authorized for this project.

Upon completion of the project, Mike explained that the Town would enter into a 40-year lease with Livingston County Water & Sewer Authority to manage the town water district.

Discussion among committee members dealt with several concerns relative to the proposed plan:

- Anticipated cost of the proposed project as compared to the few parcels in very limited areas of the town where private water supply is inadequate. The size and cost of the project is not justified on this basis and spreading large costs over everyone to help a few is unfair.
- The costs would be a large burden and very difficult to pay for many residents with limited means.
- It is up to any person buying or building a house to do due diligence and verify adequate water supply before settling on a location.
- Why hasn't consideration been given to alternative water supply solutions or a more limited project to reach areas of concern and avoid most areas of the agricultural zoning district.

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- Preliminary estimated project costs are dated and don't reflect recent increases in labor and supply costs and this information is not available for review.
- No information has been provided to explain what costs would be borne by agricultural businesses.
- Fire protection would not be greatly improved. The addition of hydrants in rural areas would provide added access to water but fire-fighting capacity which is constrained by limited staff and equipment of a small volunteer fire department would remain the same.
- Expansion of public water supply encourages residential development. It enables subdivisions of homes to be built at lower cost. These projects require more acreage than single house construction and result in faster loss of farmland - the most essential resource for agricultural businesses.
- Build-out of residential subdivisions has followed expansion of water infrastructure in many surrounding and nearby towns. Landowners that rent farmland to agricultural businesses are often the first to sell farmland for housing projects. As the loss of available farmland grows, agricultural businesses decline.
- Several of Lima's current farm businesses relocated from other towns for this reason.
- When farming is replaced by housing, demand for community services and the cost of these services increases. This often leads to higher overall taxes for everyone. This is well-documented in cost of community services studies.
- The Lima Ag Plan was developed to help Lima maintain its largest business sector. As the plan explains, maintaining the existing agricultural land base is the single most important means of supporting the industry that local government can influence by the policies and land-use decisions that it makes.
- The town has zoning districts for different uses. Agriculture is intended to be the primary land use in the Agricultural Zoning District, just as other business types are intended to be the primary use in general business districts. Why does every recent proposal reviewed by this committee involve new uses that will hurt farm businesses?

All committee members recognize that expansion of public water service into Lima's agriculture zoning district will gradually erode the land base that is available for agricultural production. It has taken place in nearby communities, and it was a matter that was affirmed and emphasized by the American Farmland Trust, consultant to the Town of Lima in the development of Lima's Agricultural and Farmland Protection Plan. As essential farmland is converted to non-agricultural development, the industry will decline and the rural quality of the community that many value will change.

**The proposed water expansion planning effort, undertaken without consideration of the Town's Agricultural and Farmland Protection Plan and without objective and informed study of likely impacts on the town's agriculture business sector will most certainly have consequential and harmful effects on the town's largest and presently thriving agricultural industry.**

**For these reasons, the Committee is unanimous in its recommendation against this plan, as proposed.**

Attachments I & II support referenced discussion items. Please include this report, including attachments, in the minutes of the May 3, 2022 Town Board meeting and post to the Agriculture Advisory Board web page.

Adjourned at 9:15PM

Report approved by Agriculture Advisory Committee, Submitted by Cathy Gardner, Secretary

## Attachment I.

### Lima Agricultural and Farmland Protection Plan, Excerpt from Page 19:

The Town of Lima's proximity to a few of Monroe County's residential towns, as well as proximity to a Route 390 interchange (within a few miles of town limits), creates a potential for Lima to become a bedroom community for the larger Rochester area. Already on a drive through town, scattered lot residential development is evident in some agricultural areas. Currently, water lines extend throughout the village and on the major roadways of Route 15A and Routes 5 & 20 (Map 6). One line does extend from Ontario County to the east into the northeast quadrant of the Town and concern about water quality and quantity has spurred early discussion about water lines extending into the southeast quadrant of the Town. Pressure to convert agricultural land to non-agricultural uses increases once water lines are extended into farming areas. And, keeping Lima's significant prime soil resources intact for farming use becomes more difficult because these high-quality soils are also preferred for development.

Lima's wealth of prime soils and large blocks of contiguous farmland found on active farms in all quadrants of the Town, have led to planning efforts to focus on future residential growth occurring within the village limits or along village edges. This is in direct accordance with the County's DAN Plan goal as cited in the introduction of this Plan. The Town's Comprehensive Plan also calls for new business development within the existing village limits and along the Route 15A corridor, extending north of the village. Lima is working to sustain agriculture and protect farmland throughout the Town, on viable farmland acreage.

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### Lima Town Code - ARTICLE IV: Agricultural Use Districts,

#### Section 250-10, PURPOSE:

A. The purpose of the Agricultural Use District is to ensure that agriculture shall be the primary land use, to promote the vitality of agriculture in the Town of Lima as an essential element in the economic stability and growth of the Town, to preserve the rural character of the Town, to assure compatible types and densities of development on and adjacent to lands that are used for agricultural pursuits and, in keeping with the declared policy of the state, pursuant to New York State Agriculture and Markets Law, Article 25-AA, § 300, to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products and to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes.

B. Persons and entities not engaged in agricultural pursuits in the agricultural zone should be aware that the primary intention of the zone is to permit any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to New York State Agriculture and Markets Law, Article 25-AA, § 308, including but not limited to practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment, proper use of agricultural chemicals and other crop protection methods, direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on farm, and construction and use of farm structures. Such practices may generate dust, smoke, odor, noise, and vibration. During growing seasons, machinery may be operated at other than daylight hours.

C. Accordingly, any person or entity residing or working in an agricultural zone should anticipate these types of concerns and recognize that such are the by-product of zoning in an area in the Town where agricultural endeavors are encouraged to thrive.

D. To the extent buffer areas may be required by a planning or zoning board, the intention of such buffers is to reduce the potential for conflicts between farming and nonfarming uses. No agricultural land should be taken out of production to provide required buffer areas unless no other practical possibility exists to reduce such potential conflict, and in such instance, all practical accommodations should be expended to reduce the impact on the agricultural land in production. Agricultural zones are also areas of the Town where it is unlikely public water or sewer will be made available, so as to reduce the economic pressures for development that often flow from the introduction of such facilities. Consequently, persons acquiring property in agricultural zones should not expect such public facilities to be provided.