

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 July 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, CEO/Building Inspector, Charlie Floeser, Highway Superintendent, John Sokolofsky

Excused: Town Attorney, Jim Campbell

Guests: Blake Benson, Steve Werner, Sarah Santora

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

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.

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”

Guest – Sarah Santora – Assistant Community Representative

Sarah Santora, Assistant Community Representative of Senator Patrick Gallivan’s office asked to visit the Town Board meeting to reintroduce herself. She informed the board Senator Gallivan is committed to fully representing the constituents of the 59th District until December 31, 2022, when his Senate District will move west to Erie County, due to redistricting.

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

June 7th Minutes

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

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

Joint Town and Village June 7 Minutes

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

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

Audit of Claims/Abstracts

Resolved that the bills contained on Abstract #7 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 204 through 234	\$ 58,084.02
Water Funds 1, 2, & 3:	No. 20 through 23	\$ 1,742.90
Highway Funds:	No. 100 through 113	\$ 41,853.87

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

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

Building Inspector/Code Enforcement Officer Report

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

Water District Operator Monthly Water Report

Highway Superintendent Sokolofsky distributed his report for board review and discussed same.

Sandblast Quote

Highway Superintendent Sokolofsky distributed a quote to board members to have two 1-ton dump truck bodies sandblasted and painted. The quote was from A1 Sandblast & Fab for \$2,640.00. Upon motion by Councilperson Carey to approve the quote and have both trucks done for \$2,640.00, seconded by Councilperson Belec, the vote went as follows:

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

Water District #5

Supervisor Falk informed the board the USDA will not approve the income survey of questions. The Map, Plan and Report should be available before the regularly scheduled August 2nd meeting to discuss.

Supervisor Falk put together a letter to send back to the Agricultural Advisory Committee. Upon motion by Councilperson Petroski to sign the letter and send to the Agricultural Advisory Committee, seconded by Councilperson Carey, the vote was unanimous. Same is attached below.

Library Crosswalk and Parking Plan

This item was tabled and discussed in the next agenda item.

RFP for Heating and Energy

Supervisor Falk mentioned one request for proposal was received from Siemens Corp. Same explained different solutions for heating and cooling at Town Hall as well as ideas for the Court, Library and Garage. Upon motion by Councilperson Petroski to accept Siemens proposal, seconded by Councilperson Button, the vote was unanimous.

Mural Festival

Supervisor Falk mentioned the Mural Festival will take place Saturday, July 9th from Noon – 4PM with speeches, Highway Superintendent Sokolofsky band will be playing, entertainment for kids, etc.

Crosswalk on 15A

Councilperson Petroski said the DOT will complete a study for a crosswalk on 15A.

Motion by Councilperson Carey to adjourn at 6:45PM seconded by Councilperson Belec, 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.

SUPERVISOR:
Michael J. Falk

TOWN CLERK:
Jennifer Heim, CMC/RMC

TOWN COUNCIL:
William Carey
Leta Button
Jonathan Belec
Mark Petroski

TOWN OF LIMA

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JUSTICES:
Harold Harris
Joseph Schwing

HIGHWAY SUPERINTENDENT:
John Sokolofsky

BUILDING INSPECTOR:
Charlie Floeser

ASSESSOR:
Tami Snyder

Memo To: Town of Lima Agricultural Advisory Board
RE: Proposed Water District 5 Recommendation
Date: July 5, 2022

In response to your concerns, the Town Board would like to comment (in bold face) on the following statements (in italics) from the Agricultural Advisory Committee draft minutes of April 2022:

- *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.*
 - **This is speculative. It is premature to make conclusions when costs have not yet been fully determined. We have initiated a process of developing a map, plan, and report and need to see what develops. It is yet to be seen how much external aid will be available to cover a majority of cost.**
- *The costs would be a large burden and very difficult to pay for many residents with limited means.*
 - **This is speculative. The costs have not yet been determined nor the share that might be paid by Town residents.**
- *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.*
 - **This is true. Buyer beware.**
- *Why isn't consideration being 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.*
 - **The Town Board over the years has considered isolated projects. They did not move forward for one reason or another. Might this project take a similar path? Maybe.**
- *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.*
 - **The Map, Plan and Report will clarify this.**

- *No information has been provided to explain what costs would be borne by agricultural businesses.*
 - **After the Map Plan and Report is issued, then the sample legislation provided by the Town Engineers will be considered.**
- *Fire protection would not be greatly improved. The addition of hydrants in rural areas would provide added access to water but firefighting capacity which is constrained by limited staff and equipment of a small volunteer fire department would remain the same.*
 - **On this comment, we greatly differ. Fire fighting in rural communities is very challenging. Requires construction of a local pool that tanker trucks running continuously need to fill. Water flowing at a rate of 500 to 1000 gallons per minute is needed to fight a fire. if the pool fails or the tanker trucks are delayed, the fire claims its victim. Our local fire department, although small is well trained. They know when to call in additional resources and they commonly do. Our capability to fight fire is not limited to Town firefighters. It should also be considered that public water can have an effect on reducing property insurance rates.**
- *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.*
 - **It is unlikely that every acre of farmland will be subjected to subdivision pressure. We only need to look at the reality around us. Water lines have been developed in Livonia, Geneseo, Avon, Mt. Morris and many other places in Livingston County and there has not been an ensuing rush to build subdivisions. Without sanitary sewers, high density development is a big risk that could alone sway developers from a profitable project. Let alone the cost of subdivision roads and other features such as stormwater management, 2.5-acre lot sizes and we have a very good chance that water alone will not drive development. Could water be a factor, of course. But history tells us that even having a waterline in Lima, in 15A North for decades, this has not caused rampant development of any kind beyond the immediate road frontage. In fact, new highway frontage has been deemed as much a cause for development as public water (which really should be stated as private water and sewer since both are almost always talked about together in the literature, not separately.) No new highways are being proposed or constructed. Existing highway frontage, meaning all of our Town, County and State roads, are the cause and opportunity to carve out lots be it small subdivisions or one lot at a time. Who benefits from these types of subdivisions? Should we stop them as well? The Town and County reports discussing Ag lands and development pressures are not being ignored.**
- *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.*

- There have been some subdivisions locally that have been supplied public water, after the fact. Subdivision came first, then the water. In the cases of Bromley Road and Tupelo Trail the public water was extended to facilitate the subdivision. From an inspection of adjacent community land use maps, there are areas where public water exists where subdivisions have not occurred. At all. There is virtually no sign locally of the kind of development pressure experienced in Pittsford, Penfield, Victor, Canandaigua, or other such communities. There are a number of factors which drive development to those communities, that do not exist in Lima. As to the condition of businesses generally, there are many reasons why businesses decline. Bad management, bad budgeting, bad risk taking, inability to control costs. We should do what we can to support all businesses in the Town.
- *Several of Lima's current farm businesses relocated from other towns for this reason.*
 - Please provide information on which businesses these are.
- *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.*
 - If the Town wants more services, they will need to be paid for. Nothing is free. There are always things we pay for that not everyone is a direct beneficiary of. Many no longer have children in school yet pay a very large sum every year to the school district. The Town of Lima has done a marvelous job of managing taxpayer funds to keep tax rates as low as possible.
- *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 governments can influence by the policies and land-use decisions that it makes.*
 - The Farming Community in Lima is the largest grossing business sector using the largest amount of real property in its business operations. It is not the largest employer in the Township nor is it the highest net profit business in the Township. The Lima Ag Plan was a tremendous undertaking and is something we need to keep at the front of every conversation. Then too, within the Comprehensive Plan, people in the community showed interest in other things as well. It is time to look at the other desires of the community. The last survey had citizens' interests in the following order:
 1. Town Taxes and Fees
 2. Community Input into Town Decision Making
 3. HFL School System
 4. Commercial/Business Growth

5. Light Industrial Development
6. Revitalizing Downtown
7. Farming/Agriculture
8. Residential Development
9. Preservation of Historic Buildings
10. Shopping /retail development
11. Vehicular Development
12. Number of Jobs Available in Lima
13. Restrictions on Lot sizes
14. Small Town Character
15. Open Space
16. Parks and Recreation Opportunities

Note: According to the NYS Comptroller's report 'A Profile of Agriculture in New York State (2017) the average farm nets \$42,876.00 annually. New York ranked #1 in the production of Cottage Cheese, Sour Cream and Yogurt across the entire US. Lima has only two Dairy herds now. The Finger Lakes region including Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming and Yates was ranked #1 in total Farm sales for 2017. Livingston County ranked #1 for the sales of grains, oilseeds, dry beans and dry peas in NYS. NYS ranked 28th in the production of grains, oilseeds, dry beans and dry peas nationwide.

- *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 land use in general business districts. Why does every recent proposal reviewed by this committee involve new uses that will hurt farm businesses?*
 - **No new uses are being proposed with the formation of a Town wide water district. The Ag Zoning also allows residential, Golf Courses, Horse Tac Shops, and a variety of other uses. Nobody is presently contemplating a wholesale change to zoning codes. The 2.5-acres with 200 feet of frontage lot size minimum will do a good job all by itself restricting residential development.**
- *All committee members recognize that expansion of public water service into Lima's agricultural 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 American Land Trust is singularly focused on their objective. That said, there are opportunities to share resources and integrate them together in a meaningful way that preserves the ability of the farming community to thrive while supporting other desires as well. At the end of the day, farmers can buy up available land just like anyone else. No better way to control the land than to own it. Clearly, the party that owns the land controls its destiny.
- *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 agriculture industry.*
 - Again, largest grossing and user of real property...Farming is also the highest subsidized industry in the United States. According to Foodtanks's 'The Real Cost of Food' from 2015. Each US Taxpayer that year contributed an average of \$138 to Farm subsidies.
- *Attachment 1 Lima Agricultural and Farmland Protection Plan (Note: The DAN plan referenced therein is the County study written in the 1970's discussing Development, Agriculture and Natural Resources)*
 - The DAN plan has High Development and Low Development density housing requiring water on the following Roads: 5&20, 15A, York St., Bragg St, Doran Rd, Gleason Rd., Brigs Rd, Clay St., Livonia Center Rd., Michigan Ave, Pond Rd., McCoy Rd., Townline Rd., Heath Markham Rd., Garden St., and Chase Rd.
 - The Industrial Zone on Clay St and the Commercial Zones on 5&20 at Heath Markham and east of the Village to York St also need water.
 - The Hamlet of South Lima was ignored by the DAN plan and the Lima Zoning Plan. The housing is very dense and water is needed there.
 - The actual language of the DAN Plan refers to provision of public water and sewer. Water alone is not likely to have the effects suggested. There are ample cases to prove this is true. Interestingly enough, some reports state that water is a valuable resource to farmers too. Any farmer would expect to use the hydrant in front of their property to fight a fire whether they paid for the water or not.
- *Attachment 2 Lima Town Code – Article VII: Agricultural Use Districts, Section 250-10*
 - If one considers the economic challenge of water throughout the Town, public sewers are an order of magnitude above that. At least with water, we do not have to develop a source of supply. Water alone will not put significant pressure on development. Possibly in direct vicinity to the Village it might (except the experience on Route 15A north of the village says otherwise) but until the Village's capacity problems at the sewage treatment plant are resolved, any significant development will be quite challenging in either the Village or Town.

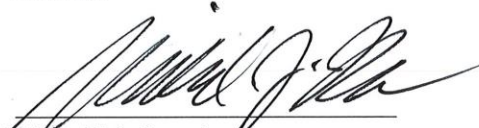
Data relative to land designated prime farmland in Lima:

- Total acreage in Lima 20779 acres (source: page 8 Lima, NY Agricultural and Farmland Protection Plan)
- Total acreage in active farmland production in Lima 10250 acres (source: page 8 Lima, NY Agricultural and Farmland Protection Plan)
- Total Prime Farmland in Lima 14200 acres (some prime farmland is within the Village and is already developed land with housing, commercial business or industrial use)
- Total Farmland of Statewide Importance in Lima 1300 acres
- Total Prime-if-Drained Farmland in Lima 1700 acres

Observations:

- Less than 50% of land in Lima is farmed.
- By observation, land other than prime farmland is farmed.
- Of the 10250 acres of land actively farmed, not all of it is prime farmland.
- There is around 7000 acres of land that has qualities that could be farmed but are not.
- There is a remaining 3550 acres not ideal for farming.

Sincerely,



Michael Falk, Supervisor



Leta Button, Councilperson



Bill Carey, Councilperson



Jon Beler, Councilperson



Mark Petroski, Councilperson