

## 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 February 2018 at 4:00 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

PRESENT: Supervisor, Michael Falk  
Deputy Supervisor, Dan Marcellus  
Councilperson, Cathy Gardner  
Councilperson, Bruce Mayer  
Councilperson, Bill Carey  
Town Clerk, Jennifer Heim, CMC/RMC  
Highway Superintendent, Keith Arner  
Excused: Town Attorney, James Campbell

Supervisor Falk called the meeting to order at 4:00 P.M., with the Pledge to the Flag, led by Veteran Bill Shusda.

### **Honor a Veteran**

The Town Board honored Mr. Shusda with an appreciation certificate for his services.

### **Reports**

#### **Motion to Accept Supervisor's Report –Review Ambulance & Building Inspector Reports (if received)**

Supervisor Falk mentioned receipt of said reports. On a motion by Councilperson Carey to accept the Supervisor's reports, seconded by Councilperson Mayer the vote went as follows:

CARRIED: Ayes: 5 Falk, Marcellus, Mayer, Gardner, Carey  
Nays: 0

### **Audit of Claims**

Resolved that the bills contained on Abstract #2 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 15 through 69	\$ 19,770.68
Water Funds 1, 2, &3:	No. 2 through 4	\$ 4,840.27
Highway Funds:	No. 8 through 25	\$ 45,079.61

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

CARRIED           Ayes: 5       Falk, Marcellus, Mayer, Gardner, Carey  
                           Nays: 0

**December 28<sup>th</sup> & January 2<sup>nd</sup> Minutes**

Minutes from the December 28<sup>th</sup> meeting & January 2<sup>nd</sup> meeting were approved with minor corrections by motion from Councilperson Gardner, seconded by Councilperson Mayer, the vote went as follows:

CARRIED           Ayes: 5       Falk, Marcellus, Mayer, Gardner, Carey  
                           Nays: 0

**Guest(s):**

**GCC Walkway**

Supervisor Falk stated a meeting to survey the GCC walkway project, with Engineering Firm, Clark Patterson Lee, has not been scheduled due to weather and hopes to do so next month. Updates will continue as information becomes available.

**Professional Legal Services Agreement for 2018**

Town Attorney James Campbell submitted an Agreement for services rendered. Said agreement states specifically under fees & costs “professional services will be billed at my current hourly rate for municipal clients of One Hundred Seventy-Five Dollars (\$175.00) per hour and paralegal expenses are charged at One Hundred Dollars (\$100.00) per hour. These rates will be in effect for 2018 but may be adjusted for services provided thereafter and the Town will receive adequate notice of any increase.” Upon motion by Councilperson Gardner to accept said agreement and retain Mr. Campbell, seconded by Councilperson Carey, the vote went as follows:

CARRIED           Ayes: 5       Falk, Marcellus, Mayer, Gardner, Carey  
                           Nays: 0

### **Post Office**

Supervisor Falk indicated the postal system is still completing its space study and there is no movement at all at this time. Falk mentioned the building is listed for sale on Re-Max by the bank. He also informed the board that there are no leaks and that Hallmark cards are available, again, for purchase. Updates will continue to follow as information is received.

### **Speed Trailer**

Councilperson Gardner mentioned the speed devices will cost around \$5,000 to \$6,000 and the board would have to decide whether this is something they want to budget for. Councilperson Gardner expressed getting something like that would be advisable with the complaints of speeding received by residents. If the board wants to make said investment she & Keith, by end of February or March, will visit Geneseo where pole speed devices have been purchased and come back to the board with recommendations. It was agreed to continue with research for speed devices to determine what type of unit the Town might be interested in. Updates will follow as information is received.

### **Resolution #2 of 2018 to Approve Record of Activity for Highway Superintendents Retirement**

***NYS Retirement system – ROA – Keith Arner, Highway Superintendent  
New Term: 2018 – 2021    Hours: 35.05***

*I, Keith Arner, verify that all my hours and duties, to comply with the New York State retirement systems requirements for elected officials, have not changed from my previous records from my elected term in 2014. If any full time hours or duties change I will notify the retirement system of them.*

***State of New York  
County of Livingston***

*On the 6<sup>th</sup> day of February 2018 before me the undersigned, a notary public, in and for said state, personally appeared **KEITH ARNER**, personally know to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledge to me that he executed the same in his capacity.*

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*Jennifer Shanks (Heim), Notary Public*

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*Keith Arner, Highway Superintendent*

Superintendent Arner asked for board approval of said Resolution. Upon motion by Councilperson Gardner to approve Resolution #2 as submitted, seconded by Councilperson Marcellus, the vote went as follows:

CARRIED           Ayes: 5       Falk, Marcellus, Mayer, Gardner, Carey  
                          Nays: 0

**Hold Public Hearing to Extend Temporary Land Use Moratorium Prohibiting Large Scale Solar Installations**

It was discussed and agreed to hold a public hearing at the March 6<sup>th</sup> meeting to extend temporary land use moratorium prohibiting large scale solar installations. Upon motion by Councilperson Gardner to hold a public hearing, seconded by Councilperson Mayer, the vote went as follows:

CARRIED           Ayes: 5       Falk, Marcellus, Mayer, Gardner, Carey  
                          Nays: 0

**Correspondence Received From Donna Clark**

Supervisor Falk mentioned receipt of said correspondence from Donna Clark. Upon advice of Town counsel no action was taken.

**Motion to Piggyback on DCMO Bid per Highway Superintendents Request**

Supervisor Falk mentioned receipt of a bid from Highway Superintendent Arner. Arner is requesting approval to piggyback onto another bid, received from Genesee Valley Fleet, to get a better price for a 2018 Ford F250 4x4 style side pickup. Upon motion by Councilperson Gardner to piggyback, seconded by Councilperson Mayer, the vote went as follows:

CARRIED           Ayes: 5       Falk, Marcellus, Mayer, Gardner, Carey  
                          Nays: 0

**Municipal Cooperation Agreement with the Village for District #2**

Supervisor Falk mentioned receipt of the water agreement and noted a 1.44% increase, totaling 11.44% as Town percentage of shared services and 88.56% Village share, to maintain, repair and upkeep the water transmission main, pumping station and water tower. Upon motion by Councilperson Gardner to accept said agreement, seconded by Councilperson Marcellus, the vote went as follows:

CARRIED           Ayes: 5       Falk, Marcellus, Mayer, Gardner, Carey

Nays: 0

### **Village Power Purchase Agreement**

Supervisor Falk emailed the below information to the Town Board Monday, February 5<sup>th</sup> to discuss at tonight's meeting. After discussion it was agreed NOT to sign onto the power purchase agreement with the Village and to fix the Town Hall insulation, air conditioning, etc., for electric cost savings. Below is information Supervisor Falk emailed board members.

"Providing services while using energy responsibly and reducing our costs is the goal here. Here is my analysis:

The Highway dept solar array generates far more energy than it uses. Approx. 2600kWh excess in 2016 and 4500kWh excess in 2017. The energy efficient lighting upgrade in 2017 is partially responsible. We have been carrying a kWh balance each year for the last 3 years. That tells me there is something wrong with our net metering agreement with National Grid. We should receive a payment for the WHOLESale value of excess in our anniversary month (anniversary of the array going on line). It is possible to assign the excess generation to one or more of our other buildings instead. That makes the value of the excess kWh RETAIL and will save us more money. I am waiting for the call back from the net metering division to get all our possibilities - the goal is for us to make some alterations in March.

The Town hall last year consumed 8060 kWh. I broke down the usage as follows:

Dec, Jan, Feb, Mar 2703kWh, Avg 676kWh/month June, July, Aug, Sep 3282kWh, Avg 820kWh/month  
Apr, May, Oct, Nov 2075kWh, Avg 519kWh/month

Electric office heaters are used in 4 offices all the time driving the winter electricity costs up. Window Air conditioners drive our summer costs up even higher. If the building has a good insulation envelope, then more efficient heating and cooling systems and practices will save us money. I believe it is possible to improve the building so that the excess from the Highway department will take out most of the electrical bill.

The Courthouse consumed 10,833kWh last year.

Dec, Jan, Feb Mar 4379kWh, Avg 1095kWh/month June, July, Aug, Sep 2890kWh, Avg 723kWh/month  
Apr, May 1982kWh, Avg 991kWh/month Oct, Nov 1582kWh, Avg 791/month

This points to a heating related issue for the winter, and a cooling related issue in the summer. Which means the building may not be well insulated.

There may also be some electrical artifacts produced by building renovations over the years. The costs are far higher than they should be and this requires a bit of investigation. Finding why and fixing it will bring the costs down.

Lastly, the intersection street lights. There is a program running currently that is partially grant funded to change the lights to LED. I met with the vendor in Albany last week and will get a proposal from them (Graybar in Rochester). At the end of it, we would own the new lights and pay far less each month for

power. This is an unmetered service that is calculated based on a formula that includes the current kWh cost. Dec 2017 was \$582 for 3149kWh.

So, should we extend the moratorium? I believe it allows time for everyone to come to the table and talk through the solar energy policy - including the input from NYS. I think we should extend it for only that reason. It will give us enough time to come up with something reasonable for the Town of Lima. I will not support another moratorium to follow it though. We can get this done in the time allowed.

Should we add the Town on to the Village power purchase agreement? In the agreement it is possible for the Village to walk away at certain points.

When that happens, the array owner can then sell the power to whomever will buy it. That is the definition of a commercial solar installation (and it is on arable farm land). One that would not have been allowed due to the moratorium. Once the array is done at the 25 year mark, the racking stays in place and new panels and inverters are installed. The cycle starts over again with new technology. That array is there to stay. I reviewed the agreement, I do not think it makes sense for the Town to sign on. Some of the costing information was missing and to be honest, I have misgivings about hiring anyone who shows up to a sales pitch with no documentation.

We can be greener by becoming more efficient in our own buildings and taking advantage of that LED program. Once we find that we have done all we can to the facilities, then we can add another roof mounted array at the Town Barn area (and do it in house) to cover the balance.”

The board agreed they will make their intentions known at the joint Town & Village meeting on February 13<sup>th</sup>.

### **Social Media Policy**

To be discussed at the Joint Town and Village meeting February 13<sup>th</sup> at 6:30 P.M.

Upon Motion by Councilperson Gardner to adjourn at 4:53 P.M., seconded by Councilperson Mayer, the vote was unanimous.

Respectfully Submitted by:

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Jennifer Heim, CMC/RMC