

## **June 2, 2020 Board Meeting**

**JH: Jennifer Heim**

**CF: Charlie Floeser**

**MF: Michael J. Falk , Town Supervisor**

**JB: Jon Belec, Councilperson**

**BC: Bill Carey, Councilperson**

**BM: Bruce Mayer, Councilperson**

**JC: James Campbell, Town Attorney**

**KA: Keith Arner, Highway Superintendent**

MF: Good evening everybody. I do not believe Leta's going to be on the call. Otherwise, I believe we are all here. So with that, I'd like to open with the Pledge of Allegiance.

ALL: I pledge allegiance to the flag of the United States of America. And to the republic for which it stands, one nation under God, indivisible, and liberty, justice for all.

MF: Welcome to everybody. A bit of an echo or feedback or something going on.

JB: Could I try calling back in? I think it may be me. This is Jon.

MF: Yeah.

JB: Okay.

BM: Hello.

MF: Hello.

BM: We're all done, so don't worry about it. Thank you. Okay, bye.

MF: Okay. Jon, have you rejoined us? Okay. All right, so the first order of business is we have the public opening of the bids for the mini excavator. I have two bids here from Tracey Road Equipment. One of the bids, the piece of equipment has been sold. So I'm putting that to the side. The second bid from the Tracey Road equipment was received on May 27<sup>th</sup>. And it is a bid for a 2018 New Holland E37C mini excavator with 95 hours on it for \$42,900. Okay. The second bid is from George & Swede was received June 1<sup>st</sup>. The bid is for a 2020 Hyundai R35Z-9A mini excavator at a price of \$45,500.

The third bid is from Admar Construction Equipment and Supplies received on June 1<sup>st</sup>. This bid is for a 2015 Kubota four ton mini excavator, model KX040-4R3AP at a price of \$41,500. Okay. The next one is from Baschmann Services, received June 2<sup>nd</sup>. This is for a used 2016 New Holland Model E35B mini

excavator. The price is \$35,757. The next bid is from Land Pro Equipment, received on June 2<sup>nd</sup>. This is for a new 2019 Jon Deere 35G compact excavator with two hours of service on it for \$48,298. The next bid is also from Land Pro Equipment. This is for a--it looks like a used John Deere 35D compact excavator for \$30,900. It's a 2006.

The next bid is from Land Pro Equipment. This is for a 2005 John Deere 35D mini excavator. And the bid price is \$28,900. The last bid is from Bobcat of Buffalo, and it was received June 2<sup>nd</sup>, but it was received two hours and fifty-five minutes after our noon deadline, so I have to discard. So bids are open, and we can go ahead and table it for now or we can go ahead and make a choice based on what you've got Keith. I know there's a lot of information to go through there about what's with it, what's not. Some have inserted extra options and attachments and others not.

KA: I think we're going to have to do that, Mike. Yeah, because some of the stuff that's quoted I don't know how many hours on it, and we're going to have to look them over a little closer, I guess. I'm going to have to get the village involved in that too. I think, Ben and myself are going to have to go over stuff, and, you know, take a look at what we've got there.

MF: Again, this mini excavator is supposed to be a shared asset.

KA: Right.

MF: It looks like the town would be purchasing it and setting up a contract and then the village would be buying it, and it would be whatever details we want to set up.

KA: We have contracts. Probably would be basically the same as like the ones we have with Avon. You know, with the bulldozer and the roller. So, you know, that would have to be set up, but I'm sure the wording and what have you would be basically the same. But we're going to have to look them bids over really good to make sure that we're not getting something that's got a ton of hours on it and is going to need a lot of work. We don't want to buy something that's going to cost us money.

MF: Right. Okay. Moving on then.

BM: So our motion then is to refer this to the highway superintendent for a recommendation?

MF: Yes, it is.

BM: I would make that motion.

MF: Is there a second?

BC: I'll second it.

JB: I'll second it.

MF: Okay. All those in favor?

ALL: Aye.

MF: Those opposed? Motion carried. Okay.

JB: So am I to assume the delay was me and everything is okay?

MF: What's that Jon?

JB: Am I to assume that the delay was me and everything is okay now?

MF: Yeah, I'm not getting the echo back.

JB: Great. Thank you.

MF: Did everyone have a chance to review the Supervisor's Report?

BM: Move to be approved as published.

BC: Second.

MF: All those in favor?

ALL: Aye.

MF: Those opposed? Motion carried. Did everyone get a chance to approve--look through the Town Board Minutes from the May 5<sup>th</sup> meeting?

BM: Move they be approved as published.

MF: Is there a second?

BC: Second.

JB: I'll second it.

MF: All those in favor?

ALL: Aye.

MF: Those opposed? Motion carried. Okay. Did everyone have a chance to review the abstracts?

JB: I did.

MB: Move they be approved as prepared?

MF: Is there a second?

BC: Second.

JB: I'll second it.

MF: All those in favor?

ALL: Aye.

MF: Those opposed? Motion carried. Okay, Jennifer, do we have any guests then? Okay, no guests. The Building Inspector report. Charlie, do you want to say a few words about that?

CF: Yes. All of--I don't know if everyone knows that, all of Nick Coglitore's Tupelo Trail Properties, all the lots are sold, and people really must want to live in Lima, because two of the bank owned properties in the village--I know this is the town - have also sold to people who are rehabbing them. And the fire marshal inspection, the companies that don't return my calls or not, my calls, my letters, I'm going to stop by their offices and show them the letters that I've been trying to get a hold of them and set up an appointment in person to do their fire marshal inspections because we're running out of time.

MF: Okay. Any questions for Charlie based on his report?

BC: No.

MF: Okay. I'd just like to take this opportunity to mention a word about the Code Enforcement Program. What most people do not realize is if we do not maintain our Code Enforcement Program in good working order, that the state comes and takes it away. And when they do that, they actually bring in a state worker and the set of state mandated permit fees, which are far higher than ours. And that's how the program runs until such a time as we can prove that we can manage it on our own again. So it is important that Charlie is out there getting the fire inspections done. That he is proactively moving through our township, making sure that folks are getting their building permits and the guidance that they need to do their work safely. The horror of losing your program is something we do not want to experience. Okay.

BM: So thank you, Charlie, for staying on top of it.

JB: Thank you, sir.

BC: Thank you, Charlie.

KA: Thank you, sir.

MF: The next up is the Water District Operator Report.

KA: Our District 1 sample was negative. Chlorine residual was .08%. We have installed four new meters down there. It was on the Ideson Road subdivision. We got those four. District 2, the meters are all changed except Meisenzahl and Meadowlark. We did an exploratory dig down at Meadowlark because the plans told us where the line was supposed to be down there for the park. But it was not there. So we're kind of stuck for the time being on that. I'm going to have to go back down when we have more time to see if I can't find where that line is, because it was supposed to be at the end of the main and it was not there. We dug and dug and we didn't find it. So we're back to point zero on that. We'll have to go back down later on when I get more time to try and find out where that line is hooked in. District 3, the replacements have started. We have five meters left there to install. If we don't have it finished this week, I'm looking at next week for having District 3 finished. District 4, we're still ongoing with the developer. Three meters have been installed, and the building is done on the master meter by the village. I noticed he had two extra houses built up there, so I'm sure he'll be asking for more meters pretty soon because he wants to finish that this year. And that's it for the water report.

MF: Okay, so how many meters left in District 1?

KA: District 1, I'd have to turnaround to double check. District 2, like I said, we've got like five left down there. District 1, I'm not sure. I have to go back and count because I have a total for those for both districts. But I don't have them separated, so I'm not sure. Like I said, we did four on the Ideson Road subdivision and, you know, everything else down there has to be completed. So I'm not sure how many are left.

MF: Okay. No, it's good progress. It's good to see all that happening.

KA: District 3, like I said, should be done either this week or next week, and then we'll be moving on to District 1. I'm trying to finish those up.

MF: The Town Hall renovations. We are still waiting to hear back regarding façade restorations. Clark Patterson Lee is working with restoration contractors, trying to get opinions right now to come up with the proper design and casting and coloring so that we can actually get the thing to be back to what it was. As far as

the elevator project, which we authorized, the actual elevator vendor has been slowed a bit by the COVID and is just getting its representatives back out into the field. So they have to requote and make sure that everything is correct before we can actually go out to bid with their product. I expect that that will take place this month and hopefully next month we would be looking at--hopefully looking at some bids.

I have also been trying to work with one of the glass companies to replace the door glass in the four office stores and the store here with sliding windows to be used as transaction windows, which would eliminate the office traffic and the cleaning and all the extra stuff and all that. It appears we're going to have to do the actual framing on the doors to hold the tracks and stuff before they will come out and measure and cut the glass and then install it. So that's sort of where we are with that. Sidewalk installation, we can see that Keith and the crew are moving on from Rexon and they're all formed up there and ready to go.

KA: Two more pours. I got one pour scheduled Thursday, but that might be rain delayed. I'm not sure. If it is, I'll try to reschedule it for Monday. And then if that works out, I'll try to schedule another one Thursday and next week. And we should be off on Mr. Clark's property. We have half of the church lawn dug out, but won't take too much to finish that up. It's just about the same amount of stretch across the church as it is Mr. Clark's. And then we'll have a fairly decent starting point.

MF: Next up is the water district pricing. You all have seen the price increase letter that came for water District 2. So, again, water Districts 1 and 3 are receiving no rate increase this year. The pricing will stay the same from the City of Rochester water source. But the Monroe County Water Authority is going to be raising its prices. The data from John Correll showed us that we are in the sixth million gallon per month range right now. It is trending slightly upward, but it's probably going to stay in the six million gallon per month. So with that, we're looking at a raw increase of 9 cents, a thousand over what we have right now. So I'm recommending for Districts 2 and 4 a 10 cent increase, and for District 1 and 3, a zero increase. So does anybody have any questions or comments on that?

BC: No.

BM: There was in Districts 1 and 3, didn't we do a swap of money and have to pay it back?

MF: Yes. And that was a five year thing. And that is progressing.

BM: Okay. Then we don't have to do anything--that there is enough money coming in to cover that and whatever maintenance we might have.

MF: Correct. Districts outside of the pricing for the water. Districts 1 and 3 are in the black. There's enough money coming in from sales to cover the remetering and all of that other stuff. District 1, which was being faced with bankruptcy when, you know, two years ago. Now, money in its bank account, and district three is coming up with the payment, you know, five different--five payments over five years there to finish paying them back.

BM: Okay. I just want to make sure we were still on track there.

MF: Right. Those two districts are doing fine.

BM: Okay.

MF: In District 2, that is in financial distress right now.

BM: Right. Because they're tied into the village.

MF: Well, in the--

BM: A lot of their expenses are.

MF: Their expenses are. But in the beginning, the entire district is built on the premise that a home in the mobile home park was considered as a home. And for the purposes of getting the district formed, that meant that instead of 55 or 58 homes that, you know, we had well over 110 homes that would be served. The [audio cut out 43:14] for the district then. However, because we only charge them for the two meters that they've got, and the mobile home park is treated as one big customer not 55 regular customers. The actual business model for the district doesn't work.

BM: Okay.

MF: So while Keith and the crew do have to finish up a few meters in District 2, and the biggest one being the remetering of the mobile home park. Once all that remetering is done, we have to take a hard look at the water that's leaking out and all of those other pieces that go with it. The district--it's my position that the district owns the pipe from the pump house down to the Baptist Church lawn where the meters are. And so we're going to have to figure out what the equitable arrangement is going to be for all of the water that's lost, you know, in transmitting down to the village. And that may be that 84% of the losses after acceptable respiration losses of 12% may end up getting billed to the village.

So we really shouldn't be doing anything with it until after we've done our remetering so that we know we've got everything completely accurate. And by the same token, I also had a quick meeting with the village water superintendent today, and they have just finished bidding out number three of their four projects

for water, which is the water tower portion. So District 2 has to come up with quite a bit of money to keep up with all of the bills. We did lend money from the B fund to District 2, \$100,000 to be able to give it a buffer while we go with a bond anticipation note. The question was how big a bond anticipation note do we need?

BM: Right.

MF: And the answer is we don't know, and neither does the village. The bids that came in today will give us what number three is. But any portion of project number four that we have to pay for, which is the 15A corridor, which may include redoing our metering pit there at the Baptist Church. Whatever that's going to be, they're not even going to bid that until September. So we'll take the data that came in on their bids for Project three, whatever they're going to award it at, and then we're going to make our best guess based on probably 15% of the total. And make sure that we've got enough money in District 2 to pay that.

BM: Okay.

MF: And pay back the B fund into the calendar year, like we're supposed to, move on to the bond anticipation note. Now, all of this was set up last year. We discussed it as the previous Board when we knew that we would be getting some money back from the Senator Gallivan Sam grant that the village got for project one. This was \$100,000 grant, which about 10% of it would come back to the District 2. However, Sam grants take two to three years in Livingston County to get the funding to come back. Given our current situation, that Sam money may never show up now. So the District 2, I think, is going to be stuck pulling itself up by its bootstraps and paying the things out, and that's it.

BM: Okay.

MF: So, yeah, that's kind of where we are with that. We will have to set a public hearing on water rates for the July meeting as is our annual custom. And unless there's something different, then we'll go with the, you know, we'll publish the rates that I proposed.

BM: Okay. It sounds like a plan. We'll set up the meeting next month, right?

MF: Yes.

BM: All right.

MF: Okay. All right. Next up--

BM: This is the June meeting. So if we're having a public hearing in July, we need to set that public hearing up this month. So I would move we have a public hearing for the purpose of discussing water rates with the clients at the July meeting.

MF: Is there a second?

BC: Second.

MF: Any discussion? All those in favor?

ALL: Aye.

MF: Those opposed? Motion carried.

BM: Jim, you need to help Jenny get the note out for the newspaper in time.

JC: Yes. I will help Jennifer with the public hearing notice.

BM: Okay. Thank you.

MF: Okay. Next up is the investment policy. Annually, we have to refresh some of these things. So did everybody have a chance to read through the investment policy?

BM: Clear as I can tell, what we're doing is adding the Bank of Tompkins. Tompkins Bank as another bank.

MF: We added them last time.

BM: Okay.

MF: If there are no other comments or whatever, I'd entertain a motion to adopt the investment policy.

BM: So moved. Is there a second?

BC: Second.

MF: Okay. All those in favor?

ALL: Aye.

MF: Those opposed? Motion carried. Okay. Next up is the procurement policy. I had floated the idea earlier today that we would change one of the limits, but we are prevented from doing that by New York State law. So we are stuck with the \$35,000 limit where it sits.

BM: So we just need to approve the procurement policy as it was last year.

MF: Correct.

BM: Is there a second?

BC: Second.

MF: All those in favor?

ALL: Aye.

MF: Those opposed? Motion carried. Okay, the Code Enforcement Officer agreement with the village. Charlie or we share the code enforcement officer, the town employs Charlie and subcontracts him to the village. There is an agreement that we entered into almost 18 months ago to do this, which has acquired almost six months ago. So it is time to update it. One of the thoughts that I had was that we might change the--allow the percentage reimbursement to actually swing on a monthly basis based on the code enforcement officers report of activity. So it would always be looking at the prior month. But right now, 58% of Charlie's efforts are going into the township. So we would be responsible for a higher percentage for the coming months than the village would. Coming up very soon though, there is also the subdivision that is being considered for buying George France, which lifts a lot of Charlie's time. And the percentage will shift back a little bit. I would expect that over the long haul, the town would probably be paying a higher share just because the bulk of the development seems to be going on outside the village limits. So are there any thoughts surrounding that?

BM: For budgeting purposes, don't you want to look at it on an annual basis? Perhaps what it was for the prior year like we do with the water? We set the water rates based on usage from a prior twelve months.

MF: We do. And so we could.

BM: And a lot of the things we just do on a 50/50. I know I'm not sure whether it's fair or not, but some of the--sometimes the ambulance makes more calls for the town than the village. And the fire department puts out more fires in the fields than the houses, but.

MF: Right. So each one of those things is actually a completely different animal. The ambulance costs us nothing. They're actually self-funding. The fire department, we actually pay a flat rate to the village. We have a contract with the village for fire service. The village is contracted with the fire department for fire service. So we're kind of like a sub on that particular contract for most of the township. A

portion of our township, we actually contract with the Lakeville Fire Department right now to cover south Lima. And the things are right near south Lima.

So as far as this goes, you are correct, Bruce, being able to budget for a solid amount always helpful. But in the end, we may--both entities may end up having to budget for 60% of Charlie's time, and then kind of figuring it out as it goes. I am a little concerned that if we're paying 58% for the next year and 75% of Charlie's time goes to the other thing, swinging it back the other way the next year may not be horribly equitable, or it might be. I don't know. Jon, do you have any thoughts?

JC: I understand what Bruce is saying, but I think it's important for us to get things accurate, if possible, to avoid any issues in the future. I like the monthly idea and just being as a backstop in case, you know, a lot of the work is done by the village. I'm in favor of accuracy, and I think the monthly thing would be better.

MF: Okay, Bill.

BC: Yeah, I think the monthly thing would be fine.

MF: So Bruce I'm putting it back over to you.

BM: Okay. Well, if other people are in favor of the monthly, then the monthly makes sense, but I just worry about the budgeting process. That's all.

MF: And I understand. So we'll go ahead and mark up the agreement then with the monthly feature in it. Are there any other things that anybody wants to look at or change or anything like that, or just leave it the same?

JB: No, I'm good.

MF: Okay. All right. Then I'll go ahead and get the agreement altered and then send it over to the village for consideration. We would then have it back before our next meeting and be able to get the contract signed.

BM: Okay.

MF: Next up, the next two items are part of a program that the Genesee Regional Planning Council is helping us with by checking some boxes and a couple of resolutions. It gives us access to some of the clean energy funding for energy efficiency improvements in buildings, which will allow us to apply to replace the boiler system in the town hall with a more efficient heat pump style system that would provide both heating and cooling for the facility. While the boiler is only ten years old, we are having trouble getting parts for it.

And the actual infrastructure that is attached to the boiler is original to the building. The pipes are actually piped inside the walls and its original stuff, the old steam heat. Those over 100 year old pipes are failing. And we've lost two radiators and an elbow fitting since I've been here. It's time to look at replacing that system. And this is one way that we can soften the blow, and the cost is doing this. So we've already checked the box on installing a solar array on the town highway garage a long time ago. We already did the energy efficient lighting upgrades for our street lights. That's another box checked. The last two are the benchmarking of energy resolution, which basically we are tracking our energy and reporting it in so that they can see what our energy usage is in the bill before we do the upgrade. That's what the benchmarking resolution number two of 2020 is about. Does anyone have any questions on the resolution?

BC: No.

JB: No.

MF: Then I would entertain a motion to adopt the resolution.

BC: Make a motion to adopt a resolution.

JB: I'll second it.

MF: All those in favor?

ALL: Aye.

MF: Those opposed? Motion carried. (Resolution below) And then the last piece is the adoption of the unified solar permit, which we did have some back and forth of the email. This does not in any way affect our solar law that we have passed. What we have to do is adopt it. We're using it. And then the unified solar permit with its parameters advertised on the website, and Charlie is allowed to use it for the solar permitting. Are there any questions on the unified solar permit?

BC: No.

MF: I would entertain a motion to adopt the unified solar permit, resolution number three of 2020. (Resolution below)

BM: So moved.

MF: Is there a second?

BC: Second.

MF: All those in favor?

ALL: Aye.

MF: Those opposed? Motion carried. All right. Keith, do you have anything else?

KA: One quick thing, and I'm still mulling it over. I've got to talk to the village and see what they're doing in regards--I did think I sent an email to everybody in regards to the parts washer. New York State apparently has changed the rules. The liquid that's in the parts washer that Safety Kleen uses now, I'm not sure what they have it classified as, but apparently they cannot keep using it. So they're trying to re-up everybody with new parts washers. I think the new ones have to have some sort of ventilation system on them. And it looks to me like it's going to be pretty pricey.

So I'm actually going to find out what the village is doing. I mean, the parts washer is kind of a necessity, but it kind of isn't. I mean, there's times when you use it, and times where, you know, you'll go maybe a few months at a time and not have to use it. I'm going to check with the village and see what they're doing before we make any decision on it. The price that they quoted me was good for 30 days. So I'm going to let that expire, and I'm going to find out what the village is doing because I can't--it's hard for me to justify spending the amount of money that they want for how often we use it. So I have to come to the conclusion whether, you know, if the village is going to keep theirs, maybe we could use theirs or share something. I don't know. But I can't justify spending that amount of money for how often we use it. And the village is probably seeing the same thing. So I've got to talk to Ben about it, and I got to come to the conclusion of what we're going to do. I mean, it gets to a point where you just got to say enough is enough. You know what I mean? You're trying to keep cost down, and they keep throwing the stuff at you. And so, like I said, I'll get back to the Board on it and let you know what I come up with. I got to do some more digging on it. I don't know if there's an alternative or not, but I'll check and see. That's it for me.

MF: Jon, anything?

JB: No, nothing at all. Thank you very much.

MF: Bill.

BC: No, nothing. Thanks.

MF: Bruce.

BM: Well, I'd like to make a comment that the Livingston County Youth Bureau recognized two Lima teenagers, Nevaeh, N-E-V-A-E-H Close, and Emily VanArk. The awards are given for youth who are committed to community improvement,

demonstrate leadership for our role model to their peers. So I think those two people deserve recognition and mention in the minutes.

BC: I agree.

BM: I'd also like to bring you up-to-date on the planning board. The planning board is nearing completion and approval of a 50-unit complex to be located behind the old George France restaurant with access via McDonald Drive. Pathstone is the lead organization in the proposal. Completion is contemplated for maybe spring 2022. Get my dates right here. A combination of ranch and two-story townhouses are planned with one to three bedrooms available. They'll be rentals not for sale, but there will be a rental community.

So I want to let you know about that. Also, the library--we have a library here in town. It's not been doing anything for a while. Great, thanks, COVID. The library staff and board are working on revised policies and procedures in preparation for reopening. The tentative schedule that they're working with targets for an August 1<sup>st</sup> as the public opening date. I don't know if we'll be able to provide drive-thru service where you would order an available book from our library and pick it up at a drive-thru appointment time. We haven't decided that yet, but I'm hoping that they'll be able to provide some service ahead of time. But we'll see. They're working on it. So it's all things that are going on and people should be aware.

BC: Bruce, with that, the apartments going up, does that have anything to do with the college or is that private?

BM: It's private. The only connection to the college is the college is selling a 30- or 40-foot strip of land to use for the access road.

BC: Okay.

BM: But that's the extent of the college involvement. And once they've actually done the sale, I think they'll be out of it.

BC: So that lot was owned by Ruth, at George's, that lot in the back that she sold then?

BM: I don't know that she owned it. I think it's somebody else, but it was landlocked, so they had to get a way--to get a road in, which is what the college is providing.

BC: Oh, okay. That sounds good.

MF: Yeah. The land that Ruth owned is still part of the George France transaction. George Stotts bought the restaurant.

BM: And he's working on getting pizza in there supposedly, but we'll have to see.

MF: Anything else, Bruce?

BM: No, that's it. Thank you.

MF: Jim?

JC: Sorry about that I had my mute button on. Are we going to go into an Executive Session?

MF: Yes.

JC: Okay. Then I don't have anything else.

MF: Okay. So at this time, I would ask to go into Executive Session for the purpose of discussing real estate transactions.

BM: So moved.

BC: Okay. Second.

MF: All those in favor?

ALL: Aye.

MF: Those opposed? Motion carried.

[END OF MEETING]

Executive Session

After discussion in Executive Session, the board authorized Attorney Campbell to move forward with some continued negotiations with regard to the possible acquisition of real property.

## **RESOLUTION NO. #2 of 2020**

### **ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS**

**WHEREAS**, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Lima is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Town of Lima Town Board desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Lima; and

**WHEREAS**, the Town of Lima Town Board desires to establish procedure or guideline for Town of Lima Livingston County staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED**, that the following specific policies and procedures are hereby adopted;

#### **BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

##### **§1. DEFINITIONS**

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Lima Livingston County that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Lima Town Supervisor.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

## **§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1, 2020, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

## **§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2020 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

#### **§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

#### **§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Lima Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

#### **§7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

#### **§8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

The vote on the foregoing resolution was as follows:

Michael Falk, Supervisor	Aye
Leta Button, Councilperson	Excused
Bruce Mayer, Councilperson	Aye
Bill Carey, Councilperson	Aye
Jon Belec, Councilperson	Aye

This resolution was adopted.

Dated: June 2, 2020

TOWN BOARD  
TOWN OF LIMA  
COUNTY OF LIVINGSTON

**RESOLUTION #3 of 2020**

At a regular meeting of the Town Board of the  
Town of Lima, Livingston County, State of New York,  
held at the Lima Town Offices on June 2, 2020

**WHEREAS**, the Town of Lima (hereafter "Town") anticipates that it will receive future applications for the installation of solar photovoltaic systems (hereafter "Solar Systems") with a rated output of 25 kW or less within the Town of Lima; and

**WHEREAS**, the Town wishes to adopt a model permit application to assist applicants and the Town by making the permitting process for Solar System projects of 25 kW or less more uniform and efficient; and

**WHEREAS**, the Town has modified a template known as the NY State Unified Solar Permit for such purposes and in keeping with the current provisions of the Lima Town Code and now wishes to formerly adopt the same.

**NOW, THEREFORE**, upon motion by Councilperson, Mayer seconded by Councilperson Carey. it is hereby

**RESOLVED**, that the Town Board of the Town of Lima hereby adopts the attached NY State Unified Solar Permit to be utilized for all Solar System projects of 25 kW or less within the Town of Lima.

Dated: June 2, 2020

Vote of the Board:	Michael J. Falk	Aye
	Bill Carey	Aye
	Bruce Mayer	Aye
	Leta Button	Excused
	Jon Belec	Aye

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LIMA**

  
Jennifer A. Heim, CMC, RMC

Town Clerk