

## 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 **4th day of December 2018** at 6:00 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  
Town Attorney, James Campbell  
Highway Superintendent, Keith Arner

**Guest(s):** Dennis Neenan, Maureen Wheeler John Wadach, Charlie Floeser & Tom Simson

### **Call the Meeting to Order**

Supervisor Falk called the meeting to order at 6:00 P.M.

### **Open Public Hearing at 6:00 P.M. – CDBG**

Maureen Wheeler, Deputy Director of the Economic Development Corporation spoke about the project saying the following: This public hearing is in regard to the Town's Community Development Block Grant contract with the New York State Office of Community Renewal or "OCR" for the Bristol ID expansion project. This is a follow-up hearing as required by policy of the OCR which states that upon award, a recipient of CDBG funds must hold a minimum of one public hearing to report project accomplishments. The town was awarded the \$315,000 CDBG grant on July 26, 2017 with a two year contract term.

- \$15,000 of proceeds was allocated to cover administrative and consultant costs incurred by the Livingston County Development Corporation.

- \$300,000 of grant proceeds was allocated to the company in the form of a partial grant, and partial loan.

The project involved the purchase of the building located at 1370 Rochester Road where the business has been operating as well as an additional approximate 31 acres on which the company built an approximate 8,000SF expansion to accommodate growth of their business including the purchase of a high volume manufacturing capacity printing press, laminator, die cutter, and collator.

The land and building acquisition and building construction was privately financed. CDBG funds were provided as a reimbursement towards machinery and equipment purchased. By policy CDBG funds are limited in amount to no more than 40% of the overall investment. Based on the total project cost in this case, CDBG funds accounted for less than 5% of the budget.

Project construction is nearing completion. A certificate of occupancy is anticipated by the end of the year.

The new printing press - to which CDBG funds were applied - has been received and is being put together as we speak. It's expected to be up and running next week and training for the new equipment is scheduled to start the week of December 17<sup>th</sup>.

21 jobs were anticipated to be created within two years of funding. To date 14 jobs have been created. The Livingston County Development Corporation will continue to track job creation to ensure that the remaining 7 jobs are created by the July 2019 deadline. It is anticipated that the target will be hit well in advance of the deadline.

### **Supervisor's Report**

Supervisor Falk mentioned receipt of said report and executed same. Upon motion by Councilperson Gardner to accept the report as presented, seconded by Councilperson Carey, the vote went as follows:

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

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

Charlie Floeser, Building Inspector, asked if there were any questions regarding his report. Councilperson Gardner asked about fire inspection

violations listed on the report. Charlie explained if a fire inspection was not complete the owner would have 60 days to comply.

### **Water District Operator Report**

Highway Superintendent Arner reported the sample in District #1 came back negative. Chlorine read .10% which is normal. A water meter at Enarco was changed from a 2" to a 1" in hopes of getting a more accurate reading.

### **Village of Lima receives \$250,000 Grant**

The following information was received in an email sent out by Mayor Luft: Village of Lima received a grant from the clean water infrastructure grant for our water project for \$2,398,200. The total cost of the project was about \$3,500,000 and should cover about 60%. Notification was received from Senator Gallavan's that the Village of Lima efforts allowed a grant for \$250K for the pump house and water tower projects.

### **Audit of Claims**

Resolved that the bills contained on Abstract #12 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 356 through 386	\$ 20,382.91
Water Funds 1, 2, &3:	No. 37 through 39	\$ 5,737.51
Highway Funds:	No. 201 through 213	\$ 6,884.54

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

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

### **Town Board Minutes**

Minutes from the November 6th Town Board meeting were approved by motion from Councilperson Mayer, seconded by Councilperson Gardner, the vote went as follows:

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

## **Guest(s)**

John Wadach, Village Trustee, asked if the Town Board approved the special use/conditional building permit to have solar installed at the ambulance facility. Attorney Campbell stated the Planning Board is looking at said subject and the Town of Lima is not necessarily involved in said process. Campbell said it is more the Code Enforcement Officers position. Councilperson Gardner wanted to amend the minutes at the December 28<sup>th</sup> meeting to add the following: the project does not require a special use permit.

## **Town of Lima Large Scale Solar**

Attorney Campbell explained that the draft law was updated, with new definitions and format changes, to conform more closely to language contained in the most recent model law. Councilwoman Gardner explained that the essential provisions of the law are the same as those approved by the board in the initial draft law. Roof-top and building integrated solar installations are allowed in all zoning districts, as are ground-mounted installations that produce up to 110% of the electricity used on-site over the preceding 12 months. Commercial scale solar installations are not permitted due to the prevalence of prime soils throughout the town and the town's goals to sustain agriculture by maintaining the land base. Furthermore, the town does not permit non-farm commercial uses in the agricultural zoning district.

Discussion was held regarding the Village of Lima solar project and it was agreed to clarify the regulation to permit third party solar projects which produce the amount of energy used by a single town user on property owned by said user.

Dennis Neenan, Town of Lima member of the Livingston County Planning Board, was invited to speak regarding reviews of municipal solar regulations. He explained that the County planning board, with near unanimous agreement in review of each proposed regulation, held that the protection of prime agricultural resources should be addressed and recommended against proposed regulations that lacked such provision. Additionally, he explained in some detail the types of soils, high value and relative scarcity of soils found in Lima.

Councilman Marcellus asked about roof-top allowances. Attorney Campbell explained that the proposed law allows unlimited solar energy production

from these installations. Councilman Marcellus also asked about siting large-scale projects in quarry zone and possible brownfields. Councilwoman Gardner noted that reclaimed mining sites are among the preferred site types identified in guidance from NYSERDA.

(A brief break was taking during the solar discussion to close the public hearing)

### **Close Public Hearing for the Bristol ID Update**

No discussion or questions regarding the update at Bristol ID. Supervisor Falk asked to close the public hearing at 7:05 P.M. Motion by Councilperson Mayer to close the public hearing, seconded by Councilperson Gardner, the vote went as follows:

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

### **Solar Discussion - Continued**

Guidelines for equipment installation were discussed and Supervisor Falk indicated that he would like more time to review these recommendations.

Tom Simpson, guest, expressed his disapproval of the law and his desire to be able to rent his land in the agricultural zoning district for commercial solar development.

Town Attorney Campbell will draft and present via email a moratorium, to extend same for 90 days, to the board to hold a public hearing at the January 8<sup>th</sup> meeting as the current moratorium ends in February.

### **Complete Streets Policy Proposed Resolution**

Town Attorney Campbell distributed a draft resolution. Complete Streets design features and practices include, but are not limited to: sidewalks, paved shoulders suitable for cycling designated bike lanes, lane striping, "Share the Road" signage, crosswalks, curb ramps, pedestrian crossing signage, traffic calming measures such as bump cuts, sidewalk snow removal, and routine shoulder & bike lane maintenance. Councilperson Gardner mentioned private roads, such as the new subdivision on Dalton Road that has no requirement for sidewalks but the Village has that requirement. Gardner wondered if the Town would like to be consistent with requiring sidewalks for safety benefits. The board discussed whether this should apply to commercial or subdivision

zones. All agreed to add language for both. Discussion was held. Changes will be made to the resolution by Campbell and recirculated to the board. Further discussion to be held at the January 8<sup>th</sup> meeting.

### **Post Office**

Supervisor Falk stated after two Coates of the silicone polyurethane spray, it has stopped leaking.

### **Grant for Records Management – Potential Shared Service**

Supervisor Falk mentioned the County is preparing to apply for a Local Government Records Management Improvement Fund (LGRMIF) grant in January of 2019. Two project ideas pre-identified are: 1. Expanding the Laserfische capabilities of the County to the Towns (purchasing and maintaining a server especially for this need) and 2. Scanning of large maps and creation of a map room in the County records building with the availability of the Towns to use the scanning service and map room. Falk will be attending a meeting to get more details as to costs and how this shared service with the County, scanning Town records on laserfische, would work.

### **Electronic Communications**

Councilperson Marcellus is still working on this item.

### **Section 125 Plan**

Councilperson Gardner made a motion to sign the agreement with Bond for a premium plan that allows employees to contribute to health benefit premiums on a pre-tax basis, seconded by Councilperson Carey, the vote went as follows:

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

### **Agreement to Spend Town Highway Funds**

A motion by Councilperson Gardner to spend funds as follows:

1. General Repairs. The sum of \$153,500 may be expended for general repairs upon 38.48 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. Improvements. DB5112.2 -The following sums shall be set aside to be expended for the improvement of town highways. Starting at County Bridge #6 on Corby Road and leading easterly to York Street a distance

of 1 mile. Funds shall not exceed \$95,000 for the improvement of such road.

**Transfer Monies in Highway Appropriations**

Superintendent Arner requested a transfer of \$7,000 from DA5130.4F to DA5130.4 for two loader tires. Upon motion by Councilperson Gardner to approve said transfer, seconded by Councilperson Carey, the vote went as follows:

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

**\$3,800 BAS Software Purchase - Transfers**

Supervisor Falk informed the board where monies were pulled to purchase the new BAS software for the Building Inspector and asked for approval. The following transfers into A1460.4 (\$50 in said fund before transfer) are as follows: A1460.2 \$500, A1460.1 \$500, A1410.2 \$500, A6989.4 \$250, A7550.4 \$1,000, and A1650.4 \$1,000. Upon motion by Councilperson Gardner to approve said transfers, seconded by Councilperson Mayer, the vote went as follows:

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

**2019 Water Permit Fees for Meters and Meter Pit Pricing**

Superintendent Arner asked for board approval of water permit fees as follows per house: 5/8 x 3/4 meter, flanges, corp stop and curb box \$800, meter pit with cover \$750, 1" meter, flanges, corp stop, curb box \$1,500, mandatory meter pit and cover \$1,000, 2" meter, flanges, corp stop, curb box \$2,000, mandatory meter pit with cover \$1,500, tap machine rental \$100 per day and labor for 3 men and machine @4 hours \$600. Prices do not include backflow preventers. Inspections will have no cost. Upon motion by Councilperson Gardner to accept said fees, seconded by Councilperson Marcellus, the vote went as follows:

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

### **Ramifications of Village Hooking to Avon - Water**

Supervisor Falk mentioned the Village receiving a large grant to offset the connection from Lima to Avon for an additional water source. This new hook-up will be located at the old reservoir by Livonia Center Road. Discussion was held to consider forming a new water district, in the Town, to provide water for fire protection, possibly service Heath Markham Road, etc. Falk would have Clark Patterson Lee complete a study if the board agreed. Councilperson Gardner mentioned 80% of the frontages, on those properties heading west, are agriculturally zoned and that the Agriculture Board should look into this and have discussion. The Board agreed. Falk will get the engineering structure/design from the Village and forward same to Dennis Neenan.

### **Board of Assessment Review Appointment**

Supervisor Falk mentioned Clerk Heim received an email from Colleen Allen, member of the BAR, indicating she no longer wished to be on the BAR but enjoyed her time serving the community. The board agreed to recruit a new member and to have Tami Snyder, Assessor, involved in that process.

### **Maintenance Worker**

Supervisor Falk mentioned Roy Moses resigned as maintenance worker for the Town of Lima. Falk will be publishing for a new employee.

### **End-of-Month Meeting**

The board agreed to hold their end-of-month meeting for any transfers and regular business needed on December 28<sup>th</sup> at 8:30 A.M. Same will be published in the Sentinel.

### **Appendix 10 – Annual Checklist for Review of Justice Court Records**

Falk received a letter from Justice Harris and Luhowy requesting, pursuant to Uniform Justice Court Act of 2019-a, it is the duty of every justice court to present court records and docket, or cause same to be examined, and enter in the minutes of its proceedings the fact that they have been duly examined. Said examination was completed by Councilperson Mayer and Councilperson Carey. Upon motion by Councilperson Marcellus to approve appendix 10, seconded by Councilperson Gardner, the vote went as follows:

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

**IT Managed Services**

This service is to provide continued technical support, analysis and maintenance of software and hardware systems. Additionally, the managed services will coordinate technical support and maintenance of other integrated systems including but not limited to, asset management, POS, photocopiers, telephone, security and building maintenance systems. Upon motion by Councilperson Mayer to approve Councilperson Marcellus’s RFP (request for proposal), seconded by Councilperson Carey, the vote went as follows:

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

**Landmark Society Award**

Councilperson Gardner announced Fran & George Gotcsik received a most significant award from Landmark Society and thought it deserved recognition. With board agreement, Councilperson Gardner will write a small piece on this topic and publish in the Sentinel.

Upon Motion by Councilperson Mayer to adjourn at 8:30 P.M., seconded by Councilperson Gardner, the vote was unanimous.

Respectfully Submitted by:

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Jennifer Heim, CMC/RMC  
Town Clerk