

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 **5th day of March 2019** at 6:00 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

PRESENT: Supervisor, Michael Falk
Deputy Supervisor, Ian Adams
Councilperson, Dan Marcellus
Councilperson, Cathy Gardner
Councilperson, Bruce Mayer
Councilperson, Bill Carey
Town Clerk, Jennifer Heim
Town Attorney, James Campbell

EXCUSED: Highway Superintendent, Keith Arner

Guest(s): Steve Werner & Dennis Neenan

Call the Meeting to Order

Supervisor Falk called the meeting to order at 6:00 P.M. followed by the Pledge of Allegiance.

Supervisor's Report

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

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

Town Board Minutes - February 5th

Minutes from the February 5th Town Board meeting were approved, upon motion by Councilperson Mayer, seconded by Councilperson Carey, the vote went as follows:

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

Audit of Claims/Abstracts

Resolved that the bills contained on Abstract #3 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Funds:	No. 49 through 79	\$16,209.64
Water Funds 1, 2, &3:	No. 7 through 10	\$ 2,706.86
Highway Funds:	No. 31 through 48	\$27,222.73

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

Building Inspector/Code Enforcement Officer Report

Charlie Floeser discussed highlights from his report.

Town Water Report

Highway Superintendent Arner emailed his February water report to the Town Board for review. The report states District #1 sample was negative, had no issues and the chlorine was at 0.09%. District #2 reported an ongoing issue with Coates and Meisenzahl, Cougar Carwash meter reader malfunctioned but has been repaired and now working and Arner is working to replace all meters in District #2. District #3 had no issue or problems.

District #1 & #3 Arner reported the Town was billed for 842, 000 gallons by the City of Rochester and that Clerk Heim billed out 789,000 gallons. This shows a loss of 53,000 gallons over 3 months resulting in about a 6% loss.

Guest(s) Dennis Neenan and Steve Werner

Large Scale Solar Installation Law

Attorney Campbell explained the timeline to extend the moratorium before it expires on July 2nd and complete the adoption of a local law. First, the draft needs to be completed once board members agree it is acceptable, second, make a referral to the County Planning Board and last schedule a public hearing for public comment. Campbell went on to say once the referral is made the board can schedule a public hearing more May 7th and leave it open until feedback comes from the County Planning Board scheduled May 9th, and

continue the public hearing at the June 4th meeting and close the public hearing if the board adopts said law.

Councilperson Gardner handed out a memo she emailed to the board in response to an email from Supervisor Falk suggesting Industrial Solar Facilities be permitted in the Town of Lima Agricultural Use Zoning Districts. This memo states reasons she disagrees with permitting development of prime and statewide important soils in the Town of Lima for construction of industrial solar production facilities. She stated Lima was one of the very first communities in the state to get an agricultural planning grant partly because of the resource we have here. She stated Lima has some of the most successful and thriving farm operations in the county and find these large scale solar operations completely counter to a very important public plan recently developed and in place, the Agricultural Plan. Gardner went on to say she has attended many solar workshops most recently held by Houtan Moaveni, Deputy Director, NY-Sun, and also mentioned NYSERDA, both mentioned value agricultural resources and have provided guidance to protect prime and statewide important farmland. She stressed, again, that she is NOT in favor of allowing installations of large scale solar on prime farmland, stating a unique resource Lima has, as there are other areas for this type of installation.

Dennis Neenan indicated he was not in favor of large scale solar.

Steve Werner indicated he was not in favor of large scale solar.

Falk mentioned he is in favor of installation in industrial and quarry zones.

Gardner is not in favor of adding large scale solar as a permitted use in the quarry zones at the present time since the zone is in current use as a quarry business and there is no anticipated cessation of the business in the foreseeable future. Rather, she recommended that such review be deferred to a future point when quarry operations are retired.

Marcellus agreed there is no reason to market Lima for large scale solar in a quarry zone at this time. He said if the company should shut down then hold a meeting to possibly allow a new use.

Mayer and the board agreed to leave the quarry zone out at this time.

After lengthy discussion the board agreed and decided not to add a permitted use for Tier III / large scale solar installations at this time.

It was mentioned that homeowners, farms and businesses can install solar panels on their homes, barns, and buildings and for homes, the 2-1/2 homestead acres, but only enough for their own consumption.

Campbell will revise the current draft to add tier 2 language for industrial developed areas. Falk said once draft is amended to pass around to the board to come to some agreement to stay in the timeframe mentioned above.

Tentative Complete Streets Resolution #4 of 2019

Upon motion by Councilperson Gardner to refer the draft Complete Streets Resolution to the Planning Board and to Highway Superintendent Arner for review and comment before approval, and table same for the April 2nd meeting, seconded by Councilperson Carey, the vote went as follows:

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

Post Office

No Update.

Village Hooking into Avon Water

Supervisor Falk attended the Village Board meeting and his response in an email to the Town Board was: I went to the board meeting last night to discuss their upcoming water project. 8 property owners in that section have indicated interest in discussing water access. The Village intends to do the project this year if possible. The Village offered to transfer a bunch of the cost of the pipe to the Town if we were forming a district. We as a board discussed only that section of 14 - 16 users. It would be cost prohibitive for them to pay for the district formation and that pipe, etc. If we included Heath Markham Rd, Dalton, Gale, and all of 5& 20 from the village line as an addition to district 4 or district 2 then it would be different (Village suggestion).

In the interest of not delaying the Village project, I suggested that the users on 5&20 be allowed to connect as out of district users as we just did with Tony Tondryk. The Village also suggested 2 modifications to their project in the

interest of the Town forming a future district and supporting water to the commercial area at the intersection of Heath Markham and 5&20.

One is a large Tee installed and capped at that intersection. The other is moving the Village metering pit from Near Livonia Center Road to the Village line near Keith's house. The Village asked the Town to consider paying for the Tee (estimated at \$1000). I support adding the Tee fitting.

The Village will move ahead with its project (which does include hydrants) as scheduled and we can have time to plan properly.

After discussion of said email it was agreed upon motion by Councilperson Mayer, to spend the \$1,000 from general fund, seconded by Councilperson Carey, the vote went as follows:

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

Out-of-District Sewer User on York Street- Perry Property

Attorney Campbell mailed a letter to Michael Tobin, Esq., Village of Honeoye Falls Attorney regarding the out-of-district sewer users – Dana and Theresa Perry at 1002 York Street. Said letter let Mr. Tobin know the Town Board would prefer that the Village of Honeoye Falls employ some other method of addressing the sewer rent collection functions as the Town does not feel it is prudent to incur the significant expense of forming a sewer district in order to facilitate collecting sewer rents on behalf of the Village of Honeoye Falls. The board suggested the Village collect and hold in escrow a security deposit from the users. Campbell will keep the board updated.

Lima Historical Society Agreement

Campbell prepared a new agreement as shown below. Upon approval by Councilperson Mayer, to accept and sign the new agreement, seconded by Councilperson Carey, the vote went as follows:

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

LIMA HISTORICAL SOCIETY AGREEMENT

This Agreement, dated as of January 1, 2019, by and between the **TOWN OF LIMA**, a municipal corporation with a principal office located at 7329 East Main Street, Lima, New York (hereinafter referred to as “First Party”), and the **LIMA HISTORICAL SOCIETY**, a not-for-

profit corporation registered with the New York State Board of Regents, having an address of 1850 Rochester Street, Lima, New York (hereinafter referred to as “Second Party”);

WITNESSETH:

WHEREAS, Second Party is a recognized not-for-profit organization registered as a Historical Society with the New York State Board of Regents, operating within the Town of Lima, that gathers, preserves, advances and disseminates knowledge about the past through research, collections, acquisition and management, preservation and/or interpretation and that carries on educational and public programs on a regular schedule and that such efforts are recognized as a public service and benefit to local residents of the Town of Lima as a whole; and

WHEREAS, Second Party contributes to the well-being of the Town through educational programs and exhibits of historically significant artifacts and documents, community benefits and social activities, and provides a real and substantial service within the Town in a manner that could not be readily or feasibly provided by the municipal corporation; and

WHEREAS, Second Party is charged with the support of an historic edifice and for the maintenance of a museum of local history where significant historical artifacts, records and documents are housed and maintained; and

WHEREAS, the First Party, pursuant to §57.07 of the New York Arts and Cultural Affairs Law, wishes to contract with Second Party to maintain said historic edifice and said historically significant artifacts, records and documents for public use under such terms and conditions as are stated herein;

NOW, THEREFORE, the Town of Lima hereby agrees to allocate for the 2019 calendar year the sum of FIVE THOUSAND and NO/100ths Dollars (\$5,000.00) to the Lima Historical Society for the purpose of maintaining the edifice known as the “Tennie Burton Museum Building” (located at 1850 Rochester Street) operated and maintained by the Second Party, and for all purposes associated with the housing, maintenance and keeping of historically significant artifacts, records and documents within such edifice, all for the purpose of preserving the same and making them available to the public for educational and historical enrichment.

The term of this Agreement shall be from January 1, 2019 until December 31, 2019

It is understood that the funds granted hereby shall be distributed to the Lima Historical Society on or before April 10, 2019. It is further understood that the allocated funds shall be used for no other purpose other than those specified above.

The Second Party agrees to account for the proper use of such allocated funds by submitting a written accounting of the same by no later than January 2nd of the year following the term of this Agreement.

It is further noted and acknowledged that this allocation is intended to further and promote a legitimate municipal goal and purpose of the Town of Lima.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date above written.

Water District #2 Charges

Falk put together a spreadsheet of water billed out to Town users compared to water billed to the Town from the Village and noticed significant loss over a period of 3 years. The Town is working to get to a 12% loss or less, not the current 20% or more. Falk said he will discuss with Arner some strategies of how to determine the loss such as leaks, finding the meter on the Coates property as it was pulled out accidentally by farm equipment, check metering, etc. Falk said he will contact Michelle Baines of Livingston County Water & Sewer Authority, to see if she could help as well. Gardner said Michelle mentioned the possibility of a municipal share and purchasing meters from Livingston County. Updates will continue.

Municipal Cooperation Agreement with the Village of Lima Water District #2

Falk mentioned the Agreement with the Village. The Town share is 12.20%. The board discussed that this percentage may be too high as there are more village residents and businesses in the village utilizing water in District #2 than in the town. Councilman Marcellus asked if there are revenues on the income side, should the town receive 12%. More research as to water utilization needs to be completed. Updates will follow.

Falk recommended the Town approve and sign the agreement at this time and start negotiating to get the agreement changed for next year. Upon motion by Councilperson Gardner made a motion to approve the agreement, seconded by Councilperson Carey, the vote went as follows:

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

Street Light Agreement

Falk mentioned the street light agreement was signed. One light located at the library was eliminated as it was not needed. The lights on the building illuminate the entrance and parking area. This will give the town an additional cost savings.

Town of Lima Website

Marcellus showed the board, via a projector, the current work done on the updated Town of Lima website. The board has changes that will be sent to Robert Deming. Once the website information is approved the website will go live and replace the current outdated version.

Time Warner/Spectrum

Falk asked if we needed the telephone line of 624-6121 as it is an additional \$30 a month. The board agreed to eliminate this line as it is not needed.

Marcellus suggested the town increase their speed for internet. Heim will provide speeds and pricing.

Marcellus also highly recommended the town get a copper line to avoid cable going down when electric goes down.

Upon Motion by Councilperson Carey to adjourn at 8:50 P.M., seconded by Councilperson Mayer, the vote was unanimous

Respectfully Submitted by:

Jennifer Heim, CMC/RMC
Town Clerk