

Regular Meeting
June 13, 2017

Mayor: Carl Luft

Trustees: John Wadach, Joe Schwing, Jerry Warsaw, John Correll

Attorney: Steve Kruk

Supt. Public Works: Ben Luft

Recording Secretary: Linda Banfield

Guests: Fire chief Jim Pribanich, Ben Frevert (RPCC), Callie Rabe, Rich Trindel, Mary Jule Welch, Cathy Gardner, Mr. & Mrs. Jason LaPierre, Cathy VanHorne, Virginia Mazzella, George & Fran Gotcsik, Leslie Samarra

Meeting opened at 7:00 pm at which time all guests were recognized.

MOTION

Motion made by John Correll, seconded by Joe Schwing to approve the minutes of May 23, 2017 as amended. Motion unanimously approved.

MOTION

Motion made by Joe Schwing, seconded by John Wadach to approve abstracts A-1 for \$24,839.69, AM-1 for \$964.00, F-1 for \$9,764.57 G-1 for \$23,641.51 and Water Reserve Fund for \$2,724.65. Motion unanimously approved.

Fire Dept. report was given to the Board.

MOTION

Motion made by Jerry Warsaw, seconded by Joe Schwing to approve Roy Sullivan as a member of the Lima Volunteer Fire Department. Motion unanimously approved.

MOTION

Motion made by Jerry Warsaw, seconded by Joe Schwing to approve Nicholas Hagadone as a member of the Lima Volunteer Fire Department. Motion unanimously approved.

MOTION

Motion made by Jerry Warsaw, seconded by John Correll to approve John Thomas as a member of the Lima Volunteer Fire Department. Motion unanimously approved.

MOTION

Motion made by Jerry Warsaw, seconded by Joe Schwing to approve Tiffany Wagner as a member of the Lima Fire Department. Motion unanimously approved.

CALLIE RABE: (7078 Elm St.) Ms. Rabe is concerned as her yard floods after rainfall and this problem only started after paving was done at the Primary School. She feels that there is insufficient drainage as a result of the paving.

RICH TRINDEL: (1784 Elm St.) Mr. Trindel lives next door to Ms. Rabe. He also experiences flooding after downpours. He is also concerned about the clay pipe which gets filled to capacity at the weakest point where two (2) pipes come together. He would like to see this dug up and replaced with PVC pipe. His flooding problems also occurred since the paving at the school and his yard is the lowest one in the neighborhood.

Mayor Luft stated that he has spoken with Bruce Capron (School administrator) and they have walked the area. All are invited to a meeting on Thursday, June 15th at 3:30 pm in the school parking lot. Mr. Capron and school engineers will be holding the meeting. Mrs. Leslie Bell, a nearby neighbor will invited. Trustee John Wadach and Superintendent of Public Works Ben Luft will attend.

Mr. Glenn Weinberg (Joule Assets) was unable to attend. Mr. Frevert will discuss Joule Assets in his presentation.

COMMUNITY CHOICE AGGREGATION(CCA): In April of 2016 Westchester County implemented a pilot program for Community Choice Aggregation. This is a strategy that puts control of choosing energy supply in local hands. It is a municipal model for procuring energy that replaces the utility as the default supplier of electricity for virtually all homes and businesses within a jurisdiction. By pooling demand, communities build the clout necessary to negotiate a fixed-rate, potentially lower pricing with private suppliers using 100% renewable energy. As high participation is necessary, residents may “opt out” of the program if they wish.

Joule Assets acts as Third-Party Administrator for the CCA. They are responsible for program organization, administration, procurement, and communications. Their costs are covered through an administration fee paid by customers per kilowatt-hour (kWh) or therm. The Rochester People Climate Program (RPCC) splits the fees with Joule Assets 50/50.

The Village must pass a Local Law to enable the adoption of CCA if they choose to do so. Discussion was held on this issue and a Question and Answer Period followed.

Building Inspector Report, Financial Reports, Ambulance and WWTP reports were given to the Board.

Jobs completed by Village Crew was given to the Board. Ben submitted the county bid to supply, deliver and place blacktop – Spallina out of Mt. Morris at a cost of \$40,501.50. Ben would prefer to use Hanson for the blacktop (\$34,450.00) and have the Village haul and place it themselves (\$6,975.00). The difference is \$923.50. However, the crew would not be able to get it all done in one day without putting on more trucks to haul the blacktop from Mt. Morris instead of from Honeoye Falls. We would have to either pay for more trucks to haul it in or pay a paving crew for a second day which would amount to more than the \$923.50 difference. The milling bid of Villager was \$4,400.00 and the Livingston County bid was \$4,450.00. Based on the best price and best situation to haul the blacktop Ben would use Villager to place it and the Town (along with a few extra trucks from Hanson at \$80.00) to haul it in. He also plans to use Villager to mill the road.

Ben reported that there were eight (8) dead trees on one side of West Main Street in the downtown area. Crew was able to dig out the stumps and replant five (5) of the trees. Discussion was held on this matter.

Discussion was held regarding the energy benchmarking resolution. The energy benchmarking for certain municipal buildings is one of the high impact items in the Clear Energy Communities Program. The energy use in the municipal buildings is tracked and submitted yearly to the EPA website.

RESOLUTION

IN THE MATTER OF VILLAGE OF LIMA ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

The **VILLAGE BOARD OF TRUSTEES OF LIMA**, in the County of Livingston, State of New York, met in regular session at the Municipal Building, located at 7329 East Main Street, in the Village of Lima, County of Livingston, State of New York, on June 13, 2017 at 7:00 pm.

The meeting was called to order by Carl Luft, and the following were present, namely:

Carl Luft, Mayor
Jerry Warsaw, Trustee
Joseph Schwing, Trustee
John Correll, Trustee
John Wadach, Trustee
Linda Banfield, Village Clerk

The following resolutions were moved, seconded and adopted:

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 Village is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Village Board of Trustees 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 Village; and

WHEREAS, as such the Village Board desires to establish procedures or guidelines for Village 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 and imposed as active and affirmative financial internal control procedures of the Village of Lima;

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 Village of Lima that is 1,000 square feet or larger in size.
- (5) "Department" shall mean the Village of Lima Clerk's Office.
- (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 December 31, 2017, 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 December 31, 2017 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 Village of Lima 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.

FURTHER RESOLVED, the Village Board, in regular session duly convened, does hereby authorize and direct the Mayor or Clerk-Treasurer of the Village of Lima to execute such other and additional documents as may be required for to perfect the resolutions herein; The adoption of the foregoing Resolution was moved by John Wadach, seconded by Jerry Warsaw, and duly put to vote, which resulted as follows:

Carl Luft, Mayor	<u>yea</u>
Jerry Warsaw, Trustee	<u>yea</u>
Joseph Schwing, Trustee	<u>yea</u>
John Correll, Trustee	<u>yea</u>
John Wadach, Trustee	<u>yea</u>

THIS RESOLUTION WAS ADOPTED.

I, Linda Banfield, Village Clerk of the Village of Lima, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Village Board of Trustees of the Village of Lima at a regular meeting of the Board duly called and held on the 13th day of June, 2017; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said Board had due Notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Lima, this 13th day of June, 2017.

Linda Banfield
Village Clerk of the Village of Lima
Livingston County, New York

Discussion regarding a Local Law establishing Community Choice Aggregation Program in the Village of Lima was held.

MOTION

Motion made by John Wadach, seconded by John Correll to direct Attorney Kruk to draw up Local Law #2 of 2017 to establish a Community Choice Aggregation Program in the Village of Lima. A Public Hearing will be scheduled for the July 11, 2017 Village Board Meeting.

Mayor Carl Luft – nay, Deputy Mayor Jerry Warsaw – yea, Trustee John Wadach – yea, Trustee Joe Schwing – yea, Trustee John Correll – yea. Motion carried.

Discussion was held on New York State Unified Solar Permit.

RESOLUTION

Motion made by John Wadach, seconded by John Correll, to accept the New York State Unified Solar Permit requirements. Fee to be established after input from the Building Inspector. Motion unanimously carried.

RESOLUTION

In the Matter of the Village of Lima Adopting the Unified Solar Permit Application:

At a regular meeting of the Village Board of Trustees of the Village of Lima, held in the Village Offices located at 7329 East Main Street in the Village of Lima on the 13th day of June, 2017 at 7:00 p.m., the Village Board RESOLVED as follows:

Whereas, the New York State Uniform Fire Prevention and Building Code (Chapter 23 of the Residential Code of New York State) regulates the design, construction, installation, alteration and repair of equipment and systems using solar systems, and

Whereas, the New York State Energy Research and Development Authority (NYSERDA) is providing incentives to municipalities to adopt a New York State Unified Solar Permit to facilitate the installation of small-scale photovoltaic systems; and

Whereas, the Village of Lima would also like to promote the streamlining of the application process for small-scale photovoltaic system installation and receive the \$2,500 incentive for small communities to adopt the New York State Unified Solar Permit and procedures for the installation of small-scale photovoltaic systems;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Lima hereby approves and adopts the New York Unified Solar Permit Application and procedures for the installation of small-scale photovoltaic systems; and, be it further;

RESOLVED, that the Village's Code Enforcement Officer is hereby directed to use said Unified Application in issuance of Building Permits for the installation of small-scale photovoltaic systems.

I hereby certify that the attached resolution to adopt the New York State Unified Solar Permit Application and Procedures for the installation of small-scale photovoltaic systems was unanimously adopted at the June 13, 2017 Village of Lima Board meeting.

Linda Banfield
Village Clerk of the Village of Lima
Livingston County, New York

MOTION

Motion made by Joe Schwing, seconded by Jerry Warsaw to approve the following transfers from contingency accounts: A1340.4 - .79; A1490.1 - .52; A1640.1 -2964.50; A1910.4 – 4961.13; A5182.4 – 376.13; A9010.8 – 1100.00; A9030.8 – 765.67; F1990.4 – 1773.20; F1490.1 - .26; G1990.4 – 112.31; G1490.1 - .28; G9710.7 - .01. Motion unanimously approved.

Letter was received from Livingston County Real Property Tax Services recommending a corrected Village of Lima Tax Roll as a resident should have received a 50% disability exemption.

MOTION

Motion made by Joe Schwing, seconded by Jerry Warsaw to reduce the Lima Tax Roll by \$272.06. Motion unanimously approved.

Trustee Wadach informed the Board that he noticed a person putting lawn chemicals down at the Park ball field. Discussion was held. Attorney Kruk will send a letter to the Baseball League informing them that they must get approval before putting down any lawn chemicals on Park fields.

Trustee Correll stated that he doesn't think now is the best time to apply for a Park Grant. He would like to look into the Park Master Plan and apply for the grant at a later date.

MOTION

Motion made by Jerry Warsaw, seconded by John Correll that only patriotic music may be played on July 4th prior to the fireworks. Motion unanimously approved.

Clerk will contact VFW and inform them of this.

10:05 pm MOTION TO ADJOURN