

Village of Lima Board Meeting

May 10th, 2022

Present: John Wadach Deputy Mayor; Trustees Joshua Petraitis, Brian Smith and Carolyn Fleming.

Others Present: Matthew Lenahan, Attorney; Elissa Sackett, Clerk; Ben Luft, DPW Supervisor; Steve McGrath, Fire Chief; Meg Rose, Ambulance Chief; Dan Marcellus, SkyPort IT; Charlie Floeser, Code Enforcement Office.

Absent: John Skiptunas, Mayor; Larry Teta, WWTP Operator

The meeting of the Village of Lima was called to order by Deputy Mayor Wadach at 7pm Tuesday, May 10th, 2022 at Lima Town Hall, 7329 E. Main St. and opened with the Pledge of Allegiance.

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Smith to approve meeting minutes from April 26th, 2022. Motion passed unanimously.

Department Reports

Fire Department – Steve McGrath, Fire Chief

Chief McGrath gave the listing of calls responded to for April. He discussed the report and answered questions about what each call entailed. He is currently waiting for the 30-day permissive referendum to be up so the roof can officially be replaced. The department is continuing to look for a new pumper/tanker truck.

Ambulance – Meg Rose, Ambulance Chief

The Ambulance report was passed around for the board to review. Chief Rose discussed the report and stated that a couple EMT's have been able to cover more day shifts. In two months, there will be a decrease in coverage as two active members will be leaving for two months (college students), however two new members have passed their practical exams and just have to complete their written exam and be cleared to run independently. New bylaws will be voted on in May, as well as nominations will be coming in for June elections. Chief Rose stated that they will be reaching out to Trustee Smith regarding an EMS Grant. Deputy Mayor Wadach asked CEO Floeser if he could take a look at the vent in the men's room in the Ambulance. Chief Rose also presented two new applications for membership; Zachary Wallace and Brandon Lewis.

Motion

Motion was made by Trustee Fleming and seconded by Trustee Smith to approve Zachary Wallace as a new member of the Lima Ambulance. Motion passed unanimously.

Motion

Motion was made by Trustee Fleming and seconded by Trustee Petraitis to approve Brandon Lewis as a new member of the Lima Ambulance. Motion passed unanimously.

WWTP – Larry Teta (Absent)

The Sewer Plant report was passed around for the Board to review. As of April 30th, the wastewater treatment plant was again in 100% compliance with NYSDEC regulations. Mr. Teta's report gave various updates regarding the capital improvements at the plant.

Code Enforcement Officer (CEO) – Charlie Floeser

CEO Floeser's report was passed around for the board to review. Mr. Floeser gave a brief overview of his report, discussing the various permits that have been issued. He stated there has been a decline in permits from last year to this, but stated that many residents were doing home improvements during the Covid pandemic. He also gave an update regarding the home on McDonald Dr, stating the renovation is still moving forward, just going very slow.

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Deputy Mayor Wadach stated a resident contacted him with a concern that there was a camera installed on a National Grid pole on Michigan Ave. The camera runs to a resident's home. Trustee Petraitis stated that he had discussed the concerns with the homeowner and will follow up again. Deputy Mayor also stated many homes within the Village do not have their house number on their homes. Per Village Code, residents are required to have their house number on their home. CEO Floeser will send language to Attorney Lenahan to review, and then will mail letters to homeowners letting them know they are in violation of the code.

DPW – Ben Luft

Mr. Luft stated that the 2014 F550 dump truck, a sidewalk tractor and a zero-turn mower had been taken to auction. Once the items are sold, the funds will go back into the corresponding reserve accounts. He requested \$30,000 from the mower reserve to purchase a new tractor.

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Fleming to authorize \$30,000 from the mower reserve to cover the purchase of a new tractor. Motion passed unanimously.

An update was given regarding the waterline project. Sidewalk repairs have started and hopefully will be completed by the end of the week. Blacktop repair has also begun and should be completed by the end of next week. Once those areas are finished, topsoil and remaining restoration will begin.

Mr. Luft and the crew have been busy working on various projects throughout the Village. The waterline at the dog park has been installed and the hydrant is operational. The crew have been working on doing some grading today to level it out, and then will finish once the dirt has settled. Over 40' of storm pipe have been replaced behind Mrs. Magar's home on Buell Ave. He has run the storm cleaner from both ends and believes he has made good progress. He still has to backfill down by the pipe and add topsoil, but the water level has been maintained and pretty low. Other miscellaneous jobs have been completed, such as power washing/sweeping downtown, getting flagpoles, banners and flowers ready for Memorial Day. The crew will also be reading meters again and completing Village Clean Up.

Lastly, Mr. Luft discussed upcoming summer projects that are low cost. Mr. Luft stated his plans to paint hydrants, trim trees, remove a couple trees on East Main St. as well as repair some sidewalks that need to be replaced. He also asked about the permanent tree that is to be installed in the Village green. It was stated that George Gotsik and Rotary are the ones purchasing the tree and recommended he connect them regarding digging for the tree.

Clerk Report – Elissa Sackett

Clerk Sackett discussed the S&P Global Rating. The Village received an A+ rating, which according to Donegan's office is pretty standard for a smaller municipality. They were very pleased with the rating, especially considering the Village had not been rated before. Two areas noted in the rating were the following:

- Excessive debt – The Village debt is high due to not receiving all the grant money as of yet for the sidewalk project. A note regarding this was added to the rating.
- Fund balance under \$500k – Fund balance is great for operational purposes, and the Village has quite a bit in reserves. S&P would like to see fund balances over \$500k, however New York State does not want municipalities to have an overabundance in fund balance.

The Serial Bond sale has also taken place. Roosevelt & Cross, Inc. was the only company to place a bid on the bond, and resulted in a net interest rate of 4.375%. This is a little higher than anticipated when calculating the debt schedule, but this rate is on target with where the market currently is.

Several invoices were available to the board for review/approval. Payments were the following:

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- Ambulance Fund: \$3833.87
- General Fund: \$11369.64
- Sewer Fund: \$5558.89
- Water Fund: \$4941.78
- Capital Water: \$147649.89
- Capital Sewer: \$161813.92
- Grand Total: \$335167.99

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Smith to authorize payment for said invoices. Motion passed unanimously.

Old Business

Shanks Purchase Request on Evergreen Extension – Shanks has accepted the counter offer of \$20k for the Evergreen Ext. parcel, approximately 50' x 450'. See attached Resolution.

Fiber Project – Attorney Lenahan and Deputy Mayor Wadach met with Rich Sullivan regarding the Fiber project. NBRC is requiring a resolution stating the Village will commit the matching funds (\$178,522) for the project before they will issue the notice to proceed. The letter needs to state that the funds are unencumbered and available to be used towards the project. Another option would be to have the County submit a letter stating they would commit the funds to the project. NBRC is also requiring Mayor Skiptunas sign a cover letter stating that the Village is sending all documents to the NBRC. After much discussion it was decided the Village would send a letter stating the funds were committed to the project.

Motion

Motion was made by Trustee Smith and seconded by Trustee Petraitis to commit \$178,522 in the General fund to cover the local match portion of the NBRC Grant. Motion passed unanimously.

Motion

Motion was made by Trustee Fleming and seconded by Trustee Petraitis to authorize Mayor Skiptunas to sign a cover letter sending all documents to NBRC. Motion passed unanimously.

New Business

CDG Opt Out Letter – Deputy Mayor Wadach met with representatives from Joule Assets to discuss upcoming proposed legislation changes to the Community Choice Aggregation programs. Joule Assets is requesting support from local municipalities by having local leaders sign-on to their joint letter requesting the Public Service Commission to modify their proposal and expand access to opt-out community solar for low-income communities. The letter is requesting the following:

- Not impose any cap or block on the amount of opt-out community solar available for opt-out programs to ensure maximum participation of low-income residents.
- Ensure that opt-out community solar is fully funded through the Community Adder and all other NYSERDA incentives.
- Remove the requirement that all low-income customers be served within a 12-month period and instead enable maximum flexibility.
- Requesting utility companies be accountable for billing errors

The draft letter was presented to all board members to read.

Motion

Motion was made by Trustee Smith and seconded by Trustee Fleming to authorize Mayor Skiptunas to sign-on to the joint letter provided by Joule Assets to submit to the Public Service Commission. Motion passed unanimously.

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Roundtable Discussion

Trustee Petraitis discussed the following:

- Does the concrete pad for the dog park need to go out for bid? If under \$7k then no, however a concrete truck will not be able to go out that far so equipment will need to be rented to transport the concrete to the pad.

Trustee Smith discussed the following:

- Park
 - Dog park users will be charged a fee to cover the access, need to discuss the amount. Who will be collecting the fee? The Town of Lima should collect it since they license dogs for both Town and Village. Also, our insurer, Eastern Shore, should be notified (insurance) when completed.
 - Brian asked if 10' or a 12' gate was necessary for equipment access into the dog park? Superintendent Luft stated that a 10' will suffice.
 - Civil War Reenactment – Will a permit be required for the weekend? Attorney Lenahan will check into it. Will check with codes as well.
- Crossroads Fest
 - Possibly extending the music playing from 10pm to 11pm.

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Fleming to extend the music playing from 10pm to 11pm for the Crossroads festival held August 4th – August 7th. Motion passed unanimously.

- Lifting open container law in the downtown district for festival. Downtown district is designated as Genesee St. to Buell Avenue, and Rochester Street from the American Hotel, to Kwikfill.

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Fleming to lift the open container law in the downtown district for the Crossroads Festival held August 4th – August 7th in the downtown district. District is designated as Genesee St. to Buell Avenue, and Rochester Street from the American Hotel to Kwikfill. Motion passed unanimously.

Motion was made by Trustee Petraitis and seconded by Trustee Fleming to adjourn at 9:36pm. Motion passed unanimously.

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RESOLUTION OF THE VILLAGE OF LIMA BOARD OF TRUSTEES

*Made and passed at the regularly scheduled Board of Trustees Meeting
held on the evening of Tuesday, May 10, 2022*

**RESOLUTION RELATING TO THE SALE OF PORTION OF VILLAGE LOT ON
EVERGREEN STREET EXTENSION**

WHEREAS, the Village of Lima is a municipal corporation located in Lima, Livingston County, New York (“**Village**”); and

WHEREAS, Shanks Enterprises, Inc., is a New York business corporation with an address of 7639 Evergreen Street, P.O. Box 517, Lima, Livingston County, New York (“**Shanks**”); and

WHEREAS, the Village is the owner of an unimproved parcel of land with frontage on Evergreen Street Extension with a tax identifier parcel number of 37.15-1-7, being approximately 11.9 acres (“**Village Lot**”), and Shanks is the owner of an adjoining property at 7639 Evergreen Street Extension with a tax identifier parcel number of 37.15-1-2.1 (“**Shanks Lot**”); and

WHEREAS, Shanks has licensed a portion of the Village Lot for many years (“**License Agreement**”) and, specifically, the northern 50’ of the Village lot adjoining the Shanks Lot, an area of approximately 50’ x 450’ (approximately ½ acre); and

WHEREAS, Shanks now desires to purchase the area currently being licensed for the amount of \$20,000, in return for a perpetual easement to the Village for the use of the transferred portion of the Village Lot; and

WHEREAS, upon due consideration and deliberation, the Village Board of Trustees, in consultation with the Village Public Works Department, has determined the portion of the Village Lot proposed to be sold is no longer needed for municipal purposes; and

WHEREAS, upon due consideration and deliberation, and review of the assessed value of the Village Lot, along with modest portion of the Village Lot being transferred, coupled with the retention of a perpetual easement for its use, the Village Board of Trustees has determined that the offer of \$20,000 represents fair and adequate consideration for such transfer; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Lima, Livingston County, New York, agrees to enter into an agreement of sale with Shanks Enterprises, Inc., consistent with this resolution and subject to a satisfactory easement agreement, and further authorizes the Mayor to execute any necessary documents to effect the same.

On a motion by Trustee Brian Smith, seconded by Trustee Joshua Petraitis, the resolution was adopted on a unanimous roll call vote (Mayor Skiptunas being absent from the meeting).

Dated: May 10, 2022
Lima, New York