

## **Village of Lima Board Meeting**

November 24<sup>th</sup> 2020

**Present:** John Wadach, Mayor; John Skiptunas, Deputy Mayor; Trustees John Katatto, Joshua Petraitis, David Cabrera.

**Others Present:** Matthew Lenahan, Attorney; Elissa Sackett, Clerk; Ben Luft, DPW Supervisor; Dan Marcellus, Julia Beam, John Cates, Amanda Cates, Paul Presutti, Meghan Rose.

The meeting of the Village of Lima was called to order by Mayor Wadach at 7pm Tuesday, November 24<sup>th</sup>, 2020 and opened with the Pledge of Allegiance.

### ***Motion***

Motion was made by Trustee Petraitis and seconded by Trustee Cabrera to approve meeting minutes from November 10<sup>th</sup>, 2020. Motion passed unanimously.

Mayor Wadach started the meeting by recognizing three guests on the agenda; Julia Beam, Dan Marcellus and Paul Presutti.

**Julia Beam** expressed her issues she is having with the Lima Fire Department blocking her Right of Way. She stated that she has been blocked on several occasions and that it is stated she is required to have 2-3-day notice if the Fire Department is having any sort of social event. She stated that if it continues to happen, she will be calling 911. Mayor Wadach assured Ms. Beam that the issues have indeed been addressed with the Fire Chief and that they will speak with him again to address these issues. Mayor Wadach also told Ms. Beam that he will send her confirmation after speaking with the Fire Chief.

**Dan Marcellus** discussed meeting with the Ambulance regarding HIPPA Compliance as well as the security of their network. Mr. Marcellus stated that any department not in HIPPA Compliance could be fined up to \$60K. He passed out documents to the Board showing the current Village IT Infrastructure, which does not include the Ambulance. At the time when the contract was completed, the Village did not add the Ambulance in due to cost. Mr. Marcellus showed what the proposed new infrastructure would look like with the Ambulance included. This would give the Ambulance the same added security as the rest of the Village, and if the Ambulance could provide documents proving their Tax-Exempt Status, they may qualify for a grant for equipment which would result in lowering their costs to roughly \$100. Mr. Marcellus also stated that anything that he completed, he would do at no charge. Ultimately, having the Ambulance on the Sky Port contract would increase their security, and decrease any chance of not being in compliance in the future.

With the increase in security, Mayor Wadach asked Lima Ambulance members (Meg Rose, Amanda and Jon Cates) if any policies have changed with new hires regarding training, HIPPA compliance and educational documents. Ms. Rose stated that all policies and procedures have been updated to be in compliance and that training is more rigorous than it has been in the past. There are quite a few new drivers in process, and 1 new EMT has passed and can start shadowing. A new EMT cannot start shadowing until they have passed their exams.

Ms. Rose also gave an update regarding the new bunkroom. She stated that it is ready to be used now. They are currently looking into being able to take showers while they are there, especially after going out on a call. Ms. Rose had mentioned that after COVID calls, either her or another member of the Ambulance would take the items home to be washed. The board agreed that they should not have to take these items home to personally wash and asked if there was any way that a washer/dryer could be installed at the Ambulance. Ms. Rose said that it has been discussed, but the problems that came up were where would the location be, possible plumbing issues and the Ambulance did not want individuals bringing in their own wash from home. Deputy Mayor Skiptunas stated he would take a look at the plumbing and see if there was anything that could be done so Ms. Rose and other members of the Ambulance did not have to take any of the items home to wash.

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### **Sidewalk Project**

Paul Presutti with Erdman Anthony was present to talk about the current Sidewalk Project, where it stands and answer any questions that the Village Board members have. Based on the cost of the project, the main areas of focus are Michigan, Dalton, College St from Dalton to Livingston, and to fix the ramp on the East side of Livingston (North of Hill Terrace). The costs of these is estimated at \$609K, and that is if the Village does the lawn restoration and sign work. The BID that would go out would be for \$540K, as the remaining \$68K would be to the Village for material expenses. The only thing that would not be covered in this would be the labor costs of the DPW. Mr. Luft expressed that during summer months the DPW could do items, but it would need to fit into the current schedules as summer is a very busy time.

Mr. Presutti stated that the longer timeframe the Village gives to contractors, the better BID they will receive. With a project this scale, many contractors will fit it in while completing other projects. Mayor Wadach asked about building specific items into the BID, such as items cannot be left hazardous while the contractor works on another project. Mayor Wadach asked if there was a specific length of the grant to which Mr. Presutti stated that he would need to contact Frank DiCostanzo (Department of Transportation) for the specifics of the grant.

A various number of scenarios were discussed, but it was ultimately decided that a Basic BID for the above-mentioned streets would go out with add alternates for smaller streets. Mr. Presutti recommended keeping all the smaller streets separate in the add alternates as if a specific budget is set, but the total of the streets goes over it would not be able to be completed. This will be announced at the opening what the BID is and what the add alternate is. The Village is also doing a bond for \$700K with the first payment being next year. This will increase taxes around \$50 which is where the Village wanted to stay. A Bond Resolution was presented, and a 30-day Permissive Referendum will be sent to The Sentinel for publication. See attached Bond Resolution.

### ***Motion***

Motion made by Trustee Katatto and seconded by Trustee Cabrera to delete the following streets from the proposed sidewalk project: College St. between Elm and E. Main St., Livingston St from Park St. to College St. Motion passed unanimously.

### **DPW Report**

Mr. Luft discussed that the leaf pickup has been completed for the season. Any leaves now must be left by the curb and placed in biodegradable bags. The leaf machine will be taken apart in the next few weeks to make room for winter. The trucks are all set for winter as well as the sidewalk tractors are out. The crew have hung up all the Christmas decorations on the poles. Mr. Luft discussed next year he will be looking to purchase a new dump truck (May or June). Currently the Village has 2 dump trucks and 2 regular pickup trucks that are the same size and same color. Usually the State has a BID out for trucks that the Village will piggy back off of, but there is not one out yet. He will keep an eye out, but will also be looking into dealerships in case the State does not do a BID.

Mr. Luft gave an update on the Water Tower. The tower was supposed to be painted by 11/25, however a subcontractor that was hired by the contractor has been "lacking". Per MRB Group, if the tower painting is not completed by said date, the subcontractor crew will be removed and a new crew will be brought on to finish. Unfortunately, the Vault cannot be completed until the painting is finished. With the delays in painting, the new hope is to have the tower back online by Christmas.

Mr. Luft gave an update on the new Trimble and sidewalk tractor purchase. Clerk Sackett found that it had been approved in the meeting minutes on 7/28 to purchase the new Trimble and software, however a legal notice was never sent to The Sentinel for publication. Clerk Sackett sent this on 11/24 but it will not be in publication until the following week (12/3). In the meantime, Mr. Luft is working with Christopher

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Schmitz from Schmidt's Wholesale on a quote for the purchase of the new Trimble and software. The 30 days required for the sidewalk tractor are almost over, so Mr. Luft was going to reach out regarding getting the information set so once the 30 days are up, he is all set to purchase.

Mr. Luft discussed the large water main break on Rochester St. A gentleman hit the hydrant which caused the pipe to break. Usually, hydrants have a valve at the bottom in case this ever happens; however, this pipe and hydrant are so old they do not have it. The DPW crew, along with outside help from various agencies worked until 12:30 am to fix the leak. Mr. Luft said that they would be looking into ordering dry suits for the guys to use when this happens again so they are not soaked in freezing temperatures. The Board thanked Mr. Luft and his crew for all their hard work getting this problem fixed.

### Clerk Report

Mr. Luft and Clerk Sackett discussed the current Accounting issues. The current provider, EFPR, have been working diligently to convert payroll, and all our Accounting to their company, but as they go on, they are finding more items that are incomplete. It has recently been noted that some of the books have not been closed, and the AUDIT is not yet finished. Clerk Sackett has been working with EFPR to provide all the necessary information so they can move forward, but it has been hard finding information as some items were not written down. Trustee Cabrera asked what the Board could do to help and Mr. Luft asked what the plan was if the Clerk was out of the office. It was discussed closing the office for those days, however Clerk Sackett stated that it was not feasible to close the office, especially with completing water/sewer billing monthly. She stated that maybe an on-call person would be helpful. The Board agreed that hiring a Part-time employee for roughly 10-15 hours per week would be beneficial to the office. Mayor Wadach asked that a Job Posting be written and sent to The Sentinel and the Penny saver for publication.

Clerk Sackett said she had researched the cost of keeping the water/sewer billing in house instead of contracting it out. The overall savings would be roughly \$100 including the cost of labor. It was agreed that Clerk Sackett could order envelopes and necessary inventory (paper, toner, etc.) to print in house rather than outsourcing the printing.

Clerk Sackett had several invoices available for review for a grand total of \$73,540.52. They were the following:

- General                               \$27,423.26
- Ambulance                           \$496.09
- Sewer                                   \$1,818.81
- Trust and Agency                   \$61.76
- Water                                   \$4,3740.60

### *Motion*

Motion was made by Trustee Petraitis and seconded by Deputy Mayor Skiptunas to approve the invoices presented. Motion passed unanimously.

### Old Business

#### **Waste Water Treatment Plant Project**

The project is on schedule with MRB Group and is slated to cost \$3M. The project is necessary as the Department of Environmental Conservation is requiring the Village to add in a disinfecting unit with a UV lighting system. This will be funded by a \$1.0M WQIP and \$0.6M WIIA Grant, and the remainder will be financed by a Hardship Community loan with a 0% interest rate for 30 years. Over the years the water rates have increased, but not necessarily the sewer rates. Mr. Luft stated he would need to take a

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look at the debt service, but it was mentioned that the rates would need to be enough to provide a \$21 per quarter increase per resident.

### **Fire & Ambulance Contracts with Town of Lima**

It was brought up at the joint meeting between the Town and Village that the Town has excluded the Ambulance contract from their 2021 budget due to the cost of the contract. In prior years, the contracts have always been a 50/50 split, but for the new budget year the contracts were split based on the valuation of properties in the Town and Village. The Fire contract had been signed by both parties, but the Ambulance contract was not signed by the Town. Mayor Wadach proposed going back to the Town with a new contract decreasing the amount for the Ambulance from the proposed \$41319.67 to \$10658.41. With the decrease in cost of the Ambulance contract, and the increase in the already signed Fire contract, the proposed \$10658.41 would bring overall costs to the historical 50/50 split. Attorney Lenahan agreed and would write up a new contract for proposal to the Town.

### **Empire Access Data Collection**

Trustee Cabrera stated that he received from Mr. Luft the Highway breakdown, but needed more information from the Assessors office. Mr. Luft said he would meet Trustee Cabrera so he could get the necessary information.

### **Buell Property Purchase**

Attorney Lenahan received the Sellers Disclosure. He stated that there would be no need to do a Title Search; the current owners have owned the property for years, and the cost of the property is only \$6k. The Village is ok to proceed.

### **New Business**

**Geographical Information System (GIS)** - Andy Britton's company completes this and may need to come to a meeting. This system would make water valve tracking easier, especially in the case where the Village has a major break again.

**Tax Cap Legislation** – Attorney Lenahan stated that if it is possible that the Village is to exceed the Tax Cap, that legislation needs to be in place. Attorney Lenahan suggested that it be completed earlier on in the next year once the Budget cycle starts as it needs to be passed for at least 30 days.

**Sewer Rate Study** – Donegan Inc will help with this. Edmunds stated that models can be added to the software to project what income could be generated. Mayor Wadach asked Clerk Sackett to reach out to Johnson Lanier (Edmunds Support) to see how to run the reports.

### **Round Table**

Mayor Wadach discussed putting in a water line at the Park. Previously the Village received a quote stating it would cost roughly \$50K to add the line which is not feasible. Mayor Wadach asked Mr. Luft to please reach out to Kenny Zuber about putting in a line and to get a cost estimate.

Mayor Wadach stated that Joule Assets had sent out the BID for the Community Solar project. The project did not receive any Bids from arrays that are currently online. They did receive 15 BIDS in total, 5 of which met a specific criterion regarding building the solar array (received a grant, have connectivity and have environmental review). These 5 are located in Avon, Scottsville (2), Batavia and Lyndonville, none of which will be online before June. This will cause a delay in credits residents will receive on their bills; roughly pushing back to August 2021. The Village is not committed to anyone as of yet, but Joule Assets would like Mayor Wadach to be able to have the authority to sign an agreement when the time is necessary and to be able to negotiate with a few arrays.

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### ***Motion***

Motion was made by Deputy Mayor Skiptunas and seconded by Trustee Katatto providing Mayor Wadach with the authority to sign a Tri-Party Agreement between the Village of Lima, Joule Assets and a To Be Determined Party, contingent on Attorney approval. Motion passed unanimously.

Mayor Wadach asked Mr. Luft if he could talk to Brian Crye (WWTP) about the status of methane flaring at the plant.

Mayor Wadach discussed that the LED Street Light purchase has been approved by the NYS Public Service Commission.

The original estimate for the Service Contract for the new LED street lights with the New York Power Authority was \$20 per light, but the actual cost is \$19.37 per light and is reflected in the new maintenance contract. All street lights will be connected to the internet. The maintenance contract states that all routine light problems will be fixed with 10 days, s non-routine repairs from weather or vehicle incidents will be repaired within 30 days and require Village approval. Most non-routine problems will be covered by the Village's insurance policy.

Attorney Lenahan discussed that the Village would need resolutions regarding the Village Elections. This would include adopting a registration date as well as certifying who is up for election.

Deputy Mayor Skiptunas discussed the Tree Lighting event being held at the Town Hall. He said he has heard a lot of positive things from the community regarding the event.

Deputy Mayor Skiptunas also discussed that he is finishing getting the water connection packets together for residents who may be impacted by the water main project next summer. These should be finished very soon. He has reached out to the Town regarding the Park Commission; they are still trying to coordinate a date to get together to go to the Park. Lastly, he discussed that there will be another local business (Coffee Shop) looking to open in the upcoming months in the Village.

Trustee Katatto discussed the possibility of offering an insurance buyout for those who do not take insurance through the Village. Currently there is no buyout option, so there is no real incentive to not take insurance through the Village, especially on the High Deductible plan as the Village pays for costs as well as funds a Health Savings Account for employees. If the Village were to offer a buyout option, what would be a sensible amount and could there be stipulations (provide proof of insurance).

Trustee Katatto discussed the Fire Department in respects to a former Chief who has expressed interesting in running again. He discussed the possibility of looking into dry hydrants again.

Trustee Katatto, Trustee Cabrera and Trustee Petraitis discussed various options for Economic Development in the Village. Trustee Katatto stated that the Village should look into the Umbrella Ordinance as well as the Dark Sky Ordinance to allow for more businesses to operate outside. Trustee Petraitis brought up the possibility of adding a Picnic Park in the Village.

Meeting was adjourned at 11 pm.

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EXTRACT OF MINUTES OF MEETING OF THE VILLAGE BOARD  
ADOPTING BOND RESOLUTION

At a meeting of the Board of Trustees of the Village of Lima, Livingston County, New York, held at the Village Offices in Lima, New York, on the 24<sup>th</sup> day of November, 2020:

PRESENT: John Wadach, Mayor  
John Skiptunas, Deputy Mayor  
John Katatto, Trustee  
Joshua Petraitis, Trustee  
David Cabrera, Trustee

ABSENT: None

Trustee, John Katatto presented the following resolution and duly moved that it be adopted and was seconded by Deputy Mayor John Skiptunas:

BOND RESOLUTION DATED NOVEMBER 24, 2020 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LIMA, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SIDEWALK IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to 17 NYCRR Section 15.14 (e) (22), the Village hereby determines and finds that the purpose hereinafter described constitutes a “type II” action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder (“SEQRA”) which will not result in any significant adverse environmental impacts and such purpose is not subject to any further environmental review under SEQRA; now therefor, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LIMA, NEW YORK (hereinafter referred to as the “Village”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Lima shall undertake the construction of approximately 9,510 linear feet of new sidewalks on various streets within the Village to improve connectivity of the Village’s sidewalk network, and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$700,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose, and said amount is hereby appropriated therefor, with such authorization for bonds to be reduced dollar for dollar by the amount of grants received in excess of \$139,400.

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Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$839,400. The plan for financing of said purpose is to provide (i) up to \$700,000 of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, and (ii) up to \$551,000 from anticipated grant funds.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 24 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is ten (10) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Lima.

Section 7. The faith and credit of the Village of Lima, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Lima together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the

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date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Lima, pursuant to Section 36.00 of the Local Finance Law.

The motion having been duly seconded, it was adopted and the following votes were cast:

AYES

John Wadach, Mayor  
John Skiptunas, Deputy Mayor  
John Kattato, Trustee  
Joshua Petraitis, Trustee  
David Cabrera, Trustee

NAYS

