

Village of Lima Board Meeting

February 23rd, 2021

Present: John Wadach, Mayor; John Skiptunas, Deputy Mayor; Trustees John Kattato, Joshua Petraitis and David Cabrera.

Others Present: Matthew Lenahan, Attorney; Elissa Sackett, Clerk; Ben Luft, DPW Supervisor; Dan Marcellus, SkyPort IT; Jane Radomski, Deputy Clerk; Brian Smith, Sarah Santora, Field Rep for Senator Gallivan.

The meeting of the Village of Lima was called to order by Mayor Wadach at 7pm Tuesday, February 23rd, 2021 and opened with the Pledge of Allegiance.

Motion

Motion was made by Trustee Petraitis and seconded by Deputy Mayor Skiptunas to approve meeting minutes from February 9th, 2021. Motion passed unanimously.

Mayor Wadach introduced Jane Radomski to members of the Village Board and to the audience. Ms. Radomski has been appointed as the Deputy Clerk and will be working in the Village office roughly 10-15 hours per week. Ms. Radomski said she was very grateful and excited to be working for the Village.

Attorney Lenahan stated that the public hearing for Local Law #1 of 2021: Tax Cap Override was open and stated that the hearing would stay open until 7:50 pm.

Motion

At 7:50 pm, motion was made by Trustee Cabrera and seconded by Trustee Petraitis to close the public hearing on Local Law #1 of 2021, Tax Cap Override. Motion passed unanimously.

Guests

Sarah Santora – Local Representative for Senator Gallivan’s Office

Ms. Santora introduced herself as the liaison in our area for Senator Gallivan’s office. She discussed her background, working for the Livingston County News for several years before retirement, and that she is currently a Trustee for the Village of Caledonia. She said that she is here to answer any questions that the Village may have and to bring any issues to Senator Gallivan on behalf of the Village. She asked if the Board had any questions for her, to which Mayor Wadach and Mr. Luft discussed the SAM grant that the Village had been awarded but never received. She discussed that the Village has indeed received the grant, however as to when the funds would be dispersed is unknown. It could take years for that to come to fruition, but the Village does have a contract number so they can check the status of the grant. Deputy Mayor Skiptunas and Mr. Luft asked if they could each receive Ms. Santora’s contact information. Clerk Sackett stated that she would forward Ms. Santora’s contact information to members of the Board. Ms. Santora ended by reminding the board to feel free to contact her at any time with any concerns.

Dan Marcellus – Skyport IT

Mr. Marcellus gave several IT updates. He stated the new PCs had been installed at the Ambulance facility. He is donating two new hard drives and refurbishing the old computers so the Ambulance can use those on the guest Wi-Fi. The Ambulance has a separate guest Wi-Fi for increased security. Only select individuals at the Ambulance (Chief, Captain, Secretary) have the information for the main computers that hold vital information.

Mr. Marcellus said that the new Ooma phone has been installed at the waste water treatment plant and the phone number has been ported. He had Brian (WWTP Operator) test out to make sure all is working well. Mr. Marcellus is ready to move on to the DPW. He has the equipment; he just needs to coordinate a time to meet with Mr. Luft in the office. Mayor Wadach asked if we needed to contact Frontier to cancel the line, to which Mr. Marcellus replied that the line automatically cancels through Frontier once the porting is completed.

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Mr. Marcellus, along with Trustee Cabrera talked about the possibility of Village wide Wi-Fi, along with Wi-Fi at Mark Tubbs Park. It was discussed that in order to provide service at the park, the Village would possibly have to use the Wi-Fi from the WWTP, which would result in an increase in service. It was also noted that the Wi-Fi for the public would be “light”, meaning it could be used for basic services, but would not support large downloads (movies, etc.). Another issue noted was if the Village was going to filter what individuals could/couldn’t download. The Village could instill a policy for not filtering/tracking, but could require a log-in to use the service (example: allowing using guest Wi-Fi, but requiring an acknowledgement/providing email address to utilize). Trustee Cabrera stated that they would be reaching out to New York Power Authority Consultant again regarding the service.

DPW Report – Ben Luft

Mr. Luft said that the current/new equipment is holding up very well with the snow. He said that Alex (new employee) continues to do very well and is fitting in nicely with the crew.

Mr. Luft stated after months the water tower is finally online. There are no problems with the vault or at the tower itself and all samples are good. Problems have arisen at the pump station in near Honeoye Falls. With the check valves being open for 5 months, the check valves and pumps are not working properly. The valves originally wouldn’t close, but now the problem is with the seals in the pump (leaking). MW Controls has already been out once to fix the problem, but will be coming back again as the pump is now leaking in a different spot. Hopefully they can replace all the parts and have it fixed, if not the entire pump may need to be rebuilt. The Alarm system is currently working at the pump house and it can be operated manually if necessary.

Clerk Report – Elissa Sackett

Several invoices were available to the board for review/approval. Totals from each fund are the following:

- Ambulance Fund: \$5269.01
- General Fund: \$18959.95
- Sewer Capital: \$468.00
- Sewer Fund: \$12728.86
- Water Capital: \$25951.81
- Water Fund: \$22401.21
- Grand Total: \$85778.84

Motion

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

Clerk Sackett stated that she had received a quote of \$1050 from Edmunds for the Meter Swap Conversion. This will configure all the current meters into the new Beacon software once we receive.

Clerk Sackett discussed the update from EFPR regarding the budget process. Per Shelby, tentative budgets are due by March 20th, and we will plan on having a work session the week of March 9th. In order to properly prepare for the budget, the accounts need to be balanced to date. Clerk Sackett discussed that both her and Mr. Luft talked with Shelby and Bob Fox (Founder, EFPR) regarding the AUD update. AUD summaries had been emailed to all Board members prior to the meeting.

Clerk Sackett will be contacting Five-Star Bank to apply for the Visa CommUNITY Credit Card on behalf of the Village. Clerk Sackett, Mr. Luft and Meghan Rose (Ambulance Secretary) will be Authorized Signers on the credit card. This will replace the current credit card the Village has with Key Bank, as all accounts are already held at Five-Star Bank.

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Lastly, Clerk Sackett stated that CEO Charlie Floeser had stopped by the office regarding Pathstone and Family Dollar. He stated that both items have been brought before the Planning Board, however neither project has paid for any permits, or for the site plans to be presented. Mayor Wadach stated that the Village would want the projects to pay the necessary fees associated with the projects.

Old Business

Ambulance

The washer and dryer lines have been installed at the Ambulance building. Trustee Skiptunas stated that he had a meeting at Lowe's scheduled for February 24th regarding prices of a new washer and dryer for the Ambulance.

Trustee Kattato asked if the Ambulance would have any personal protective equipment reimbursement costs that could be added into the Fire Department reimbursement costs. The threshold for reimbursement is \$3300 and currently the Fire Department does not have enough to meet that amount. Deputy Mayor Skiptunas stated that he would contact the Chief Quinlan to discuss any possible reimbursement costs.

Lastly the board discussed the new proposed rates, as well as collection policies for the Ambulance. The last rate increase was in 2019, and proposed rates are still much lower than the area median for calls. The Village would also add a Treat and Release surcharge. Increases/additions would be the following:

- BLS Non-Emergency increase from \$412.50 to \$613.00
- BLS Emergency increase from \$566.50 to \$767.00
- Mileage increases from \$19.80 per mile to \$24.00 per mile
- Addition of Treat and Release Surcharge \$200

Attorney Lenahan drafted a memorandum regarding referring collection matters to litigation. Currently the Village pursues collection against individuals who receive funds from their insurance companies, but do not send the funds to the Village for payment on services rendered. The board agreed that the Village would continue to pursue collection against those who keep the insurance funds, and would review other accounts for collection on a case-by-case basis.

Motion

Motion was made by Deputy Mayor Skiptunas and seconded by Trustee Kattato to approve the increased/new rates for Ambulance calls. Motion passed unanimously.

15A Easements – Attorney Lenahan stated that all easements have been sent to homeowners. Easements were sent about a week ago. He has received 1 back as well as a phone call from another homeowner. He is hoping to have more individuals call regarding the easements.

Codification – Attorney Lenahan stated everything that can be submitted has been submitted. Currently we are waiting on the Code Book to be received. Once the book has been received, it will be presented to the Board to discuss.

Items for Joint Town/Village Meeting – Mayor Wadach discussed items that will be talked about at the Joint meeting on February 25th. He stated that he would like to discuss the fire tax on the Solar Array. The Village still owns the property; however, the property is being leased to Kendall Sustainable for the array. Mr. Luft stated that he has been working on his yearly water study and according to the calculations the Town's portion has gone up from 14.3% to 17.2%. He will provide his documentation for the meeting.

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New Business

Signage for New Businesses – Questions recently arose as to what is acceptable/grandfathered in regarding signage for new businesses. Particularly the old NOCO gas station questioned if they could add an old sign, or if they needed to put up new. It was noted that the Historical Preservation will give an opinion as to what is acceptable signage, but that is not necessarily what a business can do. All permits for signs should go through the CEO, then if the permit is denied it would go through the Planning Board. If the Planning board decides to deny, the business owner can apply for a variance. The board discussed looking at specifically tailored signs. Attorney Lenahan stated he would get examples for the board to look at.

Records Management Proposal – Mayor Wadach received an estimate from Mr. Alden Stevens regarding a Records Management project. Cost estimate would be between \$14k - \$16k to complete and would include identifying/destroying obsolete records, reorganizing records, creating a spreadsheet-based index amongst other items. This does not include digitizing Village records. Trustee Cabrera and Deputy Mayor Skiptunas asked what the cost would be to go directly to digitizing, rather than paying the cost to organize. Mayor Wadach said he would ask Mr. Stevens to do a cost assessment on digitizing the records.

NY Stretch Energy Code – Mayor Wadach discussed the various ways that local governments can earn points towards grants being offered. One way is for the Village to adopt a NY Stretch Energy Code. Adoption of this would earn the Village an immediate grant of \$5k, along with 1200 points towards a larger grant. Attorney Lenahan stated that this would require a public hearing through local law.

Motion

Motion was made by Trustee Cabrera and seconded by Trustee Kattato to move to schedule a hearing on adopting a NY Stretch Energy Code. Motion passed unanimously.

Climate Smart Resolution – See attached Resolution

Local Law # 1 of 2021: Tax Cap Override – See attached Local Law

NYS DOT Undertaking – See Attached Document

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Cabrera to authorize Mayor Wadach to sign the NYS DOT Undertaking Documentation. Motion passed unanimously.

Livingston County Economic Development – Mayor Wadach received 2021 Downtown Partnership Program from Livingston County Development Corporation (LCDC). This program helps area Village's revitalize their downtown districts, with a fee associated up to \$4000.

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Skiptunas to authorize Mayor Wadach to sign the 2021 Downtown Partnership Program Agreement and pay a fee up to \$4k for the program. Motion passed unanimously.

Arbor Day Proclamation – See Attached Proclamation

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Cabrera to declare Saturday, May 1st, 2021 as Arbor Day in the Village of Lima. Motion passed unanimously.

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Roundtable Discussion

Deputy Mayor Skiptunas stated that he and Trustee Petraitis had a very positive meeting with the Parks Committee from the Town of Lima. They are working to allocate jobs at the park (bollards, 4th of July). They have another meeting scheduled in another week.

Trustee Kattato stated that he was working on the FEMA registration. He asked if there was a set date to when the dog park would be completed. Mayor Wadach stated that the goal is to have it completed by mid to late Summer.

Trustee Petraitis said he called the Avon Highway Superintendent about their flashing pedestrian light but he has not heard back yet. He said he will try again to contact him.

Meeting was adjourned at 10:18 pm.

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VILLAGE OF LIMA

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

7329 East Main St.
PO Box 20A
Lima, NY 14485
clerk@villageoflima.us
www.villageoflima.us

Elissa Sackett, Clerk
Ben Luft, Supt. Public Works
Matthew Lenahan, Attorney

Village of Lima Climate Smart Community Resolution

WHEREAS, the Village of Lima (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that the Village of Lima, in order to reduce greenhouse gas emissions and adapt to a changing climate, *adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:*

- 1) **Build a climate-smart community.**
- 2) **Inventory emissions, set goals, and plan for climate action.**
- 3) **Decrease energy use.**
- 4) **Shift to clean, renewable energy.**
- 5) **Use climate-smart materials management.**
- 6) **Implement climate-smart land use.**
- 7) **Enhance community resilience to climate change.**
- 8) **Support a green innovation economy.**
- 9) **Inform and inspire the public.**
- 10) **Engage in an evolving process of climate action.**

The motion to adopt the Village of Lima Climate Smart Community Resolution was made by Trustee David Cabrera and seconded by Trustee Joshua Petraitis. The Resolution was passed unanimously with a vote of 5 Yea and 0 Nay on February 23, 2021.

I attest that the above Resolution was unanimously approved by the Village of Lima Board of Trustees at their meeting held on February 23, 2021 at the Lima Town Hall, 7329 East Main Street, Lima, NY.

Signed: Elissa Sackett
Elissa Sackett, Village of Lima Clerk

Date: February 24th, 2021

Affix Village Seal Below:



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Local Law No. 1 of 2021

Village of Lima, County of Livingston

A local law to override the tax levy limit established in General Municipal Law §3-c

Be it enacted by the Board of Trustees of the Village of Lima, Livingston County, as follows:

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Lima to adopt a budget for the fiscal year commencing June, 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Lima, County of Livingston, is hereby authorized to adopt a budget for the fiscal year commencing June, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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PERM 1 (2/12)



UNDERTAKING

For the benefit of

The New York State Department of Transportation

In connection with work affecting state highways

(For use by New York municipalities and federal agencies)

WHEREAS, the undersigned Village of Lima (Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

NYSDOT PERM 1

(rev. 2/12)

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PERM 1 (2/12)

4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS WHEREOF, The Village of Lima (Municipality-County, Town, City, Village or federal agency) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).

John B. Wadach
Authorized Agent

2/23/2021
Date

John B. Wadach, Mayor
Print Name/Title

Po Box 20A
Address

(585) 624-2210
Phone number

Lima, NY 14485
Address

JWADACH@VillageOfLima.US
e-mail

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Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, John Wadach, Mayor of the City of Lima, do hereby proclaim Saturday, May 1, 2021 as



In the City of Lima, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 23rd day of February 2021
Mayor John B. Wadach