

Village of Lima Board Meeting

April 12th, 2022

Present: John Skiptunas, Mayor; 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; Amanda Cates, Lima Ambulance; Dan Marcellus, SkyPort IT; James Manning; Sarah & Ernie Day.

Absent: Larry Teta, WWTP Operator

The meeting of the Village of Lima was called to order by Mayor Skiptunas at 7:00pm Tuesday, April 12th, 2022 and opened with the Pledge of Allegiance.

Motion

Motion was made by Trustee Petraitis and seconded by Deputy Mayor Wadach to approve meeting minutes from March 22nd, 2022. Motion passed unanimously.

Guests

Ernie and Sarah Day – Mr. and Mrs. Day were present to follow up with the concerns regarding flooding at their property. Their assessment has gone up approximately 66%, and with the current issues they do not believe that their property should be increased as such. Per the Assessor's recommendation, they are present to again discuss the issues and see if there is anything the Village can do to help.

The board stated the Village is currently applying for a grant for an infrastructure study to identify various areas throughout the Village that have problems with storm water and drainage. The grant would allow for the Village to complete an engineering report which is a necessary component to be competitive in winning grants to construct remedies to our stormwater problems.

In regards to the assessment issue, the board reiterated that the Village is not a tax assessing entity. All assessment work is completed through the Town of Lima Assessor. The board recommended that Mr. and Mrs. Day address the issues with the Board of Assessment Review on grievance day if they are not satisfied after meeting with the Town Assessor.

Jim Manning, Masonic Lodge – Mr. Manning expressed interest in installing a historic sign/light outside the doorway of the Masonic Lodge. Photos of a similar light hanging outside of the Avon Masonic Lodge were passed around for the board to view and get an idea of what Mr. Manning wishes to hang. He explained that the light would be a milk white globe approximately 16-18" in diameter illuminated with between a 40-to-100-watt bulb. The globe has historic character, but since it is internally the Code Enforcement Officer has classified it as a lit sign, which is not permitted per the Village code. Attorney Lenahan agreed that the design was nice, however if it is not in the code then the next step would be to file an application with waiver and present in front of the Zoning Board of Appeals. Mr. Manning said he would follow those steps and CEO Floeser would assist with the application.

Open Public Hearing

Motion

Motion was made at 7:28pm to open the Public Hearing – Local Law #2 of 2022; Revoking Local Law #5 of 2021, Override the Tax Levy Limit of 2% established in General Municipal Law Section 3-c. Hearing will be open until 7:40pm.

Motion

Motion was made by Trustee Smith and seconded by Trustee Petraitis to close the Public Hearing for Local Law #2 of 2022. Motion passed unanimously. Vote to Revoke Local Law #5 of 2021 was the following:

John Skiptunas	Yes
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John Wadach	Yes
Joshua Petraitis	Yes
Brian Smith	Yes
Carolyn Fleming	Yes

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Smith to open the Public Hearing for the 2022-2023 Village of Lima Budget. Public Hearing will stay open until April 26th meeting. Motion passed unanimously.

Department Reports

Fire Department – Steve McGrath, Fire Chief

Chief McGrath passed out reports showing the number of calls as well as types of calls the Lima Fire Department has responded to over the last 3 months. The board asked various questions regarding the reports, such as if the controlled burns listed go out on the automatic calls.

Chief McGrath stated the firehouse is in dire need of upgrades. He requested that an amount up to \$60k be authorized from the Fire Building Reserves to replace the roof, the backwall and the gutters. When asked if he had the quotes with him, he stated he did not but President Andy Luft had received the necessary quotes for the project. He will provide the quotes to the board by the April 26th meeting.

Motion

Motion was made by Trustee Fleming and seconded by Trustee Petraitis to authorize the expenditure of up to \$60k from the Fire Building Reserves to fix the roof, repair the backwall and gutters on the firehouse, pending review/approval of the quotes received to complete the repairs. Motion passed unanimously.

Ambulance – Amanda Cates, Lima Ambulance

Ambulance report was passed around for the board to review, and Ms. Cates was present to answer questions regarding the report. She explained that currently there is an EMT that is able to provide some daytime coverage, which helps out a lot. The goal is to have a couple more EMT's become available to provide additional coverage. There is also a new request for membership this month. Sean Dailor, has expressed interest in becoming a driver; Ms. Cates stated they are in need of drivers as well.

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Smith to approve Sean Dailor as a new member of the Lima Ambulance. Motion passed unanimously.

The new oxygen system has been installed and is working well. Captain Finucane is the main person responsible for the new system, and will be training Chief Rose on how to use it as well. The emergency phone outside the base is still not working. Frontier has been out multiple times to try and identify the issue. They believe that it is the phone system that is not working. The board stated that if the phone needs to be removed that they do so. EMS week is May 15th – 21st. The Ambulance is planning to host a barbeque at their meeting that week to recognize all the hard work the EMS staff provides. The board expressed interest in helping out with the event.

Motion

Motion was made by Trustee Smith and seconded by Trustee Fleming to recognize EMS week the week of May 15th through May 21st. Motion passed unanimously.

WWTP – Larry Teta (Absent)

The Sewer Plant report was passed around for the Board to review. As of January 31st, 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.

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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 as well as the status of vacant homes within the Village limits. 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 would take a look as he is familiar with that area of the neighborhood and have discussions with the residents.

DPW – Ben Luft

Mr. Luft stated all residents on streets with new water mains are now receiving their water from the new water mains. The last tie in was completed on Genesee St. with no issues. Starting on April 18th, Finline will begin work on the water vault on 15A in front of the Lima Christian School. This should take approximately 10 days to complete. Water will need to be turned off while connections are switched over to the new meters; residents affected have been informed of this. Once the vault is finished, the only items left will be restoration.

The park bathrooms are now open for the season. Mr. Luft and the DPW crew have also begun digging the waterline at the park for the dog park. He has tapped into the main and is in the process of running the line out to the field. It is muddy and going slow, but he is working on it. He has been running into some old field tile that is slowing the crew down as well.

Upcoming dates: April 11-15 Brush Pick-Up
 April 18-22 Hydrants flushed

Clerk Report – Elissa Sackett

Clerk Sackett gave a couple updates on some ongoing projects. The street light conversion has been completed. Nate Durie with GuthDeconzo Construction stated he has contacted NYPA to let them know so the project can be closed out and the maintenance contract can be established. The National Grid allocations should finally be all set. According to the National Grid web portal, it looks as though the allocations have been transferred, but will confirm this when the April statements have been received.

The office is currently working on completing tax documents for the upcoming fiscal year. Past due notices have been mailed to all residents in jeopardy of having their delinquent water/sewer balances levied onto their 2022-2023 tax bills. Over 40 notices have been sent out. The tax limit has been submitted to the Office of the State Comptroller, and the tax cap reporting is being completed.

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

- Ambulance Fund: \$3713.05
- General Fund: \$23686.80
- Sewer Fund: \$5878.14
- Water Fund: \$5648.11
- Capital Water: \$104680.32
- Capital Sewer: \$54519.45
- Grand Total: \$198125.87

Motion

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

Business

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Shanks Purchase Request on Evergreen Extension – Mayor Skiptunas was approached by Attorney Steve Kruk regarding Shanks Enterprises, Inc. wishing to purchase the frontage of Evergreen Street Extension owned by the Village. This parcel is the entranceway to the Village landfill parcel; currently there is an agreement between the Village and Shanks to allow for Shanks to utilize the entranceway. The proposal would include maintaining a permanent right-of-way for the Village, just changing who the ownership belongs to. Mr. Luft explained that after discussions with Dave Shanks, ownership of the said parcel is necessary for the business to be able to obtain financing. Attorney Lenahan stated that the parcel would need to be sold for fair value and the Village would need to show it no longer has use of the parcel. He stated that the Village would retain egress into the landfill since the Village would have a permanent easement. The board wished to look further into this and requested it be tabled until the next board meeting.

Dog Code Review – Discussions were held regarding dog control. Clerk Sackett reminded that there is the section of the code that pertains solely to Dog Control, and then there is the section of the Park Code that references dog control. The Park's Commission will compare the Village Dog Control policy with the Town's pertaining to Mark Tubbs Park to come up with something cohesive regarding the park. Mr. Luft said the Village crew has installed an additional 4 signs at the park stating dogs must be leashed at all times. Mayor Skiptunas stated Supervisor Falk is working to have the park covered by Livingston County Dog Control.

Sign Code – Recommendations provided by the Planning Board were passed around to the board. Attorney Lenahan stated that this is starting to become a complete redraft of the current code. He will look at it a little more and compare sign codes in Mt. Morris and Dansville, and follow up with the board.

Storm Water Study – Deputy Mayor Wadach discussed a proposal from MRB Group for professional services regarding completing a Storm Water Study Grant Application in the amount of \$4k. The Village has already approved expenditure of \$4k to complete a study regarding infiltration into the sanitary sewer system. These studies will provide the Village with the ability to identify problems and apply for grants.

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Smith to authorize the expenditure of \$4k to move forward with the storm water study with MRB Group. Motion passed unanimously.

GIS – Deputy Mayor Wadach and Mr. Luft discussed meeting at MRB's office to discuss the GIS system. Mr. Luft stated that once the water project is completed, he would be able to find a date to attend. The Village needs to find out the total cost of the work; previously believed to be in the upper \$30k's. The program would be very beneficial to the Village in documenting the location and type of equipment for all of our current infrastructure. Attorney Lenahan expressed concern about such a study opening the Village up to additional liability.

Fiber Project – Discussion ensued on the status of the project and the next steps. The engineering and construction of the fiber lines need to go to bid, but the Village cannot do so until the notice to proceed is issued. Attorney Lenahan will reach out to the attorney for Livingston County to discuss the process if the Village cannot receive a franchise fee for the lines.

- See attached SEQRA Resolution
- See attached Bond Resolution

Roundtable Discussion

Mayor Skiptunas discussed the following:

- Replacement of flag at Mark Tubbs Park (tattered).
- Requested assistance with the Mural Committee.

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Trustee Smith discussed the following:

- Dog Pavilion Status – Need to get together with CEO Floeser. Suggestions were made to reach out to BEARS regarding pavilion posts.
- Crossroads Fest
 - Possibly extending quiet hour from 10pm to 11pm.
 - Can Village hold liquor license for special events?

Deputy Mayor Wadach discussed the following:

- Community Garden – Requested Mr. Luft pick up supplies for raised beds.
- Arbor Day April 30th at park. Seedlings will be picked up around 4/23. Mr. Luft will deliver dirt to park for planting.
- Red Wilson Field Maintenance – Will receive organic maintenance proposal to present to board.
- Donation for Community Center
 - Can put funds in a Capital Reserve for said purpose.
 - Discussed potential grants for Community Center build.
 - Advisement from Attorney Lenahan to establish an agreement between all parties regarding donation and expectations (Town, Village, Community Member giving donation).

Motion was made by Trustee Petratis and seconded by Trustee Smith to adjourn Village Board meeting at 10:20pm and enter Executive Session for purpose of discussion of the employment status of a specific employee. 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, April 12, 2022*

**RESOLUTION RELATING TO THE ISSUANCE ANTICIPATED CONSTRUCTION OF A FIBER OPTIC
CABLE NETWORK IN THE VILLAGE OF LIMA**

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

WHEREAS, the Village has authorized the construction of a fiber optic cable network within the Village (the “**Proposed Project**”); and

WHEREAS, the Village has declared its intention to declare itself the lead agency for purposes of review pursuant to the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder (“**SEQRA**”), and all other potentially interested entities were put on notice more than 30 days prior to this meeting of the Village’s intent to do so; and

WHEREAS, more than 30 days having elapsed, and the Village having received no comment or feedback from any potentially interested entities; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Lima, Livingston County, New York, does hereby appoint itself Lead Agency for the purposes of SEQRA as related to the Proposed Project; and that having reviewed and discussed all appropriate SEQRA forms and available information at an open and advertised public meeting does hereby determine, pursuant to 17 NYCRR Section 15.14 (e) (22), that the Proposed Project constitutes a “Type II” action under SEQRA which will not result in any significant adverse environmental impacts and such purpose is not subject to any further environmental review under SEQRA.

On a motion by Trustee Wadach, seconded by Trustee Smith, the resolution was adopted on a unanimous roll call vote.

Dated: April 12, 2022
Lima, New York

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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 12th day of April, 2022:

PRESENT: John Skiptunas, Mayor
John Wadach, Deputy Mayor
Joshua Petraitis, Trustee
Brian Smith, Trustee
Carolyn Fleming, Trustee

ABSENT: None

Deputy Mayor John Wadach presented the following resolution and duly moved that it be adopted and was seconded by Trustee Joshua Petraitis:

BOND RESOLUTION DATED APRIL 12, 2022 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LIMA, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE FIBER OPTIC CAPITAL 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, the purpose hereinafter described consists of capital improvements to include the construction of a fiber optic network authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, on April 12, 2022 the Village Board of Trustees has heretofore duly determined 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:

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Section 1. The Village of Lima shall undertake the construction of a 12.4 mile fiber optic cable network within the Village to provide businesses and residents in the Village with internet speeds of up to 10 Gigabits per second, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, 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 \$1,000,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

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 \$1,000,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, if any, presently estimated to be \$664,900.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 35 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) 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

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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 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 Skiptunas
John Wadach
Joshua Petraitis
Brian Smith
Carolyn Fleming

NAYS

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STATE OF NEW YORK }
 }
COUNTY OF LIVINGSTON } ss:

I, the undersigned clerk of the Village of Lima, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Village Board of Trustees of the Village of Lima, Livingston County, State of New York, was held on April 12, 2022, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Village Board of Trustees.

2. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relate to matters referred to in said Extract.

3. Said Minutes correctly state the time and place when said Meeting was convened and the place where such meeting was held and the members of said Board who attended said Meeting.

4. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, as modified by the Governor's COVID-19 Executive Orders, if applicable, and that all members of said Village Board of Trustees had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Village of Lima this 12th day of April, 2022.



Elissa Sabetti

Village Clerk
Village of Lima