

Regular Meeting
August 14, 2018

Mayor: Carl Luft

Trustees: John Wadach, Jerry Warsaw, John Correll

Attorney: Steve Kruk

Absent: Joe Schwing

Supt. Public Works: Ben Luft

Recording Secretary: Linda Banfield

Guests: Tim Vandevelt (Firechief), Gary Humbert, Pat Nicoletta (MRB)

Fire Department Report was given to the Board. Fire chief asked the Board for permission to use the playground at Tubbs Park for a dry hose simulation of getting out of a house.

MOTION

Motion made by Jerry Warsaw, seconded by John Wadach to approve Alyssa DeCann as a member of the Fire Department. Motion unanimously approved.

MOTION

Motion made by Jerry Warsaw, seconded by John Correll to approve the Fire Department's use of Tubbs Park for their simulation drill. Motion unanimously approved.

Attorney Kruk handed out a memorandum on possible restrictions on use of Village streets. He stated that regulations can be made on the use of roads, parking etc. Discussion was held on parking issues.

GARY HUMBERT: Mr. Humbert distributed copies of village codes with restrictions for commercial vehicles parking and travel from several neighboring villages. Discussion was held. Board will review these examples and the matter will be brought up at the Sept. 11th board meeting.

MOTION

Motion made by John Correll, seconded by Jerry Warsaw to approve the minutes of July 10, 2018 as written. Motion unanimously carried.

MOTION

Motion made by Jerry Warsaw, seconded by John Correll to approve the Joint Board meeting minutes of July 17, 2018 as written. Motion unanimously approved.

Ben discussed with the Board one bill sent by a person who ran over a hole on College Street. He is requesting payment for the towing fee. This area was being readied for paving and cones were placed around but are moved by children and residents. Board agreed to pay the bill upon receiving proof of registration and inspection.

MOTION

Motion made by John Correll, seconded by Jerry Warsaw to approve abstracts A-3 for \$22,871.13, Ambulance for \$2,918.37, F-3 for \$24,237.03, G-3 for 6,086.45, Water Reserve Fund for \$5,775.40 And Capital Project Water for \$17,756.27. Motion unanimously approved.

MOTION

Motion made by John Wadach, seconded by John Correll to approve Voucher #108 in the amount of \$161.25 upon receipt of valid registration and inspection. John Wadach – aye, John Correll – aye, Carl Luft – aye, Jerry Warsaw – abstained. Motion carried.

RESOLUTION

Resolution made by John Wadach, seconded by John Correll authorizing general obligation serial bonds to finance water system 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 water system capital improvements authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on July 10, 2018, has duly adopted a negative declaration with respect to the Type 1 action and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

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

Section 1. The Village of Lima shall undertake the acquisition, construction and reconstruction of water system improvements, including, without limitation, the replacement of undersized and aged water mains, replacement of valves, hydrants and services, upgrade water meter pit with above ground enclosure (including piping), tank improvements, 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 \$3,997,000.00 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.

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 \$3,997.00. 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.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) 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 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 thereto, 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.

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.

Resolution was unanimously carried.

Pat Nicoletta reviewed the Full Environmental Assessment Form for the Waste Water Treatment Plant project.

MOTION

Motion made by John Wadach, seconded by Jerry Warsaw to authorize Mayor Luft to sign the Environmental Assessment form for the WWTP project. Motion unanimously carried.

RESOLUTION

Resolution made by John Wadach, seconded by John Correll of support for the Water Infrastructure Improvement Act (WIIA) Grant Application from the Village of Lima for the benefit of Wastewater Treatment Plant Improvements.

WHEREAS, the Village of Lima Board of Livingston County, supports the submission of a New York State Water Infrastructure Improvement Act (WIIA) grant application, on behalf of the Village for modifications to the existing Wastewater Treatment Plant (WWTP); and

WHEREAS, the New York State Environmental Facilities Corporation (EFC) administers grants to assist municipalities in funding water treatment and distribution infrastructure projects for protecting or improving water quality and /or protecting public health; and

WHEREAS, the proposed project will require modifications to the existing wastewater treatment plant's (WTTP) State Pollutant Discharge Elimination System (SPDES) permit, which includes new effluent ammonia limits and the requirement for effluent disinfection; and

WHEREAS, Upgrades at the WWTP will consist of anaerobic digester improvements, the installation of effluent disinfection, equipment upgrades, and miscellaneous infrastructure improvements; and

NOW, THEREFORE BE IT RESOLVED, the Village of Lima Board authorizes Mayor Carl Luft to submit such grant application on behalf of the Village and authorizes the Mayor to execute necessary documents relative to and as required for the application; and

THEREFORE, BE IT FURTHER RESOLVED that the Village of Lima Board of Livingston County recognizes and fully supports the submission of the WIIA grant application on behalf of the Village for the Wastewater Treatment Plant upgrades.

Resolution unanimously carried.

Letter was received from Tim McGill to prepare the necessary documents for the WWTP project.

MOTION

Motion made by John Correll, seconded by Jerry Warsaw to authorize Mayor Luft to sign proposal from Tim McGill to prepare documents for the WWTP project. Motion unanimously approved.

Board will hold a special meeting on Aug. 28th at 5:00 pm to consider bond financing for the WWTP.

Pat informed the Board that the Water project will be coming in under budget. Board was in favor of purchasing a monitor which would allow Ben to view the Pump house remotely.

MOTION

Motion made by John Wadach, seconded by John Correll to expend an amount up to \$15,000.00 from the projects contingency fund for the purchase of a remote monitor. Motion unanimously approved.

Trustee Correll reported that after interviewing the top three (3) candidates for the position of Building Inspector/CEO the position was offered to Charles Floeser who as been subbing in for us. He has accepted the position with a start date yet to be determined.

Ambulance Report for July and corrected report for June was given to the Board.

WWTP report and financial reports were given to the Board.

Ben gave an update on the pumphouse. Discussion was held. He will be adding on a surge relief valve, which if a loss of power occurs, will allow the flow of water preventing a water hammer.

Trustee Wadach has submitted the application for the sidewalk grant. This grant would require a 20% match from the village. He feels the EDR did a good job and the village will receive as many points as possible. Notification will be given in November.

Ben brought up the Tondryk project. He feels that the village should not be responsible for maintenance or repair of the meter. Board was in agreement with this.

Attorney Kruk reviewed the sale and purchase agreement for the pocket park. Village costs will amount to \$2300.00 and closing will be next week.

Discussion was held regarding the Ethics Law. Attorney Kruk will review it with employees in a timely manner.

Trustee Warsaw reported that the inventory at the Fire Department is in progress.

Trustee Wadach informed the Board that the pole for the EV charger is set. He gave examples of signage recommended by the DEC.

He also reported that the Solar Project is going slowly. He does not want the size of the solar array to exceed National Grid costs.

Trustee Correll gave a report on the pond project to begin the Fall of 2018. All vegetation has been removed, the area will be re-graded, new spillway created etc. The area will be re-seeded and additional trees planted after project is completed. The infrastructure for a fishing dock will be in place for the future.

Trustee Correll gave a report on improvements to the Park. A Park grant will be applied for in July of 2019. Area to be improved include the parking lot, ADA bathrooms, roof & gutter system for the pavilion, playground, signage, redo the pond trail etc.

Trustee Warsaw would like a simple agreement drafted between the Fire Dept. and the Village for use of the shed which is on village property. Discussion was held on this matter.

A special meeting will be held on Aug. 28th at 5:00 pm to consider Bond financing for the WWTP.

Discussion was held on the Hogan Ave. cul de sac. The Hogan Avenue Home Association will take charge of mowing the area.

Attorney Kruk reported that the work on Hogan Ave. is about done. He will be getting the paperwork to accept dedication of the road.

MOTION

Motion made by Jerry Warsaw, seconded by John Correll to authorize Mayor Luft to sign the documents for dedication of Hogan Avenue. Motion unanimously approved.

RESOLUTION

The following resolution was made by Jerry Warsaw, seconded by John Correll:

WHEREAS, the Village of Lima owns a parcel of land located at 7335 East Main Street in the Village of Lima, which said parcel adjoins the location of the Village Offices at 7329 East Main Street, said parcel having been acquired by tax deed from the County of Livingston recorded in the office of the Livingston County Clerk on September 18, 2012 in Liber 1266 of Deeds at page 1599, and being known as tax identifier map parcel number 37.10-2-27.1; and

WHEREAS, said premises had previously been used for both residential and commercial purposes, in two (2) separate structures, which have been demolished by the Village of Lima during its subsequent ownership of the parcel; and

WHEREAS, the NYS Department of Environmental Conservation has requested the Board of Trustees to restrict its future use of said parcel by recording a deed with specific deed restrictions that cannot be waived or released without direct written authority of the NYS DEC; and

WHEREAS, the Village Board has determined that it is in the best interests of the Village of Lima to so restrict the future use of said parcel; and

WHEREAS, the Village Board of Trustees has considered this matter at its regular Board meeting held on August 14, 2018;

NOW, THEREFORE, upon motion by Jerry Warsaw, seconded by John Correll it is hereby

RESOLVED, that the Village Board of Trustees of the Village of Lima, upon due discussion and consideration, directs the Village Attorney to prepare and record a deed from the Village of Lima to the Village of Lima, setting forth certain restrictive covenants, as follows:

The purpose of this deed is to create and impose the following voluntary restrictive covenants that shall encumber the described real property in perpetuity:

1. The premises described in this deed shall not in the future be developed or used for residential purposes.
2. The premises described in this deed shall not in future be developed or used for raising any crop or Food product for human consumption.

These restrictions shall run with the land in perpetuity, and cannot be waived, varied or released unless and except such waiver, variation or release is expressly approved in writing by the New York State Department of Environmental conservation, or its successor

and it is further

RESOLVED, that the Mayor is authorized and directed to execute and record in the Office of the Livingston County Clerk a deed for the premises located at 7335 East Main Street, as aforesaid, upon unanimous vote of the Board of Trustees of the Village of Lima, made at a regular meeting of said Board held on the 14th day of August, 2018.

Resolution unanimously approved.

9:45 pm MOTION TO ADJOURN