

Village of Lima Board Meeting

March 9th, 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; Jane Radomski, Deputy Clerk; Tim Vandevelt, Fire Chief; Mike Finucane, Captain Lima Ambulance; Brian Crye, WWTP Operator; Charlie Floeser, CEO; Pat Nicoletta, MRB Group; Carolyn Fleming.

Absent: John Kattato, Trustee.

The meeting of the Village of Lima was called to order by Mayor Wadach at 7pm Tuesday, March 9th, 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 23rd, 2021. Motion passed unanimously.

Department Reports

Fire Department – Tim Vandevelt, Chief

Chief Vandevelt stated that the vaccine through the county is slow going. There are still quite a few volunteer firefighters that need to receive the vaccination. Chief VanDeVelt passed out the manpower report. Most of the false alarms are repeat offenders. It does state in Village code that if a false alarm happens 3 times at the same location, it is a chargeable offense. Mayor Wadach asked that Chief Vandevelt be sure to let Attorney Lenahan know if he comes across any 3-time repeat offenders. Chief Vandevelt introduced Assistant Captain Joe Bordeau to the Board. He stated Captain Bordeau has expressed interest in running for Fire Chief in the Spring. He also stated that starting next month, all trainings will be back to in person.

Mayor Wadach asked Chief Vandevelt about the recent Amazon purchase. Chief Vandevelt stated that he only orders from Amazon if it is a last resort purchase. Mayor Wadach stated that currently the Village is in the process of obtaining a new business credit card, and if the Fire Department would want to be added as an Authorized User. Chief Vandevelt stated that it would need to be the Chief who would be on as the Authorized User, and that can be discussed in the future with the new Chief. Clerk Sackett stated if any Amazon purchases needed to be made, they could be forwarded since we can purchase them tax exempt.

Ambulance – Mike Finucane, Captain

Captain Finucane discussed the Ambulance report that was passed to the Board. He stated that everyone who wished to be vaccinated has been. He also stated that there was one new EMT that had wished to join. Clerk Sackett stated she had not received the application prior to the meeting.

Captain Finucane discussed that there would be a Mobile Stroke Unit coming to Livingston County. It will be stationed somewhere throughout the County and will be available to call on. This will get a Dr. on the scene very quickly. He also discussed sending a donation to Avon for service for their LUCAS chest compressor device. This had previously been approved in November, but was not sent. Clerk Sackett stated she will send the donation to Avon. Captain Finucane stated that they have been on the look out for a new Fly Car. Gates Chili is looking to get rid of theirs. Once they have the full specs, they will bring to the Board for approval.

Lastly, Captain Finucane thanked the board and Mr. Luft for their help with the Ambulance washer/dryer installation. He also discussed that he and Chief Quinlan are planning to meet with the Town Board in April to discuss services. He stated that they have already been added to the agenda for that meeting.

Village of Lima Board Meeting

March 9th, 2021

WWTP – Brian Crye with Pat Nicoletta

The Sewer Plant report was passed around for the Board to review. As of February 28th, the wastewater treatment plant was again in 100% compliance with NYSDEC regulations.

Pat Nicoletta from MRB Group passed around bid summary for the WWTP improvement project. The project was split into two contracts; general which received 4 bids and electrical which received 5 bids. The summary listed all bids received, and stated recommendations based off of bids. Mr. Nicoletta discussed that for the general contract, if you take into consideration add alternates 1&2, CP Ward came in lowest, however if you consider add alternates 1-3 Crane Hogan was the lowest bidder. Discussions were made that the Village could save money by only doing add alternates 1&2 as add alternate 3 is the second digester and it may only need to be spot painted. The electrical contract low bid was from MW Controls, a company that the Village has contracted with in the past.

Motion

Motion was made by Deputy Mayor Skiptunas and seconded by Trustee Cabrera to accept the bid in the amount of \$2,300,000 for base bid plus add alternates 1&2 from CP Ward for the general contract. Motion passed unanimously.

Motion

Motion was made by Trustee Petraitis and seconded by Deputy Mayor Skiptunas to accept the bid in the amount of \$183,056 for base bid plus add alternates 1&2 from MW Controls for the electrical contract. Motion passed unanimously.

CEO – Charlie Floeser

CEO Floeser passed around/discussed his report. He stated that he has been tracking his time and up until recently it had been split 50/50 between handling issues in the Town and Village; currently he is spending roughly 75% of his time with Village issues. Many issues are due to the Planning Board and are over signs/permits. CEO Floeser stated that he had been told that before he can issue a permit for a sign, it must go through the Historical Preservation Committee. Attorney Lenahan clarified that they are only an advisory; they can provide input but they do not govern. Attorney Lenahan went on to state that the larger problem is part of the current code is not clear. Mayor Wadach instructed CEO Floeser to contact Attorney Lenahan if he has a question.

With the advisement of the Village Board and Village Attorney, CEO Floeser was instructed that if a sign follows the Village code, then he has the authority to issue the said permit. If the sign does not follow the code, then it can be brought before the Planning Board and the business can apply for a variant.

CEO Floeser discussed the two developers who have been bringing plans to the Planning board, but have not paid any of the fees. Mayor Wadach instructed CEO Floeser to reach out to the Planning Board Secretary to have him contact the developers about payment for site plan review. If fees are not paid, Attorney Lenahan will send letters for payment. Mayor Wadach asked Clerk Sackett to please receive the information regarding the next Planning Board meeting so Village Board members can attend.

DPW – Ben Luft

Mr. Luft stated he was approached by a local business owner about putting out tables or a bench. The Board stated that they would like to see more activity in the downtown area, and that we would add this topic to the next agenda. Mayor Wadach asked Attorney Lenahan to please bring some designs of what is acceptable code to the next meeting.

Mr. Luft stated that it had been 30 days since the soil compactor attachment for the mini-excavator had been advertised (split with Town). He would notify the Town Superintendent so we can be sure to pay them back. He stated that our new laborer Alex is still working out very well and he hopes to keep him

Village of Lima Board Meeting

March 9th, 2021

on. He also discussed holding a meeting with the Mayor/Deputy Mayor regarding salaries for the next budget.

Mr. Luft discussed the current issues with the water tower. The vault at the water tower hatch was replaced, but the door does not appear to be as insulated as the other which caused the line to freeze (copper tubing). He stated that they replaced the copper tubing with hard tubing to alleviate this issue. He also showed his staff how to fix it if needed. Mr. Luft, along with Pat Nicoletta stated that anything that still needs to be completed at the water vault needs to be completed by 5/1/21 and the final payment will be issued on 5/28/21.

Mr. Luft and Pat Nicoletta discussed the upcoming 15A water project. The pre-bid meeting with contractors was held at 9am on 3-9-21 and bid opening is scheduled for March 22, 2021. The goal is to break ground for the project by 5/1/21, which is why the water tower project needs to be completed by 5/1/21. Mr. Nicoletta asked about the 15A easements, to which Attorney Lenahan replied that he has received 2 signed, 6 individuals have called back with questions and he hasn't received any response from 2 businesses. He stated that the second round of letters/easements have been sent to residents. Mr. Nicoletta stated that per the Department of Health, we can still go out to bid for the project, however they cannot start until all easements are received, and they should not award the contract until they are received.

Clerk Report – Elissa Sackett

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

- Ambulance Fund: \$5459.68
- General Fund: \$15487.85
- Sewer Fund: \$24904.38
- Water Fund: \$11169.75
- Grand Total: \$57021.66

Mayor Wadach asked that the payment for the Town of Lima tax be removed. He stated that he has not heard back from Supervisor Falk regarding his analysis of the contract between the Village and GreenSpark for the Solar array.

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Cabrera to authorize payment for said invoices, with the exception of the payment for the solar array tax bill. Motion passed unanimously.

Clerk Sackett stated that an upcoming meeting had been scheduled for Friday with EFPR Solutions to go over numbers for the upcoming budget. Clerk Sackett and Mr. Luft will attend the session with Shelby from EFPR Solutions.

Clerk Sackett discussed the Re-Levy for unpaid water/sewer bills (see attached resolution). Attorney Lenahan stated that the Village could pass a local law regarding re-levies so a resolution would not need to be completed every year. She also discussed that Edmunds and Badger Meter have started to test/transfer files for the upcoming Trimble and software conversion. Once all files are accurate, training will be scheduled for the new software.

Old Business

Sidewalk Bid – Mayor Wadach stated that the Village has received bids for the Sidewalk project, however there was a problem with all bids. In the bid, it stated that all companies were to use their base bid throughout the add-alternates. The Village received 3 bids, and all followed suit. Project Engineer

Village of Lima Board Meeting

March 9th, 2021

Paul Presutti is reaching out to the lowest bidder to see if they will use the base bid pricing for the add-alternates, as that is what was stated in the initial bid. Mayor Wadach also discussed that the DOT is requiring the Village to sign a Supplemental Agreement for Construction Phase Services, which has a fee of \$100,000. If the Village does not sign the agreement, they will not receive grant reimbursement

Motion

Motion was made by Trustee Petraitis and seconded by Trustee Cabrera to authorize Mayor Wadach to sign the agreement between Erdman Anthony and the Village of Lima for Construction Phase Services (inspections) in the amount of \$100,000. Motion passed unanimously.

BPD Documents – Documents regarding bonding for the WWTP, Water Tank (3 phase project) and the Sidewalk project prepared by Donegan’s office were passed around. Documents included projected timelines, as well as proposed debt schedules for each project. Each looks as though it will go to long term bond by May of 2022, with refinancing of the currently short term note for the Water Tank project. Mayor Wadach noted that the Village will be required to have a full audit this year and going forward. Donegan’s office has projected this audit will cost around \$3k - \$5k to complete.

New Business

Blues Fest Open Container – Mayor Wadach discussed the Crossroads Festival that will be held this year. Attorney Lenahan stated that the Village could instill restrictions on it, such as allowing alcoholic beverages to be consumed in specific areas as well as setting a time on it. It was discussed that the Board would look into past Resolutions and rewrite as necessary.

NY Stretch Energy Code – Hearing date for adoption of NY Stretch Energy Code will be held at regularly scheduled meeting on 4/13. Attorney Lenahan will send Clerk Sackett verbiage to send to the Sentinel regarding the public notice.

Benchmarking Resolution – See attached Resolution.

Arbor Day/Electric Vehicle Day - Mayor Wadach stated that the trees have been ordered for Arbor Day. Once he receives, he will pot all the trees. He also discussed that part of grants that can be received is to host an Electric Vehicle day. There needs to be at least 10 participants for this day.

National Grid/NYSERDA EV Charger Program – Mayor Wadach discussed looking into applying for a grant to put in a level 2 EV Charger at the current charging station and other locations in the Village. Grants are available through NYSEERDA/National Grid which would bring the out-of-pocket cost from the Village down significantly (only 10% of the installation cost would be charged to the Village). The current charging station electric panel box is already designed to add another station to it.

Roundtable Discussion

Trustee Petraitis stated he met at the Park with the liaisons for the Town. They were unsure where the fence will be at the dog park and asked if Mayor Wadach could clarify. He also stated that the Town would be looking to use some of their funds for the open-air pavilion and asked that the Village match dollar for dollar.

Trustee Cabrera gave an update on Empire Access. He stated he talked to Jim Baase and they are very open to taking on costs and paying for debt service. The company would be renting the fiber from the Village. He also had a discussion with Mr. Baase regarding the Light up Livingston County project. The line will run from Conesus Lake so the Village would not be able to connect through Bloomfield. He is going to provide Trustee Cabrera with more information regarding the project.

Motion

Village of Lima Board Meeting

March 9th, 2021

Motion was made by Trustee Cabrera and seconded by Trustee Petraitis to enter Executive Session to discuss outstanding personnel issues. Motion was accepted by all to enter Executive Session.

Meeting was adjourned at 10:20 pm.

Village of Lima Board Meeting

March 9th, 2021

RESOLUTION NO. 5-2021

**ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR
CERTAIN MUNICIPAL BUILDINGS**

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Village of Lima is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Village of Lima Board of Trustee desires to use Building Energy Benchmarking - a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village of Lima; and

WHEREAS, the Village of Lima Board of Trustee desires to establish procedure or guideline for Village of Lima Board of Trustee staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Village of Lima that is 1,000 square feet or larger in size.

Village of Lima Board Meeting

March 9th, 2021

- (5) “Department” shall mean the Village Clerk.
- (6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.
- (7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.
- (8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.
- (9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.
- (11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.
- (12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.
- (13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

- (1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.
- (2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

- (1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.
- (2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio

Village of Lima Board Meeting

March 9th, 2021

Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Village of Lima Board of Trustee including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

Village of Lima Board Meeting

March 9th, 2021

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

The vote on the foregoing resolution was as follows:

John Wadach, Mayor	<u>Yea</u>
John Skiptunas, Deputy Mayor	<u>Yea</u>
John Kattato, Trustee	<u>Absent</u>
Joshua Pretraitis, Trustee	<u>Yea</u>
David Cabrera, Trustee	<u>Yea</u>

I attest that the above Resolution was unanimously approved by the Village of Lima Board of Trustees at their meeting held on March 9, 2021 at the Lima Town Hall, 7329 East Main Street, Lima, NY.

Signed: Elissa Sackett Date: 3/9/2021

Elissa Sackett, Village of Lima Clerk

Affix Village Seal Below:



Village of Lima Board Meeting

March 9th, 2021

**RESOLUTION
Water/Sewer Re-levy**

Village Board of Trustees
Village of Lima
County of Livingston

At a regular meeting of the Village Board of Trustees of the Village of Lima, held at the Lima Town Hall, 7329 East Main Street, Lima, New York on the 9th day of March, 2021.

WHEREAS, the Village of Lima residents are billed monthly for the use of water and sewer within the Village, and

WHEREAS, the March 1st billing is the last billing prior to the yearend fiscal closing, and

WHEREAS, there are delinquent water and sewer accounts, it is therefore

RESOLVED, that all delinquent water and sewer amounts not paid prior to March 31st, 2021 are, added to the Village of Lima tax roll for each specific delinquent account.

The vote on the foregoing resolution was as follows:

John Wadach, Mayor	Voting	Yes
John Skiptunas, Deputy Mayor	Voting	Yes
John Kattato, Trustee	--	Absent
Joshua Petraitis, Trustee	Voting	Yes
David Cabrera, Trustee	Voting	Yes

I attest that the above Resolution was unanimously approved by the Village of Lima Board of Trustees at their meeting held on March 9th, 2021.

Elissa Sackett
Village of Lima