

**Village of Lima Board Meeting**

June 13<sup>th</sup>, 2023

**Present:** John Skiptunas, Mayor; Brian Smith, Deputy Mayor; Trustees Joshua Petraitis, Carolyn Fleming, and John Wadach.

**Others Present:** Jane Radomski, Deputy Clerk; Matthew Lenahan, Attorney; Elissa Sackett, Clerk (arrived at 8:24pm); Meg Rose, Ambulance Chief; Steve McGrath, Fire Chief; Dan Marcellus, Skypoint IT

**Absent:** Larry Teta, WWTP Operator; Charlie Floeser, CEO; Ben Luft, DPW Supervisor

The meeting of the Village of Lima was called to order by Mayor Skiptunas at 7pm Tuesday, June 13<sup>h</sup>, 2023, at Lima Town Hall, 7329 E. Main St. and was followed by the Pledge of Allegiance.

***Motion***

Motion was made by Trustee Petraitis and seconded by Deputy Mayor Smith to approve meeting minutes from May 23<sup>rd</sup>, 2023. Motion passed unanimously.

**Public Hearing for Local Law #8 of 2023 Amending Chapter 163 of Village of Lima Code – Enacting Property Tax Exemption for Volunteer Firefighters and Ambulance Workers was opened at 7:01 by Mayor Skiptunas.**

Mayor Skiptunas asked for input and the following was received:

- Fire Chief McGrath inquired about the next steps if Local Law #8 passed. Attorney Lenahan informed Fire Chief McGrath and Ambulance Chief Meg Rose they would need to provide a list of eligible employees to the Tax Assessor every year. Attorney Lenahan also informed them they will be required to apply every year.

***Motion***

**A motion was made by Trustee Wadach and seconded by Trustee Fleming to close the Public Hearing at 7:35 pm for Local Law #8 of 2023. Motion passed unanimously.**

***Motion***

**Motion was made by Deputy Mayor Smith and seconded by Trustee Fleming to adopt Local Law #8 of 2023. Motion carried. Vote was the following:**

<b>John Skiptunas, Mayor</b>	<b>Yes</b>
<b>Brian Smith, Deputy Mayor</b>	<b>Yes</b>
<b>John Wadach, Trustee</b>	<b>Yes</b>
<b>Joshua Petraitis, Trustee</b>	<b>Yes</b>
<b>Carolyn Fleming, Trustee</b>	<b>Yes</b>

**Department Reports**

**Fire Department – Steve McGrath, Fire Chief**

Fire Chief McGrath informed the Board that the fire trucks are running well. W. Bloomfield is working on a radio system that will allow all the fire trucks in Ontario County to communicate with the Lima Fire Department. When this system is up and running, calls will no longer go through the dispatcher.

Fire Chief McGrath is concerned about the future of the fire and ambulance departments. Volunteerism is at a low causing frustration and concern regarding response to calls. Chief McGrath is suggesting hiring a paid employee for both the fire department and the ambulance

## **Village of Lima Board Meeting**

June 13<sup>th</sup>, 2023

department. These employees would be available from 6:00 am to 6:00 pm to drive either a fire truck or an ambulance. They would also be expected to have the knowledge to be effective on the scene. The Board expressed their concern with the issue. There was some discussion regarding the cost of this proposal and where the funds would come from. Chief McGrath pointed out that the cost of these new paid employees cannot take away funds needed to maintain the current or future fire equipment. Mayor Skiptunas would like all options explored. He also stated his intention to discuss this issue with the Town.

### **Ambulance – Meg Rose, Ambulance Chief**

Chief Rose expressed her concerns regarding the low volunteerism. She also stated her support for hiring a paid employee. Chief Rose suggested forming a sub-committee to explore all options. The Board agreed and appointed Mayor Skiptunas, Trustee Fleming, Chief Rose, and Fire Chief McGrath to a sub-committee. Attorney Lenehan stated that perhaps a public hearing should be held.

Chief Rose informed the Board that reservations are now being accepted at the ambulance bay for classes in learning medical services, such as CPR and wrapping injuries. These classes are available to anyone in the community. Chief Rose will be working with Attorney Lenehan on a waiver for outside groups using the meeting room at the Ambulance Base. There was discussion on other uses for the ambulance meeting room as it is a great resource for the community. Deputy Mayor Smith suggested holding Board meetings there at least a few times a year. The rest of the Board expressed their approval of this idea. Dan Marcellus inquired about using the facilities to hold his meetings also.

### **Guests – Dan Marcellus, Skyport IT**

Mr. Marcellus was present to answer questions regarding the conversion to the new email system. He informed the Board that all emails have been cleaned of any viruses and the Board should check their spam folder if they think they are missing any emails. The mail conversion to Office 365 will take place at 5:00pm Thursday, June 15<sup>th</sup>. The Village staff should follow the directions they receive at that time per email. Mr. Marcellus will be available for any questions or concerns.

### **WWTP – Larry Teta (Absent)**

See report provided by Mr. Teta.

### **Code Enforcement Officer (CEO) – Charlie Floeser**

See report provided by CEO Floeser.

### **DPW – Ben Luft**

Clerk Sackett presented the following updates on behalf of Mr. Luft:

- Dave Kirkwood is attending his last sewer class before being able to sign up for his ABC exam. He anticipates the exam to take place sometime in August.
- The electric UTV is scheduled to be delivered later this week or early next week. As soon as it arrives he will take pictures and give all paperwork to Clerk Sackett and Trustee Wadach for processing.

## **Village of Lima Board Meeting**

June 13<sup>th</sup>, 2023

- The smoke testing for the sewer collection system is scheduled to begin June 20<sup>th</sup> and should be completed by the 29<sup>th</sup>. Notice has been sent to the Pennysaver and Sentinel for publication, and it has also been posted on the Village website. The Village board will work to post on Facebook to ensure all residents are aware of the testing.

Clerk Sackett presented blacktop bids Mr. Luft had obtained for milling and paving Michigan Ave. He anticipates this project to be completed around mid-July. The following options were presented:

- Spallina - \$87.30 per ton to supply the blacktop and lay it down for overall cost of \$52,380.
- Heidelberg Materials cost of blacktop \$44232 and Villager to lay it down \$8770 for overall cost of \$53,002.

Mr. Luft recommended utilizing Heidelberg Materials and Villager as it is a shorter distance to haul the materials (Honeoye Falls vs. Mt. Morris) and he believes he can have it all completed in one day. This is the same thing that was done last year.

### ***Motion***

Motion was made by Trustee Fleming and seconded by Trustee Petraitis to approve purchasing blacktop from Heidelberg Materials and having Villager mill the existing road surface and install the blacktop for an overall cost of \$53,002. Motion passed unanimously.

### **Clerk Report – Elissa Sackett**

Clerk Sackett asked the board if they were interested in viewing a presentation regarding the TextMyGov product. This is a text-based service used to notify residents of various projects, or events happening within the Village. The board was in favor and a presentation will be held at the 6/28 meeting.

We are still waiting for the total price of the joint clean-up days. The Casella bill came in at \$4809.39, but the Town has not received the bill for the electronics portion yet. If the overall bill costs the Village more than previous years, Clerk Sackett suggested going back to having two separate clean-up days to keep costs low, as Village residents are able to attend the Town Clean-up days.

### ***Motion***

Motion was made by Trustee Wadach and seconded by Trustee Petraitis to authorize Mayor Skiptunas to negotiate the price of the joint clean-up days with the Town of Lima once all invoices have been received. Motion passed unanimously.

Clerk Sackett finished with a few housekeeping items. She said Donegan's office will be here July 18<sup>th</sup> to complete the Annual Financial Report (this replaces the Annual Update Document). The city of Rochester water rates will be increasing on July 1<sup>st</sup> from \$2.47 per 1000 gallons, to \$2.61 per 1000 gallons for usage under 8M gallons. Lastly, the streetlights on Lake Ave. have been replaced, but still aren't communicating in the Quantela system. She has reached out to NYPA and the contractors multiple times regarding the issue and has been informed that they are working on a resolution.

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

- Ambulance Fund: \$4947.23

## Village of Lima Board Meeting

June 13<sup>th</sup>, 2023

- General Fund: \$82354.45
- Sewer Fund: \$28868.04
- Water Fund: \$15204.16
- Capital Water: \$2156.85
- Capital Sewer: \$62141.32
- Capital Fiber: \$218.75
- Grand Total: \$195890.80

### *Motion*

Motion was made by Carolyn Fleming and seconded by Joshua Petraitis to authorize payment for said invoices. Motion passed unanimously.

### **Old Business**

**Short term rentals** – No update to report.

**Fiber Optic Project** – Trustee Wadach informed the Board that there are 3 steps to the Fiber Optic Project. The first being preparing the underground. At this stage we are waiting for an update from Hunt Engineering. The second step being pole attachment. This step is also called “make ready work”. National Grid and Frontier are inspecting the telephone poles and will inform the Board if extra work is needed to make them ready. The third step is stringing the wires.

Clerk Sackett spoke with Pat Phelan from Empire Access about the invoices received from Frontier. All invoices received have been paid to date, and Mr. Phelan believes that the amount we have paid is the correct amount. He is going to contact Frontier/Airosmith (company who bills on behalf of Frontier Communications) to confirm all invoices have been received.

### **New Business**

**Lease Agreement with Dish Network** – Dish Network has inquired about installing an antenna on the Village water tower, and in turn will pay a lease fee to the Village. The initial lease agreement would be for a five-year term and would pay \$1000 monthly. Mr. Luft has met with the representatives from Dish and there appears to be enough room for their equipment. Clerk Sackett stated that AT&T pays the Village \$1667.97 per month, Verizon pays an annual fee of \$31680 for their cell towers currently installed on the water tower.

### *Motion*

Motion was made by Trustee Wadach and seconded by Trustee Petraitis to authorize Mayor Skiptunas to accept a bid from Dish Network if the annual fee is over \$25k, and the engineering plans for installation are approved by the Village of Lima’s. Motion passed unanimously.

**Installation of flowering Shrub next to American Hotel** – The Reynolds have expressed their desire to have something planted in the area where a tree had been removed outside of the American Hotel. Mr. Luft had previously pointed out that this area is right by the intersection sign and a tree may not be the best solution. Trustee Wadach suggested planting a flowering shrub next to the hotel, and recommended discussing with the Reynolds to see if that would suffice. Mayor Skiptunas will discuss planting options with the Reynolds.

## **Village of Lima Board Meeting**

June 13<sup>th</sup>, 2023

**Quotes on Meadowview for Sidewalk** – Trustee Wadach expressed the importance of installing the sidewalk initially proposed on Meadowview Drive. This section is the last part of the connection between Meadowview Drive and Michigan Avenue. He recommends obtaining quotes to have the section completed. If the entire section could not be completed at once, maybe it could be phased in over a couple years. Discussions will be held with Mr. Luft. Trustee Wadach will forward the previously created engineering plans for this section of sidewalk that was completed by Erdmann Anthony Engineering.

**First Impressions Grant** – The board discussed the First Impressions Grant through Livingston County for \$10k. They discussed building an entry sign for Mark Tubbs Park or adding planters and other amenities at the gateway to the park and in the parking lot. Mayor Skiptunas will let the board know the deadline to submit the grant to the county. Mayor Skiptunas assigned the task of preparing the grant application to Deputy Mayor Smith.

**Projected Excellus Health Insurance Rate Increases** – Premiums from Excellus are projected to increase 13.50% for the Gold plan (high deductible) and 12.20% for the Platinum plan. Benefits will stay the same, but it is another area that keeps increasing.

**Code Addition to Allow July 4<sup>th</sup> Firework Display** – Trustee Wadach stated that at the Town board meeting, Supervisor Falk discussed the need to possibly add a section into the Town code to allow for firework displays to take place, and the Village may need to follow suit due to changes in the law. Attorney Lenahan will look into this and report back his findings, and Mayor Skiptunas will also meet with Supervisor Falk. Trustee Wadach also recommended that anyone who parks at Mark Tubbs Park the day of the fireworks must wait until the crowd leaves before they can leave. Individuals trying to drive out of the parking lot while all individuals are leaving presents a dangerous situation.

**Geographic Information System (GIS) Kickoff** – Trustee Wadach will be meeting with Rob Beutner on Saturday to discuss the GIS project and will come up with a game plan on where to start and how to tackle the project. He will give status updates as the project progresses.

**DEC Tree Inventory Grant** – Trustee Wadach has been working with Andy Britton to submit a grant to the DEC for a tree inventory for the Village. If awarded, the grant would provide the Village with the opportunity to work with an Arborist to obtain a current inventory of all trees currently within the Village, provide details on how to take care of the current existing trees and also come up with a replanting schedule.

**Partnership with Joule Community Power (Solar Development Research)** – Trustee Wadach attended a webinar with Joule Community Power, where Joule would look at parcels owned by the Village that may be suitable for the development of a Community Solar project. Trustee Wadach said there would be three locations within the Village that may be suitable for this type of project – the current existing array behind the Ambulance base, the old dump, or the pond at the wastewater treatment plant. This would be at no cost to the Village for Joule to complete the research.

## **Village of Lima Board Meeting**

June 13<sup>th</sup>, 2023

The board discussed the current displeasure with Joule over the failure to follow through on their commitment with the tree planting grant project. Attorney Lenahan stated he received a proposal from Joule for repayment of only \$26,000 beginning in October 2023 and ending in April 2024; Joule owes the Village at least the contract price of the trees, which is \$34,920. Attorney Lenahan said he countered with the full contract price, and required additional documentation to be signed stating that they indeed owe the Village the price of the contract and that if they default, the Village will pursue litigation against them. He will continue to work diligently to ensure that a contract is made for the entire cost of the tree planting project. The board agreed to table the partnership resolution until the 6/28 meeting, or until there is an update to the repayment plan for the tree planting project.

### **Roundtable**

Trustee Fleming stated the Governor has mentioned passing a bill to allow marijuana to be sold at local farmers markets. Marijuana farmers are losing out on their crops as there are more farmers than dispensaries and they are losing profit. Lima Farmers Market has stated if this bill passes, they will not allow marijuana to be sold at their market.

Trustee Smith is looking at applying for a \$40k grant for park trails. The Parks Commission has talked about updating the trails at the park, and asked Attorney Lenahan if he knew if the Village/Town has a right-of-way along the creek in the park. Attorney Lenahan said most likely a title search would need to be done to find the correct information regarding any rights-of-way. The consensus of the board was that the most pressing trail need at the park is to upgrade the paved path to make it fully handicap accessible.

Mayor Skiptunas stated he will discuss the NYCOM conference at the 6/28 meeting when Mr. Luft will be present. He also discussed potential water sales to Avon to help supplement their farmers. They are looking to tap into the emergency line. Trustee Wadach said that price charged would need to be greater than the Village's wholesale price paid to the City of Rochester, as we have other costs such as electricity, chemicals, and maintenance that the Village pays for. He also requested that a study be done by our Village engineer to ensure that our water system can handle the proposed increase in water usage. Lastly, Mayor Skiptunas stated the pond at the park looks like it needs to be cleaned. He will ask Mr. Luft to have someone look at removing algae in the pond at the park.

Motion was made by Deputy Mayor Smith and seconded by Trustee Petraitis to adjourn at 9:37pm.

**Village of Lima Board Meeting**

June 13<sup>th</sup>, 2023

**VILLAGE OF LIMA  
LOCAL LAW NO. 8 OF 2023**

**A LOCAL LAW AMENDING CHAPTER 163 OF THE VILLAGE OF LIMA CODE,  
ENACTING A PROPERTY TAX EXEMPTION FOR VOLUNTEER  
FIREFIGHTERS AND AMBULANCE WORKERS**

**Be it enacted by the Board of Trustees of the Village of Lima as follows:**

A new Article VII of Chapter 163 of the Code of the Village of Lima, entitled “*Volunteer Firefighters and Ambulance Workers Exemption*,” is hereby enacted pursuant to Real Property Tax Law Section 466-a, to read as follows:

***Article VII: Volunteer Firefighters and Ambulance Workers Exemption***

**§ 163-34. Grant of exemption.**

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Village of Lima as long as eligibility requirements are met.

**§ 163-35. Eligibility Requirements.**

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- A. The property is owned by the volunteer firefighter or volunteer ambulance worker;
- B. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;
- C. The property is used exclusively for residential purposes;
- D. The volunteer firefighter or volunteer ambulance worker resides in the Village of Lima the Village of Lima is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- E. The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- F. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by the Village of Lima, which is hereby established as five years.

**§ 163-36. Application.**

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the

## **Village of Lima Board Meeting**

June 13<sup>th</sup>, 2023

assessor responsible for preparing the assessment roll for the Village of Lima, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The Village of Lima must maintain written guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

### **§ 163-37. Certification.**

The Board of Trustees of the Village of Lima must annually file with the assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

### **§ 163-38. No diminution of benefits.**

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this article shall not have any of those benefits diminished because of this article

### **§ 163-39. Grant of a lifetime exemption.**

Any eligible enrolled member who accrues more than 20 years of active volunteer service (as certified by the Board of Trustees of the Village of Lima) shall be granted the 10% exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Village of Lima.

### **§ 163-40. Un-remarried spouse of enrolled member killed in the line of duty.**

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the Board of Trustees of the Village of Lima, is qualified to continue to receive an exemption for the remainder of his or her life as long as his or her primary residence is located within the Village of Lima, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

### **§ 163-41. Un-remarried spouse of deceased enrolled member.**

The un-remarried surviving spouse of a deceased enrolled member, as certified by the Board of Trustees of the Village of Lima, is qualified to continue to receive an exemption as long as his or her primary residence is located within the Village of Lima, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

**§ 163-42. Continuity.** If any clause, sentence, paragraph, section or part of this Local Law is declared by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of this Local Law.



**Village of Lima Board Meeting**

June 13<sup>th</sup>, 2023

**§ 163-43. Effective Date.** This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law Section 27.

**This amendment shall become effective upon filing with the Secretary of State.**