

Official Minutes

An official meeting of the Town Board Meeting of the Town Board of the Town of Lima, County of Livingston and the State of New York was held at the Town Hall, 7329 East Main Street, Lima, New York, on the 4th day of February 2025 at 6:30 P.M. Notice was printed in the Mendon-Honeoye Falls-Lima Sentinel.

Present: Supervisor, Michael Falk
Councilperson, Mark Petroski
Councilperson, Ron Blodgett
Councilperson, Steve Werner
Councilperson, Bill Carey
Town Attorney, Jim Campbel
Deputy Town Clerk, Laurie Arner

Guest(s): Scott Caccamise, Augie Lindsey, John Wadach, Andrew Kingsley, Tom Simpson, Siemens Representatives: Chris Catt and Chris Gump.

Supervisor Falk called the meeting to order at 6:30 P.M., with the Pledge to the Flag.

Approval of the Agenda

Supervisor Falk asked if everyone reviewed said agenda.

On a motion by Councilperson Petroski to accept the agenda, seconded by Councilperson Blodgett, the vote went as follows:

CARRIED Ayes: 5 Falk, Petroski, Blodgett, Werner, Carey
 Nays: 0

Town Board Meeting Protocols

Supervisor Falk read new Town Board meeting protocols as follows:

“The Town of Lima follows NYS Open Meetings Law procedures. All meetings of the Town Board are duly noticed and open and accessible to the public. The public is there to witness the proceedings only. In the event of a Public Hearing, people may sign in and speak to the board and those assembled regarding the hearing topic for a maximum of 5 minutes once per board meeting. Speaking time belongs only to the speaker and may not be re-assigned to someone else. Privileges of the floor may be granted to anyone who wishes to address the board on any topic at all. In order for the public to

be properly noticed the Privileges of the Floor must be applied for and approved by 5 calendar days prior to the Board meeting date. Privileges of the floor are not to exceed 20 min. Approval authority for privileges of the floor is held by the Supervisor or the Deputy Supervisor if the Supervisor is unavailable. At the beginning of each meeting the public may sign up to speak for 5 minutes on any posted agenda topic. Questions can be answered during the agenda discussion or logged for an answer after research. At the very end of each meeting the public may sign up to speak for 5 minutes on any topic at all. Questions can be answered or researched and answered later.”

Public Comments on Agenda Items

No Public Comments

Privilege of the Floor - John Wadach & Wayne Childs- Comprehensive Plan Update

John Wadach addressed the Board requesting the Town’s consideration to participate in a minimum \$75K grant available to update the Town’s and Village’s comprehensive plan.

Building Inspector/Code Enforcement Officer Report

BI/CEO Charlie Floeser emailed his report for board review. Supervisor Falk asked if everyone reviewed said report. A letter outlining the new fees is being sent to all recipients of a fire marshal inspection.

Supervisor’s Report

Supervisor Falk asked if everyone reviewed said report.

On a motion by Councilperson Petroski to approve the monthly Supervisor’s report, seconded by Councilperson Blodgett, the vote went as follows:

CARRIED Ayes: 5 Falk, Petroski, Blodgett, Werner, Carey
 Nays: 0

Supervisor: Communications to the Board

Received:

*Funny notes on taxpayers’ payment forms

*Annual login for the NYS Comptroller’s office was to expire but was renewed

January 7th Town Board Minutes

Highway Superintendent Sokolofsky explained his monthly report.

a) 15A Crosswalk - no new data

b) Inventory and Equipment - J. Sokolosky trying to consolidate equipment. J. Sokolofsky to submit a list of equipment needs and a five-year plan for road repair per Councilperson Petroski's request.

c) Salt Shed – Supervisor Falk suggested the current salt shed be removed due to the poor condition and to temporary use tarps over the salt. J. Sokolofsky to price out tarps. Municipalities with no salt sheds have scored higher in grant applications.

Councilperson Werner requested the 2012 Kenworth be submitted as surplus equipment and be sold at auction with a minimum value of \$20K.

On a motion by Councilperson Werner that the 2012 Kenworth be submitted as excess equipment and be sold at the Martin's (Waterloo, NY) Municipal March 1st auction with a minimum value of \$20K, seconded by Councilperson Blodgett, the vote went as follows:

CARRIED Ayes: 5 Falk, Petroski, Blodgett, Werner, Carey
 Nays: 0

Corby Road Cemetery

Attorney Campbell stated there is no current update. Still working on acquiring ownership, which will provide grant money for maintenance.

While on the subject of cemeteries, J. Sokolofsky stated timber in the College St cemetery has been marked to be harvested. Trees behind the Town Hall are also slated to be harvested as they need to be removed for the Siemens project easement. Bid notice will be sent out and monies received will be designated as reserves. S. Caccamise questioned whether the land should be surveyed to be sure of the line.

On a motion by Councilperson Werner to declare the trees/lumber marked in blue at the Methodist Society Cemetery on College St and the Town Hall as excess lumber to be harvested, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 5 Falk, Petroski, Blodgett, Werner, Carey

Fund and the Town-wide Capital Fund Account to fund the project, seconded by Councilperson Carey, the vote went as follows:

CARRIED Ayes: 5 Falk, Petroski, Blodgett, Werner, Carey
 Nays: 0

Resolution #4 of 2025 – Standard Workday & Reporting Resolution

Supervisor Falk stated the NYS Retirement System requested clarification on the standard workday for elected and appointed officials: Supervisor Falk and Highway Superintendent John Sokolofsky. Must be posted for 30 days and sent to the NYS Controller.

On a motion by Councilperson Petroski to adopt the standard workday and reporting resolution for elected and appointed officials, seconded by Councilperson Blodgett, the vote went as follows:

CARRIED Ayes: 5 Falk, Petroski, Blodgett, Werner, Carey
 Nays: 0

Annual Dog Control Agreement – For Outside Village & Mark Tubbs Park

There is no increase in the fee for 2025-2026 Annual Dog Control Agreement with Livingston County.

On a motion by Councilperson Petroski to accept the Dog renewal contract for 2025-26, seconded by Councilperson Werner, the vote went as follows:

CARRIED Ayes: 5 Falk, Petroski, Blodgett, Werner, Carey
 Nays: 0

Budget Transfers

No current transfers for the month.

GoGov

The Village is adopting this service, which will send text-based information notifications to residents. The Town and Village are working on consolidating the service as one.

Public Comments

Augie Lindsay asked where the water is.

Scott Caccamise requested an update on the Resource Officer funding. Supervisor Falk stated the funding schedule is being added to the HFL budget.

Lima Christian is asking for a 5-year budget plan. The Town has requested a walk back of contribution to the \$5K range.

Enter into Executive Session

Upon motion by Councilperson Petroski to enter Executive Session at 10:18pm to discuss collective bargaining with board members and town attorney, seconded by Councilperson Werner, the vote went as follows:

CARRIED Ayes: 5 Falk, Petroski, Blodgett, Werner, Carey
 Nays: 0

Exit out of Executive Session

Upon motion by Councilperson Werner to exit Executive Session at 10:26pm, seconded by Councilperson Blodgett, the vote was unanimous.

Adjourn Meeting

Upon motion by Councilperson Petroski to adjourn at 10:27pm, seconded by Councilperson Blodgett, the vote was unanimous.

Attachments:

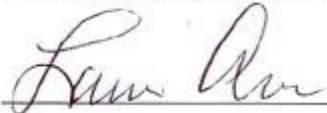
Resolution #4 of 2025

Resolution #5 of 2025

Respectfully Submitted by:

Laurie Arner
Deputy Town Clerk

I, Laurie Arner, Deputy Clerk of the governing board of the Town of Lima, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 4th day of February 2025 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original. IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Lima on this 4th day of February 2025

Signature of Clerk:  _____

Affidavit of Posting: I, Laurie Arner, being duly sworn, deposes and says that the posting of the Resolution began on February 4, 2025, and continued for at least 30 days. That the Resolution was available to the public on the Town of Lima website- www.lima-ny.org and Official sign board at Town Hall.

SEAL

**TOWN BOARD
TOWN OF LIMA
COUNTY OF LIVINGSTON**

RESOLUTION #5 of 2025

At a regular meeting of the Town Board of the Town of Lima,
Livingston County, State of New York, held at the Lima Town Hall
on the 4th day of February 2025.

WHEREAS, the Town of Lima conducts its business and has offices at the Lima Town Hall,
located at 7329 East Main Street, Lima, NY 14485; and

WHEREAS, the Town of Lima has other municipal facilities, including the Town Justice
Court building, Town Highway Department facilities and the Town Library, all of which are owned
and maintained by the Town; and

WHEREAS, the Town Board of the Town of Lima has determined that the Town Hall,
Court building, Highway facilities and Library ("Town Facilities") are all in need of significant
upgrades and improvements for purposes of making such facilities more energy efficient and
properly updated to reduce future maintenance costs and expenses; and

WHEREAS, the Town of Lima put out a request for proposals related to the Town engaging
in an Energy Performance Contracting Agreement, and applying for related funding, in order to
perform various energy saving improvements to the Town Facilities; and

WHEREAS, following the proper procurement process, the Town of Lima accepted the
proposal of Siemens Industry, Inc., to assist with design, planning, grant funding opportunities and
implementation of an Energy Performance Contracting Agreement to achieve the improvements to
and the energy efficiency enhancement of the Town Facilities; and

WHEREAS, the cost of the improvements to the Town Facilities that will allow the Town of
Lima to achieve its energy efficiency goals amounts to a total of \$2,258,300.00 ("Total Project Cost");
and

WHEREAS, with the assistance of Siemens Industry, Inc., the Town of Lima has been
awarded a grant in the amount of \$1,125,000.00 from the United States Department of Agriculture,
Rural Development, to fund a portion of the planned improvements to the Town Facilities; and

WHEREAS, the Town of Lima is required to direct-fund a portion of the Total Project Cost
in the amount of \$133,300.00 which constitutes payment for necessary work performed to the Town
Hall for compliance with the Americans With Disabilities Act and utility service upgrades; and

WHEREAS, the Town of Lima desires to fund the remaining portion of the cost of the Total
Project Cost by entering into a Tax Exempt Master Lease Purchase Agreement with Siemens Public,
Inc., a subsidiary of Siemens Financial Services, Inc.; and

WHEREAS, the remaining portion of the Total Project Cost not covered by the USDA Rural
Development grant and the direct-funded portion of the project to be paid by the Town is

approximately \$1,000,000.00, which shall be funded with through such Tax Exempt Master Lease Purchase Agreement; and

WHEREAS, the Town has the authority to enter into the Energy Performance Contracting Agreement pursuant to New York State Town Law §64; and

WHEREAS, the Town has the authority to enter into the Tax Exempt Master Lease Purchase Agreement pursuant to New York State General Municipal Law §109-b; and

WHEREAS, the Town Board has determined that it is in the Town's best interest to acquire the various equipment and services described in a certain Energy Performance Contracting Agreement by and between the Town and Siemens Industry, Inc., a copy of which document is attached hereto as Exhibit A, and to finance such acquisition under a Leasing Schedule, which incorporates the terms and conditions of the Tax Exempt Master Lease Purchase Agreement, between the Town and Siemens Public, Inc., copies of which are attached hereto as Exhibit B, with the terms of such financing to be in accordance with the proposal from Siemens Public, Inc. to the Town; and

WHEREAS, the Town has determined that the action of entering such an Energy Performance Contracting Agreement and Tax Exempt Master Lease Purchase Agreement for the improvements to the Town Facilities is a Type 2 Action under the New York State Environmental Quality Review Act 6 NYCRR 617.5 (c) (1) and (2); and

WHEREAS, pursuant to 2 NYCRR 39.2, the Town Board has undertaken an evaluation of the financing alternatives for the balance of the project not covered by the USDA Rural Development grant and the direct-funded portion of the project to be paid by the Town, to wit: the cost of financing with indebtedness issued under the New York State Local Finance Law as opposed to the cost of financing such amount through a Tax Exempt Municipal Lease, which constitutes an installment contract under New York State General Municipal Law §109-b; and

WHEREAS, after having undertaken the evaluation of financing alternatives as required by 2 NYCRR 39.2, the Town Board has concluded that financing the project improvements (after grant awards and direct-funding) is significantly less costly if the Town does so through an installment contract in the form of a Tax Exempt Municipal Master Lease Purchase Agreement, rather than indebtedness issued under the New York State Local Finance Law; and

WHEREAS, in connection with the execution and delivery of the Tax Exempt Master Lease Purchase Agreement, it will be necessary for the Town to enter into an Escrow Agreement (the "Escrow Agreement") among the Town, Siemens Public, Inc. and the escrow agent named therein, a copy of which document is attached hereto as Exhibit C; and

WHEREAS, the adoption of this resolution is subject to permissive referendum.

NOW, THEREFORE, upon motion by Councilperson Petroski seconded by Councilperson Werner it is hereby:

RESOLVED, that the Lima Town Board does hereby authorize the acquisition and installation of various equipment as set forth in the Energy Performance Contracting

Agreement set forth in Exhibit A, and further authorizes the Town Supervisor to execute such Energy Performance Contracting Agreement in his capacity on behalf of the Town; and be it further

RESOLVED, that the Lima Town Board does hereby authorize the equipment and improvements set forth in the Energy Performance Contracting Agreement to be paid for and financed, in part, through the Tax Exempt Master Lease Purchase Agreement with Siemens Public, Inc., its affiliates, assigns or nominees as the "Lessor," in form as set forth in Exhibit B, and as may be modified for the Town's benefit at the request of the Town's legal counsel, and the related Escrow Agreement set forth in Exhibit C, and further authorizes the Town Supervisor to execute the same in his capacity on behalf of the Town; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to execute and deliver all other necessary documents, instruments, certificates and agreements related to the Energy Performance Contracting Agreement, Tax Exempt Master Lease Purchase Agreement and the related Escrow Agreement, as needed to carry out the intent of the Town as set forth above; and be it further

RESOLVED, Adoption of this Resolution is subject to permissive referendum pursuant to Article 7 of the New York State Town Law.

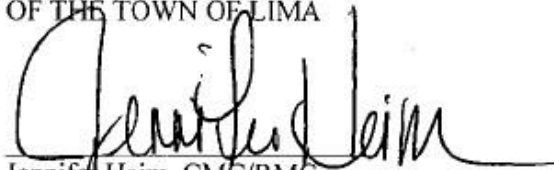
DATED: February 4, 2025

VOTE OF THE BOARD:

The vote duly taken resulted as follows:

Michael J. Falk, Supervisor	Aye
Mark Petroski, Deputy Supervisor	Aye
Bill Carey	Aye
Steve Werner	Aye
Ron Blodgett	Aye

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LIMA


Jennifer Heim, CMC/RMC
Town Clerk

