

Regular Meeting  
September 9, 2014

Mayor: Carl Luft

Trustees: Jerry Warsaw, John Correll, Joe Schwing, Jean Lacey

Attorney: Steve Kruk

Supt. Public Works: Ben Luft

Recording Secretary: Linda Banfield

Guests: Fire Chief Steve McGrath

Meeting opened at 7:00 pm

MOTION

Motion made by Jean Lacey, seconded by Joe Schwing to approve the minutes of August 12, 2014 as written. Motion unanimously approved.

MOTION

Motion made by Jerry Warsaw, seconded by Joe Schwing to approve abstracts A-4 for \$18,304.07, Ambulance for \$56,672.00, F-4 for \$13,430.23, G-4 for \$2,801.67 and Park Fund for \$180.00. Motion unanimously carried.

7:05 PM Motion to Open Public Hearing REGARDING THE RENEWAL OF THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE VILLAGE OF LIMA AND TIME WARNER CABLE.

Fire Department report was given to the Board. Fire Chief McGrath stated that the Fire Department driveway needs to be sealed at a cost of approximately \$2,000; and the barn needs a new roof costing approximately \$3,500.00.

MOTION

Motion made by Jerry Warsaw, seconded by John Correll to expend an amount not to exceed \$6,000.00 from the Fire Department Building and Maintenance Reserve Fund to repair the barn roof and re-seal the driveway. Motion unanimously carried.

The Fire Chief also informed the Board that the heating and air conditioning unit in the Firehouse will need repair later in the year.

Discussion was held on the proposed Chicken Law. If adopted the law will take effect January 1, 2015 with a limit of 10 (ten) households for the pilot year, and violations will have to be corrected within seven (7) days. A public hearing will be scheduled for the October 14, 2014 meeting.

Building Inspector, Ambulance, Financial, WWTP reports and Jobs Completed by Village Crew were given to the Board.

Ben informed the Board that Jerry Loss would be paying \$3,000.00 for water service hook up.

MOTION

Motion made by Jerry Warsaw, seconded by Joe Schwing to transfer the \$3,000 water hook up cost back into the Transmission & Distribution account (F8340.4). Motion unanimously approved.

MOTION

Motion made by John Correll, seconded by Joe Schwing to transfer the \$2,000.00 received from the Town for fireworks back into the Celebration Fund (A7550.4). Motion unanimously approved.

Trustee Lacey reported that the village bill for the Summer Recreation program is \$4,500.00. She presented a report indicating the Town and Village Matching Funds and the \$6,018.78 amount to be divided between them. This will be brought up at the Joint Village/Town meeting on September 27<sup>th</sup>.

A note was received from Jim Clark on High Street thanking the village crew for their great service.

A "How To Build a Destination Business" conference will be held on October 21, 2014 in Mt. Morris. Trustee Warsaw would like to attend.

## MOTION

Motion made by Jean Lacey, seconded by John Correll to reimburse Trustee Warsaw for the \$50.00 registration fee and mileage. Motion unanimously approved.

Mayor Luft informed the Board that the week of October 20-26 26 is Freedom From Workplace Bullying. He would like to issue a Proclamation for Freedom From Work Place Bullying, along with many other villages in New York State. Board was in favor.

Mayor Luft met with Senator Patrick Gallivan on August 19<sup>th</sup>. He mentioned the issue of phosphorus removal from sewer plants to the Senator. He will forward information from Pradeep Jangbari's presentation.

The next Village Association meeting will be in Dansville on September 24<sup>th</sup>. Mayor Luft will be attending.

The proposed Sign and Billboards Law will be given to the Historical Preservation Commission. Charlie Johnson, Bldg. Inspector, is working on updates to sign law. Discussion was held.

Attorney Kruk informed the Board that the tax issue between United Refining and the School District, Town, County and Village will be resolved with the village share amounting to no more than \$600.00

## MOTION

Motion made by Joe Schwing, seconded by John Correll to authorize the payment of up to \$600.00 to United Refining for reimbursement of back taxes from 2012 and 2013. Motion unanimously carried.

## RESOLUTION

Resolution made by Joe Schwing, seconded by John Correll to agree to enter into the agreement with Time Warner Cable:

An application has been duly made to the Board of the Village of Lima, County of Livingston, New York, by TIME WARNER CABLE NORTHEAST LLC ("Time Warner"), a partnership organized under the laws of the State of New York doing business at 2604 Seneca Avenue, Niagara Falls, New York 14305, and holder of a cable television franchise in the Village of Lima for the approval of an agreement to renew Time Warner's cable television franchise for an additional fifteen (15) years. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A Public Hearing was held in the Village of Lima on September 9, 2014 at 7:05 p.m. and notice of the hearing was published in the Sentinel on August 21, 2014 and August 28, 2014.

NOW THEREFORE, the Board of the Village of Lima finds that:

1. Time Warner has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. The quality of the Time Warner service, including signal quality, response to customer complaints and billing practices has been in light of community needs; and
3. Time Warner has the financial, legal, and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
4. Time Warner can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Village of Lima hereby renews the cable television franchise of Time Warner in the Village of Lima for fifteen (15) years commencing on the date of approval by the Public Service Commission.

BE IT FURTHER RESOLVED that the Board of Village of Lima hereby confirms that this Franchise Renewal Agreement replaces the original franchise last amended on September 9, 2014.

The foregoing having received a yea/nay vote was thereby declared adopted.

|              |   |      |             |   |      |              |   |      |
|--------------|---|------|-------------|---|------|--------------|---|------|
| Carl Luft    | - | yea; | Jean Lacey  | - | yea; | John Correll | - | yea; |
| Jerry Warsaw | - | yea; | Joe Schwing | - | yea  |              |   |      |

8:00 PM Motion to Close Public Hearing

8:05 PM Motion to adjourn

