

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 "4; 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 1 09-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) (I) and 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 5109-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