

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA HELD ON MONDAY, JANUARY 28, 2019 AT 7:00 P.M. IN THE TOWN OF SHELBY TOWN HALL.

Present: Mayor Michael Sidari

Trustees Owen Toale, Todd Bensley, Marguerite Sherman, Timothy Elliott

Fire Chief Thomas E. Lupo, Police Chief Chad Kenward, Code Enforcement Officer Martin Busch, DPW Supt. Joseph Perry

Attorney Abraham Platt

Mayor Sidari called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the flag.

Mayor Sidari declared that Firefighter Cooley and Firefighter Young had been promoted to the position of Lieutenant in the Village of Medina Fire Department. Chief Thomas E. Lupo stepped forward praising both men for their hard work and dedication to the department. Chief Lupo proceeded to pin a Lieutenant badge on both men. The Board offered their congratulations to Lieutenant Cooley and Lieutenant Young.

Ben Frazier, the Western New York Representative from Parkitects introduced himself and presented a site plan for a new playground design including a splash pad and butterfly garden at Pine Street Park. Mr. Frazier informed the Board that an anonymous donor had stepped forward and was spearheading the fundraising efforts for this project. The project has a preliminary budget of \$150,000.00. Mr. Frazier informed the Board that he was waiting on Board approval of the project to begin fundraising efforts.

Mary Woodruff requested the support of the Village Board for the Hometown Heros Banner project. Mrs. Woodruff outlined the project detailing that banners would include portraits of Medina residents, the Veterans' names, time of service, branches of military and honors to be displayed on utility poles in Medina from Memorial Day through Veterans Day. Mrs. Woodruff expressed wanting the world to see we are proud of the men and women who have served and fought for our country's freedom.

Mary Lewis approached the Board on behalf of the Medina Business Association to ask consideration of adding the watering of the downtown area flowers to the Village's list of responsibilities. Trustee Bensley indicated that the Department of Public Works was already watering at least three days a week. Mrs. Lewis expressed the need to water on a daily basis to keep the flowers looking fresh and beautiful. Trustee Bensley felt that request would require the need to hire additional personnel. Mayor Sidari said it would be something the Board would discuss at Budget time. The Board expressed their appreciation to the MBA.

A motion was made by Trustee Toale, seconded by Trustee Sherman to approve the preliminary project for a new playground and splash pad at Pine Street Park as presented by Mr. Frazier from Parkitects.

All Ayes.
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Elliott in support of the Hometown Hero project.

All Ayes.
Motion carried.

A motion for the following resolution was made by Trustee Toale and seconded by Trustee Bensley.

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 9 (State Environmental Quality Review Act-SEQRA) of the Environmental Conservation Law, the Medina Village Board has reviewed the Capital Improvement Program proposed for the Wastewater Treatment Plant and the sewer collection system in the Village of Medina, and

Whereas, the completion of these improvements are subject to the New York State Environmental Quality Review Act, SEQRA; and Whereas, the proposed project has been determined to be a Type 11 action under SEQR [Section 617.5 (c) (2) and c (9)] in that the project involves the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site; and construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;

Whereas, in accordance with the State Environmental Quality Review Act (SEQRA), Type II actions have been determined to not have a significant impact on the environment or are otherwise precluded from environmental review under Conservation Law, Article 8. Now, Therefore, Be It Resolved, that the Medina Village Board hereby determines that the proposed project is a Type II action and therefore is not anticipated to result in any significant adverse environmental impact, and in accordance with SEQR, no SEQR determination of significance, EIS or findings statement is required.

All Ayes.
Motion carried.

A motion for the Amending and Restating Bond Resolution for a Sewer System Capital Improvements Project was made by Trustee Elliott and seconded by Trustee Toale.

AN AMENDING AND RESTATING BOND RESOLUTION, DATED JANUARY 28, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA, ORLEANS COUNTY, NEW YORK (THE "VILLAGE"), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON MAY 14, 2018, AND AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$7,400,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,400,000 OF THE VILLAGE, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER. WHEREAS, on May 14, 2018, the Village Board of Trustees of the Village of Medina, Orleans County, New York (the "Village") adopted a certain bond resolution (the "Original Bond Resolution") entitled:

A BOND RESOLUTION, DATED MAY 14, 2018, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA, ORLEANS COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING A SEWER SYSTEM CAPITAL IMPROVEMENTS PROJECT, AT AN ESTIMATED MAXIMUM COST OF \$5,400,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,400,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER; and

WHEREAS, due to a modification to the scope of the project, the Village Board of Trustees wishes to modify the Original Bond Resolution for the primary purposes of increasing: a) the estimated maximum cost of the project from \$5,400,000 to \$7,400,000 and b) the amount of serial bonds authorized to be issued from \$5,400,000 to \$7,400,000, and to make other modifications to the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Village Board of Trustees now wishes to amend and restate (in its entirety) the Original Bond Resolution for the reasons identified above, and to make other modifications to the Original Bond Resolution as may be consistent with law and the Original Bond Resolution is otherwise being reaffirmed and ratified in all other material respects; and WHEREAS, the Village has not previously issued bond anticipation notes pursuant to the Original Bond Resolution, and has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees of the Village (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Village is hereby authorized to undertake a certain sewer system capital improvements project, such work to generally consist of (but not be limited to) various improvements at the wastewater treatment plant including improvements to the rotating biological contactor and grit removal system, installation of an ultraviolet (UV) disinfection system, and equipment upgrades at the sludge thickener building, and the installation of sewer lining, manhole improvements, sewer flushing, televising, and the installation of approximately 1,800 linear feet of PVC gravity sewer along various Village streets, as well as other improvements as more fully identified in (or contemplated by) a preliminary engineering report prepared by Wendel, including all preliminary work and necessary equipment, materials, and related site work and any preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The amended estimated maximum cost of the Purpose is \$7,400,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in

an aggregate principal amount not to exceed \$7,400,000 of the Village, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvements is to be paid by the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the

authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after May 14, 2018 or within 60 days prior to the earlier of (a) May 14, 2018 or (b) the date of any earlier expression by the Village of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Village's original declaration of its "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this

resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Village has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 12. To the extent applicable, the Village Treasurer is hereby authorized to execute and deliver in the name and on behalf of the Village a project financing agreement prepared by the New York State Environmental Facilities Corporation (“EFC”) (the “SRF Project Financing Agreement”). To the extent applicable, the Village Treasurer and the Village Clerk and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the Village Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the Village Treasurer in this resolution.

SECTION 14. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Village is not authorized to expend money, or
(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 15. This Resolution is subject to permissive referendum pursuant to Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to publish (one time) and post (in at least six conspicuous public places within the Village and at each polling place), this resolution, or a summary thereof, together with a notice of adoption of this resolution subject to permissive referendum, within ten days after the date of adoption of this resolution.

SECTION 16. If no petitions are filed in the referendum period, the Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Village, or if no newspaper(s) have been so designated, then in a newspaper having a general circulation in the Village, and hereby designated as the official newspaper of the Village for such publication.

SECTION 17. Nothing in this amendment shall affect the validity of the Original Bond Resolution, or any actions taken thereunder, and any such actions are hereby ratified.

The question of the adoption of the foregoing resolution was resulted as follows:

AYES: Mayor Michael J. Sidari
Trustee Owen Toale
Trustee Marguerite Sherman
Trustee Todd Bensley
Trustee Timothy Elliott

NOES:

Motion carried.

A motion was made by Trustee Sherman and seconded by Trustee Toale.

Resolved, that Judy Szulis, Norma Huth, Mary Ann Ander, Linda Deyle and Cindy Kiebala are appointed Inspectors of Election, with Judy Szulis as Chairperson; and Cindy Kiebala as an alternate.

Further resolved, that the hourly rate of compensation for the Chairperson and Inspectors shall be \$11.60 and \$11.10 per hour, respectively.

All ayes
Motion carried.

Mayor Sidari asked if there was a motion to set the Public Hearing date of February 25, 2019 regarding a proposed increase in water and sewer rates. A motion was made by Trustee Elliott and seconded by Trustee Bensley.

All ayes.
Motion carried.

The mayor presented two invoices received from the Town of Shelby requesting payment for disposition of court records. Trustee Sherman requested to table payment of these invoices until there is further discussion with Judge Keppler. This matter was tabled.

Mayor Sidari indicated the Board was reviewing Village owned property to declare surplus. This matter was tabled.

Mayor Sidari said a plan was needed to be in place for those water meters not yet replaced. He would like to see a letter formed to mail to water customers not in compliance. This would be further discussed at the next workshop meeting.

A motion was made by Trustee Bensley and seconded by Trustee Sherman that the Mayor is authorized to sign a letter to submit to state legislators objecting to the Governor's proposal in the 2019-20 Executive Budget that would eliminate AIM Funding to villages and towns whose AIM amount is less than 2% of their 2017 all funds expenditures.

All ayes.
Motion carried.

A motion was made by Trustee Toale seconded by Trustee Elliott, the mayor is authorized to sign the grant agreement with the Town of Shelby for the use of CDBG program income in the amount not to exceed \$150,000.00 for the construction of certain improvements including the construction of a pedestrian bridge along the north side of Maple Ridge Road, east of Route 63

All ayes.
Motion carried.

Mayor Sidari read correspondence from Hospice of Orleans requesting to hang a banner in Rotary Park for their annual bouquet sale beginning the weekend after February 2, 2019 and removed by February 28, 2019.

A motion was made by Trustee Sherman, seconded by Trustee Bensley allowing Hospice of Orleans to place a banner in Rotary Park for the month of February.

Ayes: Trustee Bensley, Sherman and Toale.

Noes: Trustee Elliott.

Motion carried.

Mayor Sidari read a request from Empire State Ride to benefit the Roswell Park Alliance Foundation. The organization is seeking permission to hold a lunch stop for riders at State Street Park on August 3, 2019.

A motion was made by Trustee Elliott, seconded by Trustee Sherman allowing the use of State Street Park for the Empire State Ride on August 3, 2019.

All ayes.

Motion carried.

Mayor Sidari received a correspondence from the Chairman of the Tree Board, Christopher Busch who is requesting to fill a position on the Tree Board that had become vacant after the loss of Wilson Southworth who was a dedicated and beloved member of the Board. The Tree Board is requesting that Jacob Hebdon be appointed to fill that position.

A motion was made by Trustee Bensley seconded by Trustee Elliott that Jacob Hebdon will be appointed to the Tree Board.

All ayes.

Motion carried.

Mayor Sidari said that a request was received to fill a vacant position on the Boxwood Cemetery Commission. Is it requested that Jacob Hebdon be appointed to this position.

A motion was made by Trustee Toale seconded by Trustee Bensley that Jacob Hebdon be appointed to the Boxwood Cemetery Commission.

All ayes.
Motion carried.

Mayor Sidari asked if there was a motion to approve a 2% Occupancy Tax to be submitted to the State for approval.

A motion was made by Trustee Sherman seconded by Trustee Toale.

All ayes.
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Toale. The bills as submitted are authorized for payment with the exception of a bill from 5 Star Equipment and a bill from Fastenal pending further review.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Bensley. The minutes of December 10, 2018 and January 14, 2019 are approved as submitted.

All ayes
Motion carried.

Mayor Sidari indicated that Superintendent Joseph Perry had received his Class D Water License. His contract states he shall receive a stipend of \$600.00 upon receipt of his Class D Water License.

A motion to approve the stipend in the amount of \$600.00 to Superintendent Perry for obtaining his Class D Water License was made by Trustee Sherman and seconded by Trustee Bensley.

All ayes.
Motion carried.

Mayor Sidari read a letter of intent from Fire Chief Lupo to retire from the Village of Medina Fire Department as of April 30.

A motion to accept with sincere regrets was made by Trustee Toale, seconded by Trustee Elliott.

All ayes.
Motion carried.

Mayor Sidari praised Chief Lupo and all he had done for his department and the Village of Medina.

Chief Lupo proceeded with his monthly report, summarizing on a structure fire within the Village and thanking the Medina Police Department for helping on the scene. Chief Lupo reported that the new ambulance was expected to be delivered by March. He also thanked the Board for the opportunity to lead the Fire Department and expressed it as a very rewarding experience in his career.

Code Officer Busch distributed an addition to the local law he had outlined as well as a building facade lighting standard and requested that the Village Board take time to review it for discussion at the next meeting.

Superintendent Perry had distributed his report to the Board and advised his department had been focusing on snow removal and equipment maintenance. Trustee Toale asked if Superintendent Perry could provide a listing of surplus property. Trustee Elliott expressed that the business owners downtown were very grateful for the additional sidewalk snow removal provided by his department.

Police Chief Kenward reported that he was in the process of purchasing body cameras for his department and that 76% of the program was being paid for with funding from Senator Ortt's office and the State Forfeiture Program. Chief Kenward noted that himself and Officer Navas had attended training for the Offender Watch, a program that helps with tracking sex offenders under their supervision. Officer Navas will be taking over this program. Trustee Toale inquired if we had received a license plate reader yet. Chief Kenward said that he had met with the Sheriff's Department and District Attorney and we would be receiving one free plate reader through the Diversion Program.

Trustee Sherman asked Attorney Platt if he could look into the establishment of a light duty policy. Attorney Platt responded that he would look into the structure to accommodate and comply with regulations set forth.

Trustee Elliott said he was looking into sales tax, where it is generated and where it should go.

A motion was made by Trustee Bensley and seconded by Trustee Sherman. The meeting is adjourned at 8:58 p.m.

All ayes.

Motion carried.

Respectfully Submitted,

Jada A. Burgess

Deputy Clerk-Treasurer

