

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA HELD ON MONDAY, FEBRUARY 22, 2021 VIA VIDEO CONFERENCE.

Present: Mayor Michael Sidari

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

Fire Chief Matthew Jackson, Police Chief Chad Kenward, Code Enforcement Officer Daniel Gardner, DPW Superintendent Jason Watts, Police Lieutenant Todd Draper, Clerk-Treasurer Deborah Padoleski

Attorney Matthew Brooks

Mayor Sidari called the workshop meeting to order at 6:00 p.m. and provided an opening statement regarding the Open Meetings Law:

“The Village of Medina Board of Trustees acknowledges that we are deviating from the NYS Open Meetings Law due to the COVID-19 Pandemic and to be in compliance with Governor Cuomo’s Executive Order 202.1 addressing the conflict between the requirements of the Open Meetings Law and the Governor’s emergency orders limiting gatherings.”

The Village Board discussed several topics during the workshop portion of the meeting. Fire Chief Jackson presented proposed ambulance rate increases to be effective March 1, 2021. The Mayor noted that the proposed Pandemic Plan was distributed to Board members and would need to be voted on in two weeks. He added that the Plan was submitted to and approved by the three labor unions. Police Chief Kenward requested that a Police Investigator position be created and a civil service test called for so that there would be an active list. This position is a recommendation by the Police Reform Committee. Mayor Sidari reported that Computel had requested the Mayor send a letter to NYSEG/Avangrid Networks as the next step in pursuing uncollected utilities gross receipts tax.

Police Chief Kenward submitted his report for the month of January. He noted that the University of Rochester has acknowledged Officers Navas, Reeves, and Meredith for their life saving efforts regarding a female who was attacked by a dog and almost lost her leg. He said that Officer Meredith had completed his field training and was now working as School Resource Officer. The Chief also reported that his department, lead by Lt. Draper and Officer Messmer, were continuing to pursue NYS Accreditation.

Fire Chief Jackson submitted his report for January. He said that his department had responded to 259 calls in the month of January, the highest in a few years. He reported that an Assistance to Firefighters Grant application was submitted. The Chief also reminded the Board that this was an ambulance replacement year and he was researching the best possible vehicle.

Code Enforcement Officer Gardner submitted his report for January. He reported four building permits issued, fifty NYS and Village Code Violations cited, and 110 site visits were made.

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Supt. Watts submitted his report. He noted plowing, salting, cutting trees, cold patching, snowblowing some sidewalks and clearing hydrants. He said that his department had assisted the Town of Ridgeway with a water leak, repaired a 10" watermain break on Bates Road, and hauled snow out of the canal basin. He also reported that he was working with WWTP Operator Rodland and the DEC in researching the cause of high phosphorous readings at the plant. He also requested permission to participate in the purchase of an asphalt roller with the towns of Ridgeway and Shelby. He would like to use CHIPS funds for the Village's \$12,000 share if determined to be appropriate.

The Clerk-Treasurer reported that Revenue and Expense Reports for January were e-mailed to Board members.

Mayor Sidari opened the formal business meeting at 6:28 p.m.

A motion was made by Trustee Elliott and seconded by Trustee Bensley. Ambulance rates are authorized to be increased effective March 1, 2021.

All ayes  
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Sherman. The position of Police Investigator is authorized to be created.

All ayes  
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Elliott. The Mayor and/or Police Chief is authorized to request Civil Service to hold a test for Police Investigator.

All ayes  
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Toale. The Mayor and/or Police Chief is authorized to request Civil Service to hold a test for Police Chief and Police Lieutenant.

All ayes  
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Toale. The resignations of Firefighters Scott Buffin, Tyler Harrington and Justin Desabrais are accepted.

All ayes  
Motion carried.

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A motion was made by Trustee Toale and seconded by Trustee Sherman. The Mayor is authorized to send a letter to NYSEG/Avangrid Networks to further pursue the uncollected utilities gross receipts tax as per investigation by Computel Consultants.

All ayes  
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Sherman. The United Way is authorized to hold their weekly Cruise Nights in the canal basin on Fridays from June 4 to August 27, and Super Cruise on Main Street on August 25, pending Orleans County Health Department approval and submission of required certificate of insurance.

All ayes  
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Bensley. The Mayor is authorized to sign the Sourcewell agreement regarding the Luke Nelson Memorial Skatepark work from Spohn Ranch.

All ayes  
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Bensley. The bills as presented are authorized for payment.

All ayes  
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Sherman. The minutes of January 25, 2021 and February 8, 2021 are approved as submitted.

All ayes  
Motion carried.

The Mayor called for a meeting recess at 6:40 p.m.

Mayor Sidari re-called the meeting to order at 7:00 p.m.

The following individuals were present via Zoom video conferencing:

Mayor Michael Sidari  
Trustee Owen Toale  
Trustee Todd Bensley  
Trustee Timothy Elliott

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Individuals present cont'd.:

Trustee Marguerite Sherman  
Fire Chief Matthew Jackson  
Police Chief Chad Kenward  
Code Enforcement Officer Daniel Gardner  
DPW Superintendent Jason Watts  
Clerk-Treasurer Deborah Padoleski  
Attorney Matthew Brooks  
Police Lieutenant Todd Draper  
Jessica Marciano  
Kenneth Ortiz  
Scott Robinson  
Michael O'Keefe  
Tom Rivers, Orleans Hub  
Mallory Diffenbach, Batavia Daily News  
James Sinner, WNY Observer  
"James"  
"WA2TMCBruce"

Mayor Sidari opened the Public Hearing regarding Local Law No. 1-2021 Mural Regulations at 7:00 p.m. Code Officer Gardner gave a brief overview of the regulations. The Mayor thanked Trustees Elliott and Bensley, Code Officer Gardner, and Planning Board members for their work on this. No other interested persons appeared to speak. The Mayor closed the Public Hearing at 7:04 p.m.

Mayor Sidari opened the Public Hearing regarding Local Law No. 2-2021 Building Façade Lighting Standards at 7:05 p.m. Code Officer Gardner explained that this had originally been presented in January, 2019, by the Planning Board, specifically Chris Busch and Chris Goyette. No interested persons appeared to speak. The Mayor closed the Public Hearing at 7:08 p.m.

A motion was made by Trustee Bensley and seconded by Trustee Elliott. The following Local Law No. 1-2021 Mural Regulations is hereby adopted.

### **Mural Regulations-Historic Preservation District**

#### **A. Purpose and Intent:**

The purpose of this section is to set forth the Village of Medina requirements regarding the establishment, permitting and location or exterior murals in a way that promotes original works of art while preserving the natural historic architectural features of buildings in the Downtown Historic District, fostering a positive community identity and appearance and attracting tourism in the Village of Medina.

**B. Definitions:**

**Building**

A building for the purpose of this chapter and section only shall mean any structure built for the support, shelter, or enclosure of persons, animals, or movable property of any kind.

**Disrepair**

Poor condition of a mural, building or structure due to neglect, this is to include but not limited to peeling, cracking, fading, graffiti and building repairs.

**Graffiti**

Writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in a public place.

**Historic Preservation District**

An area which contains landmarks, structures and or sites which:

- (1) Cause such area, by reason of such factors, to constitute a distinct section of the Village of Medina.
- (2) Have special character, special historical or aesthetic interest or value.
- (3) Represent one or more periods or styles of architecture typical of one or more eras in the history of the Village of Medina.

**Mural**

A visual depiction and/or works of art including mosaic, painting, fresco, or graphic art technique applied, painted or placed directly onto the exterior of any wall of a building or structure. Such depictions shall not contain words, logos, emblems, trademarks or other similar devices which identify or advertise any product, service or business. A mural shall not be considered an accessory or non-accessory sign, a mural shall comply with the applicable standards set forth in the following chapter and sections.

**Structure**

Anything constructed with a fixed location, including but not limited to, walls, fences, bridges and billboards.

**C. Design Standards:**

1. Murals shall be an original work of art.
2. Murals shall be designed and constructed under the supervision of a qualified artist/muralist or other qualified professional who has sufficient knowledge in the design and execution of such projects, as well as with the application of the selected medium.

3. Murals must exhibit excellence in design, content, material, and application while incorporating high quality materials that will enhance the overall development and appearance of the site.
4. Murals materials shall be securely attached to the building or structure to which it is applied.
5. Mural materials shall be durable and weather resistant to prevent premature deterioration or other unintended change in appearance.
6. Mural materials must be appropriate for its outdoor location and climate, with special considerations for longevity and if possible graffiti-resistant.
7. Murals must stay within the confines of the building or structure and must not protrude outside or above the height of any building or structure.
8. Mural materials used may be, but are not limited to, paint and other artistic mediums such as tile or mosaic.
9. Mural design, location, scale and content should be in keeping with and enhance the building, wall, windows, fence or other surface on which it is located, as well as the local environment and mural imagery shall be appropriate for viewing by all audiences.
10. Window openings with glass panes may not be covered over by any mural nor any window pane be removed to be replaced with wood and/or brick to be painted over to accommodate such a mural.
11. No murals may be placed over any exhaust vents.
12. The mural artist's signature may appear, provided that it is not so prominent as to detract from the mural display.

**D. Prohibitions:**

1. Murals shall not be applied to any surface that was unlawfully established.
2. Murals shall not be on any sandstone or any other type of natural stone.
3. Murals shall not obscure or detract from the significant architectural features of the said structure or have an adverse effect on adjacent properties or facing properties, nor shall the buildings architecture be altered to accommodate any mural.
4. Murals shall not compromise the proper function of any building or use or diminish public safety.
5. Murals shall not contain logos, emblems or trademarked symbols.
6. Murals shall not include commercial text or products displaying, mimicking or construed as symbolizing a specific brand.
7. Murals shall not incorporate recognized signs of hatred or discrimination against any race, color, sex, age, national origin, disability, religion, ancestry, marital status, familial status, gender identity or expression, or sexual orientation.
8. Murals shall not consist of any reproduction, copy or mass-produced work of visual art of any type.

9. Murals shall be located in a manner that is visually and physically accessible to the public.
  10. No murals may consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).
- E. Vintage or Original Art Murals:**
1. Any vintage original art mural installed prior to the effective date of this section shall have legal pre-existing nonconforming status. Until which time the existing mural is either removed or replaced with another, at which time the new mural must follow the current regulations set forth.
- F. Schedule:**
1. All Murals must be completed within six months of the final design application approval. In the event that a Mural is not completed within the six month time frame, it is at the discretion of the Code Enforcement Officer to either grant an extension or cancel the existing permit. A one time request for an extension of an additional sixty days may be granted if a renewal form is filed with the Code Enforcement Officer along with the appropriate fee. In the event that the work is not completed or an extension is not granted, the unfinished work will be covered over by the artist and/or owner, who shall incur all associated expenses.
- G. Maintenance:**
1. Routine Maintenance of an artwork becomes the responsibility of the building owner where the artwork is located. As part of the contractual requirements, the artist shall develop a maintenance program in cooperation with the building owner or manager for the proper long term care of the artwork.
  2. If, for whatever reason, the mural falls into disrepair, the building owner will be notified in writing and required to make necessary repairs within 30 days.
- H. Application Process:**
1. An application must be obtained from the Code Enforcement Officer.
  2. A signed permission form is required from the building owner.
  3. Artists will be required to sign a waiver to the Visual Rights Act of 1990.
  4. All documents must be turned into the Code Enforcement Officer, with the appropriate fee, who will then submit to the Village of Medina Planning Board for approval.

5. Documents must be deemed as complete and submitted at least ten days prior to the Planning Board meeting.
6. Color pictures or renderings of the proposed mural must be submitted.

**I. Decommissioning**

1. When a mural is at the end of its life span, or if mural is to be removed without a replacement mural, the surface of the building or structure must be restored and repainted with appropriate colors to the Historic Preservation District, which must be approved in advance by the Village of Medina Planning Board upon such approval a Certificate of Appropriateness will be issued after which time work may begin.

**J. Penalties for Offenses**

1. Any person, firm, corporation or group who violates, disobeys, neglects or refuses to comply with any provision of this chapter, including any terms or requirements stipulated by the Village Planning Board as conditions issued by such Board or any terms or requirements stipulated by the Village Board of Trustees as conditions on any murals authorized by such Board, shall be guilty of an offense, and upon conviction thereof, shall be subject to a fine not less than \$125.00 and not more than \$250.00 per day as long as the violation exists.

**K. Fees**

1. All appropriate fees must be paid at the time the application is submitted, according to the permit fee schedule.

All ayes  
Motion carried.

A motion was made by Trustee Sherman and seconded by Trustee Elliott. The following Local Law No. 2-2021 Building Façade Lighting Standards is hereby adopted.

## **Building Façade Lighting Standards-Historical Preservation District**

**A. Purpose and Intent**

All exterior up-light illumination design proposals, including but not limited to landscape lighting, in-ground, and all similar sources of lighting, shall be subject to review and approval of the Village Planning Board.



Structures having symbolic (i.e. churches and/or public buildings) or historical significance in the community may be considered for illumination.

An illumination design proposal shall be submitted where an outdoor lighting plan is required for all new outdoor lighting installations or other types of projects as necessary.

**B. Plan Content**

An outdoor lighting plan shall include at least the following:

1. Manufacturer specification sheets, cut sheets or other manufacturer provided information for all proposed outdoor lighting fixtures to show fixture diagrams and light output levels.
2. The proposed location, mounting height and aiming point of all outdoor lighting fixtures.
3. If building elevations are proposed for illumination, drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the luminance level of the elevations, and the aiming point for any remote light fixture.

**C. Additional Information**

1. If needed to review the proposed outdoor lighting fixture installation, the Planning Board may require additional information following the initial outdoor lighting plan submittal, including a written narrative to demonstrate the objectives of the lighting, photometric data, and other descriptive information on the fixtures, computer generated photometric grid showing foot-candle readings every 10 feet within the property or site and 10 feet beyond the property lines (An iso foot-candle contour line style plan may be acceptable) and/or landscaping information to describe potential screening.

**D. Exterior Up-light Illumination Requirements**

All exterior up-light illumination shall meet the following provisions:

1. Lighting fixtures shall be shielded and directed onto the building façade. Lighting fixtures shall not be directed toward adjacent streets, roads or properties.
2. Lighting fixtures mounted on the building and designed to “wash” the façade with light are recommended.
3. To the extent practicable, lighting fixtures shall be directed downward ( i.e. below the horizontal ) rather than upward.
4. The use of RGB, color changing LED lights, and color filters are prohibited.
5. Color temperature of all lighting shall fall in the range of 2700K to 3000K max.
6. Applicant shall provide all necessary specifications for both, the proposed fixture and installation, as well as a rendering illustrating the proposed illumination in context.

- E. Facades of buildings without symbolic or historical significance may be illuminated if approved by the Village Planning Board subject to the following criteria and meeting the performance standards contained in this section.

1. Lighting does not cast light and glare on adjacent properties and right of ways.
  2. The lighting is needed to ensure the safety of employees and/or customers.
- F. In applying the principle of compatibility, The Village Planning Board shall consider the following factors:
1. The general design, character and appropriateness to the property of the proposed lighting.
  2. The scale and effect of proposed lighting in relation to the property itself, surrounding properties and the neighborhood.
  3. Visual compatibility with surrounding properties, including proportion of the property's front façade and general character of the building.
  4. The importance of historic, architectural or other features to the proposed lighting design.
  5. The Village Planning Board reserves the right to require substantial design alterations to the lighting designs that it deems to be inconsistent with the design guidelines or is otherwise inappropriate to the general aesthetic character of the neighborhood.

All ayes

Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Bensley. Benjamin Lacy and Bradley Freeman are hereby appointed to the position of Working Foreman as per the recently adopted MOU with the CSEA.

All ayes

Motion carried.

Mayor Sidari opened the Public Hearing on the Police Reform and Reinvention Collaborative Plan at 7:15 p.m. He introduced Scott Robinson, chairperson for the Committee. Mr. Robinson introduced the plan as well as instructions for providing comments during the public hearing. He requested verbal comments be submitted as written testimony following the hearing so that those comments could be reviewed later. He set a three-minute limit on comments.

Michael O'Keefe questioned who would investigate complaints against the Police Chief, indicating that this was not addressed in the proposed plan.

Kenneth Ortiz said that he did not think complaints were handled corrected and recommended the establishment of a citizen review board. Mr. Ortiz also questioned whether this hearing was adequately publicized. The Mayor responded that the public hearing notice was published in the Batavia Daily News, the Orleans Hub and on the Village's website. The notice was also posted in various public places in the Village.

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The Mayor said that this Police Reform and Reinvention Collaborative Plan is required to be approved and submitted before April 1, 2021.

Mayor Sidari closed the Public Hearing at 7:33 p.m.

The Mayor opened the second Public Comment period where Michael O'Keefe and Kenneth Ortiz continued to offer their thoughts on the Police Reform Plan.

Trustee Bensley reminded everyone of the Village Election on March 16, 2021.

Mayor Sidari thanked all the committee members who worked on all three items discussed in the Public Hearings held at this meeting.

A motion was made by Trustee Toale and seconded by Trustee Bensley. The meeting is adjourned at 7:42 p.m.

All ayes  
Motion carried.

Respectfully submitted,

Deborah L. Padoleski  
Clerk-Treasurer