

MINUTES OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA HELD ON MONDAY JULY 10, 2023, AT 7:00 P.M. IN THE SENIOR CITIZENS CENTER.

Present: Deputy Mayor Marguerite Sherman
Trustees Timothy Elliott, Jessica Marciano, and Diana Baker
Code Enforcement Officer Daniel Gardner and Superintendent of Public Works Jason Watts

Excused: Mayor Michael Sidari, Attorney Matthew Brooks

Deputy Mayor Sherman called the meeting to order at 7:00 p.m.

Deputy Mayor Sherman introduced Mr. Todd Bensley who was representing the Friends of Boxwood requesting to hold the second annual Boxwood at Night on September 30, 2023, with a rain date of October 7, 2023. Mr. Bensley said the Boxwood at Night event held in 2022 had raised enough funds to restore the stained-glass window in the Chapel and they were now seeking to raise funds for the restoration of the Chapel. He said they are looking for support from the Village Board, the Department of Public Works, and the Police Department. Mr. Bensley said they would like to shut the cemetery down at 2:00 p.m. to allow for set up, assistance from the DPW to help hang some features on Friday, delivery of barricades, and two garbage barrels, assistance from the Police Department by doing a drive by through the parking lot at the boat launch during the event, and promotion of the event through Village social media accounts.

A motion was made by Trustee Baker and seconded by Trustee Elliott, the Friends of Boxwood are allowed to hold the second annual Boxwood at Night event to be held on September 30, 2023, with a rain date of October 7, 2023.

~~A motion~~ A motion was made by Trustee Elliott and seconded by Trustee Marciano. The obelisk design measuring fifteen and a half feet tall as submitted by Gloria Brent may be placed in the center of sixteen plots located at the Northwest corner of the Rogers Hurd Section.

Deputy Mayor Sherman said that Barton and Loguidice is attempting to secure funding in reference to the twelve-million-dollar water system improvement project. A resolution authorizing Barton and Loguidice to submit a WIIA grant application, a New York State Environmental Facilities revolving funds financing application and a resolution determining that the proposed Village of Medina water system improvement project is a type 1 action and will not have a significant adverse impact on the environment would need to be introduced. This would not lock the Village into the twelve-million-dollar project, but it would allow the Village to pursue grant funding.

A motion was made by Trustee Marciano and seconded by Trustee Elliott.

**RESOLUTION DETERMINING THAT THE PROPOSED VILLAGE OF MEDINA WATER SYSTEM
IMPROVEMENTS PROJECT IS A TYPE 1 ACTION AND WILL NOT HAVE A SIGNIFICANT ADVERSE
IMPACT ON THE ENVIRONMENT**

WHEREAS, the Village of Medina (Village) is proposing the Village of Medina Water System Improvements Project (Project), located in the Village of Medina and Town of Shelby, Orleans County, New York; and

WHEREAS, the Project has been classified as a "Type I Action" as defined by the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Part 617.4; and

WHEREAS, the Village of Medina Village Board sent a letter and Part 1 of a Full Environmental Assessment Form (FEAF) to other potentially "Interested Agencies" and "Involved Agencies" (as these terms are defined in the SEQRA Regulations found at 6 NYCRR Part 617.2), indicating the Village's desire to serve as the "Lead Agency" (as this quoted term is defined in the SEQRA Regulations) and to complete a coordinated review of the Project (in accordance with 6 NYCRR Part 617.6); and

WHEREAS, responses from Interested and Involved Agencies were requested, and each of the potentially Interested and Involved Agencies has agreed to, or raised no objections to, the Village of Medina Village Board serving as Lead Agency for the Project; and

WHEREAS, pursuant to the SEQRA Regulations, the Village of Medina Village Board has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the SEQRA Regulations, and (b) examining the FEAF for the Project, including the facts and conclusions in Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify the relevant areas of environmental concern:

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Medina Village Board hereby establishes itself as Lead Agency for the Project; and

BE IT FURTHER RESOLVED, that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Village's knowledge of the area surrounding the Project, the Village of Medina Village Board makes the determination that the Project will not have a significant adverse environmental impact and that the Project will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA/SERP, the Village of Medina Village Board, as Lead Agency, hereby directs the Village of Medina Mayor to sign the FEAF Part 3 – Determination of Significance indicating that a Negative Declaration has been issued for the Project; this Resolution shall take effect immediately and will be properly noticed.

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Mayor Michael Sidari	Excused
Marguerite Sherman, Deputy Mayor	Aye
Jessica Marciano, Trustee	Aye
Diana Baker, Trustee	Aye
Timothy Elliott, Trustee	Aye

The foregoing resolution was thereupon declared duly adopted.

A motion was made by Trustee Marciano and seconded by Trustee Baker. Mayor Sidari is authorized to sign the SEQR declaration.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Marciano.

RESOLUTION AUTHORIZING SUBMISSION OF A NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT APPLICATION

WHEREAS, the Village of Medina wishes to apply to the New York State Water Infrastructure Improvement Act (WIIA) grant for a Water System Improvements Project.

WHEREAS, the grant application requires approval from governing board for submission

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Medina authorizes the submission of a New York State WIIA grant application for a Water Improvements Project; and

BE IT FURTHER RESOLVED, that the Village Mayor is hereby authorized to submit the WIIA grant application on behalf of the Village, and to execute any agreements, instruments or other documents in connection with the Village's acceptance of any such grants and/or the funding thereof; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

All ayes
Motion carried.

A motion was made by Trustee Baker and seconded by Trustee Marciano.

RESOLUTION AUTHORIZING SUBMISSION OF A NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION NEW YORK STATE REVOLVING FUNDS FINANCING APPLICATION

WHEREAS, the Village of Medina wishes to apply to the New York State Environmental Facilities Corporation State Revolving Funds for a Water System Improvements Project.

WHEREAS, the financing application requires approval from governing board for submission

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Medina authorizes the submission of a New York State Environmental Facilities Corporation New York State Revolving Funds Financing Application for a Water Improvements Project; and

BE IT FURTHER RESOLVED, that the Village Mayor is hereby authorized to submit the application on behalf of the Village, and to execute any agreements, instruments or other documents in connection with the Village's acceptance of any such financing and/or the funding thereof; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Baker.

A BOND RESOLUTION, DATED JULY 10, 2023, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA, ORLEANS COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING A WATER SYSTEM CAPITAL IMPROVEMENTS PROJECT (2023), AT AN ESTIMATED MAXIMUM COST OF \$12,000,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$12,000,000 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.

WHEREAS, the Village Board of Trustees of the Village of Medina, in the County of Orleans, New York (the "Village") desires to undertake a capital improvements project for the reconstruction of and construction of improvements to the Village Water System; and

WHEREAS, the Village intends to apply for one or more grants to pay for a portion of such project costs.
NOW THEREFORE,

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

SECTION 1. The Village is hereby authorized to undertake a certain water system capital improvements project, such work to generally consist of (but not be limited to) improvements to the concrete water storage tank, booster pump station, and the improvement and replacement of several

sections of water main lines along various roads in the Village together with other improvements as more fully identified in (or contemplated by) a preliminary engineering report prepared by Barton & Loguidice, and 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 estimated maximum cost of the Purpose is \$12,000,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$12,000,000 hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received, including but not limited to, the application of grant funds received or expected to be received from New York State, New York State Environmental Facilities Corporation ("EFC"), USDA Rural Development Agency and other funding sources. 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 a class of objects or purposes described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such 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 will 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 will 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 this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Village's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. 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 11. 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 12. The Village Treasurer is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Village officials and the Village's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Village Clerk.

SECTION 13. 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 14. 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 "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 Project Financing Agreement.

SECTION 15. 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 16. 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 17. 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 18. If no petitions are filed in the permissive 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 said Local Finance Law, in a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES:

Deputy Mayor Marguerite Sherman

Trustee Jessica Marciano

Trustee Diana Baker

Trustee Timothy Elliott

NOES:

ABSENT:

Mayor Michael Sidari

The foregoing resolution was thereupon declared duly adopted.

Deputy Mayor Sherman said that the Village Attorney, Matt Brooks had received a response from Andrea Klyczek, the Executive Director with the Niagara Orleans Land Improvement Corporation who had worked with Orleans County on demolishing the home at 724 Church Street. The new property owner is requesting that the vacant property fees and lawn maintenance fees be removed from the 2023-24 Village tax bill. No action was taken.

Deputy Mayor Sherman said that Jovannie Canales, Senior Pastor at the Oasis Church, had submitted a letter requesting the use of the Skate Park located at Butts Park on August 5, 2023, from 1:00 p.m. to 4:00 p.m. to hold a 45-minute demonstration during Family Funday. The letter stated that insurance will not cover this demonstration, and that the Family Fun Day Committee was instructed to have a liability waiver written up and signed upon agreement by the skater.

The Volunteer application was discussed. The application will be re-written for the Board and Village attorney to review at the next meeting. The matter was tabled.

The Firehouse addition was discussed. The matter was tabled until Mayor Sidari and Village Attorney Brooks could be present.

Trustee Marciano discussed the park application process and asked if the application process could be fine tuned where a certificate of insurance would not be required. The matter was tabled.

Trustee Marciano said that she is on the hospital committee and had been asked if the Village has a Diversity, Equity, and Inclusion Committee, (DE&I). The matter was tabled until a mission statement and purpose of the committee is submitted to the Board for review.

Code Enforcement Gardner said a zoom meeting was scheduled for a proposed Dollar General to be located at 214 Commercial Street. He said he had been contacted by Crown Castle, (Verizon), who had requested a building application to update their towers.

Superintendent Watts said that the splash pad was still in need of repair. He said they were working on filling potholes. A water leak on Chadwick had been fixed. He said both the new bucket truck and new water van had been delivered.

Kathy Blackburn invited the Board to the ribbon cutting of North Star Charter Cruise on Thursday July 14, 2023, at 4:00 p.m.

A motion was made by Trustee Marciano and seconded by Trustee Elliott. The meeting is moved into executive session at 8:01 p.m. to discuss the contractual item of a certain employee.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Baker, the meeting is moved out of executive session at 8:23 p.m. and the regular meeting is reconvened.

A motion was made by Trustee Marciano and seconded by Trustee Elliott. Officer McManus is allowed to utilize his six days of personal time for the 2023-24 fiscal year prior to his

one-year anniversary date of August 15, 2023. Officer McManus will not be granted any additional personal time until the following fiscal year beginning June 1, 2024. This is a one-time exception and is not setting a precedent.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Marciano. The meeting is adjourned at 8:27 p.m.

All ayes
Motion carried.

Respectfully submitted,

Jada A. Burgess
Clerk-Treasurer