

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA HELD ON MONDAY, MAY 14, 2018 AT 7:00 P.M. IN THE CLERK'S OFFICE CONFERENCE ROOM.

Present: Mayor Michael Sidari

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

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

Village Attorney Matthew Brooks

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

Mayor Sidari recognized Ron Stork, who approached the Board with a proposal to add an historical marker to the entrance of Gulf Street Park. The marker would commemorate World War II veterans and neighborhood children who cleared the property to establish the park. Mr. Stork and his wife would cover the cost of the proposed sign.

The Mayor also recognized Alex Feig of the Medina Skate Society. He informed the Board that he was interested in obtaining grants to make improvements to the skate park located in Butts Park. He will have more information later.

Alaina Wilson provided an update on the newly established dog park. She said that the Friends of the Dog Park had been established as a 501c3 charitable account, to accept tax deductible donations and possibly set up a Go Fund Me account for donations.

A motion was made by Trustee Sherman and seconded by Trustee Bensley. Village dumpsters will be provided to the Orleans Cooperative Extension for the Orleans County 4-H Fair held from July 23 – 28, 2018.

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Sherman. Approval is given to the Alzheimer's Association of WNY to use State Street Park as a stop on their annual Orleans County Walk to End Alzheimer's event on Saturday, October 13, 2018.

All ayes
Motion carried.

Mayor Sidari read correspondence from the Senior Citizens of Western Orleans inviting the Board to their 50th Anniversary celebration on June 9, 2018.

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A motion was made by Trustee Toale and seconded by Trustee Elliott. The Public Hearing regarding the Cable TV Franchise Agreement is scheduled for Monday, June 25, 2018 at 7:00 p.m.

All ayes
Motion carried.

The following motion was made by Trustee Elliott 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 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 II action under SEQR [Section 617.5 (c)] in that the project involves the replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site; and

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.

The following resolution was offered by Trustee Owen Toale and seconded by Trustee Todd Bensley:

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.**

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 Sewer System; and

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 sewer system capital improvements project primarily at the wastewater treatment plant, such work to generally consist of (but not be limited to) various 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, 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 estimated maximum cost of the Purpose is \$5,400,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate principal amount not to exceed \$5,400,000, 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. 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 4 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 Section 1 of this resolution. The Village then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (a) the date hereof 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 "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 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:

All ayes

The foregoing resolution was thereupon declared duly adopted.

A motion was made by Trustee Toale and seconded by Trustee Elliott. The Mayor is authorized to sign a proposal from Wendel for UV Disinfection System Design Services regarding the Wastewater Treatment Facility for a fee of \$130,750.

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Bensley. The Mayor is authorized to sign the engineering services agreement with Wendel for the development of an Engineering Report and subsequent WIIA Grant Application regarding the improvements at the Wastewater Treatment Plant for a fee of \$30,000.

All ayes
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Elliott. The emergency purchase of 4 sets of turnout gear at a cost of \$2,200 per set is authorized.

All ayes
Motion carried.

A motion was made by Trustee Sherman and seconded by Trustee Elliott. The Mayor is authorized to sign an agreement with the Orleans County Youth Bureau regarding the 2018 Youth Recreation Program authorizing a \$2,000 reimbursement for program expenses.

All ayes
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Elliott. The Village Treasurer is authorized to make appropriate budget transfers within the General, Water and Sewer Funds to balance the budget.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Toale. The 2017-18 Water Fund Budget is hereby amended, increasing total appropriations by \$215,000 for the purchase of a street sweeper offset by a previously authorized serial bond.

All ayes
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Sherman. The 2017-18 Sewer Fund Budget is hereby amended, increasing total appropriations by \$41,125 and increasing revenues by \$41,125 to reflect the emergency repair at the Wastewater Treatment Plant using funds previously authorized from the Sewage Treatment Plant Repair Reserve Fund.

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Bensley. The following resolution authorizing the Tax Warrant for the Village of Medina fiscal year June 1, 2018 to May 31, 2019 –
RESOLVED, that there be levied and assessed against the real property of the Village of Medina the following sums for Village Government and other charges for the fiscal year 2018-19, with an estimated tax rate of \$18.03 per thousand, subject to a levy apportionment using applicable 2018 Town of Ridgeway and Town of Shelby equalization rates.

General Fund	\$2,975,955.00
Delinquent Water Rents	6,787.32
Delinquent Sewer Rents	6,909.76
Property Maintenance Charges	6,589.52
Vacant Building Registry Fees	46,163.30
Total Taxes and Charges	\$3,042,404.90

All ayes
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Toale. The following resolution regarding the apportionment of the total tax levy as per town equalization rates –

WHEREAS, the Village of Medina has a total tax levy of \$2,975,955 for the 2018-19 tax year; and

WHEREAS, the Village Tax Levy is divided between the residing Towns of Ridgeway and Shelby; and

WHEREAS, the Orleans County Real Property Tax Agency has advised that the equalization rates for the Town of Ridgeway and the Town of Shelby are 90% and 98% respectively; and

THEREFORE, the apportionment of the total tax levy is divided accordingly.

NOW, THEREFORE, BE IT RESOLVED, that the resulting tax rates for the Village of Medina Town of Ridgeway will be \$18.707943 and the Village of Medina Town of Shelby will be \$17.180764.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Sherman. The Mayor is authorized to order an approved sign outlining the Boxwood Cemetery Rules.

All ayes
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Elliott. The Department of Public Works is authorized to remove all outdated signage at the Boxwood Cemetery.

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Elliott. The resignation of Michael Sanders from the Department of Public Works effective May 30, 2018, is hereby accepted with regret.

All ayes
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Elliott. 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 March 26, 2018, April 9, 2018 and April 23, 2018 are approved as submitted.

All ayes
Motion carried.

Police Chief Kenward recognized Officer Christian Navas as successfully administering NARCAN to an individual on an overdose call. The Chief noted that this was the first use since they received their training. He reported that the rear window had been kicked out of the Patrol Car 120 causing \$3,000 in damages. He also said that the Crossing Guard would be out for the remainder of the school year for medical reasons and that his department would cover the duties.

DPW Supt. Perry informed the Board that his department had planted 64 trees and had ground out stumps from previously removed trees. He also noted that the MEO assigned to mowing the parks is out on medical leave.

A motion was made by Trustee Sherman and seconded by Trustee Bensley. Justin Morgan and Brendan Harris are appointed seasonal laborers effective May 14 and May 21 respectively, at an hourly wage of \$10.70 per hour.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Toale. The DPW Supt. is authorized to advertise for the vacant MEO position.

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Elliott. The DPW Supt. is authorized to post the vacant position of Working Supervisor at the DPW shop.

All ayes
Motion carried.

Code Enforcement Officer Busch reported that the Planning Board had approved the plans for the Dialysis Center; he has issued 40 grass notices; and issued permits for the Thomas the Train event.

Fire Chief Lupo reported that Captain Matthew Jackson has completed the First Line Supervisors School; four recruits have graduated from the Fire Academy; the first draw on the SAFER grant is for \$24, 860.54; and the cost for an unequipped ambulance on state bid is \$129,000.

Trustee Toale reported that he had attended the County Shared Services meeting.

A motion was made by Trustee Toale and seconded by Trustee Elliott. The meeting is adjourned to Executive Session at 8:25 p.m. to discuss the employment history of a particular person.

All ayes
Motion carried.

The regular meeting was again called to order at 8:55 p.m.

A motion was made by Trustee Elliott and seconded by Trustee Bensley. The request by Michael Maak for a cash payout of the amount remaining in his health insurance bank is denied due to past practice and there being no contract option for this request.

Trustee Elliott	Aye	Trustee Bensley	Aye
Trustee Sherman	Aye	Trustee Toale	Abstain
Motion carried.			

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A motion was made by Trustee Bensley and seconded by Trustee Toale. The meeting is adjourned at 9:00 p.m.

All ayes
Motion carried.

Respectfully submitted,

Deborah L. Padoleski
Clerk-Treasurer