

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA HELD ON MONDAY, NOVEMBER 28, 2016 AT 7:00 P.M. IN THE TOWN OF SHELBY TOWN HALL.

Present: Mayor Michael Sidari

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

Fire Chief Thomas Lupo, Police Chief Chad Kenward, DPW Supt. Peter Houseknecht, Code Enforcement Officer Martin Busch, Police Lt. Todd Draper

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 opened the first Public Hearing regarding Local Law #4 "Amendment to the Code of the Village of Medina Placing a Six Month Moratorium on the Installation of Solar Equipment and Systems in the Village." No interested persons appeared to speak and the Public Hearing was closed at 7:02 p.m.

Mayor Sidari opened the second Public Hearing regarding Local Law #5 "Amendment to the Code of the Village of Medina, Chapter 178 Article II Transient Businesses, to include mobile food trailers and mobile food trucks. Trustee Sherman inquired as to fees. Code Enforcement Officer Busch answered that the fees could be established separately. No interested person appeared to speak and the Public Hearing was closed at 7:07 p.m.

The Mayor administered the Oath of Office to six recently hired Police Officers. They included Christian Navas, Michael Forgione, Brian Marsceill, Corey Ambrose, Cory Collins, and Jacob Reeves. The Village Board and attending family members congratulated the officers on their appointments.

Shawn Callard from Automotive Solutions requested an update from the Board regarding the use of his towing company in the Village. The Mayor advised that he was still waiting to hear from the County regarding their policy. Trustee Bensley recommended this matter be resolved soon.

The Mayor and the Clerk reported that the Orleans County Treasurer advised that she would not accept the 2016-17 Relevy file with Vacant Property Registry Fees attached. She had requested that they be removed from their relevy. Attorney Brooks had sent an inquiry letter to Charles Nesbitt, Orleans County Chief Administrative Officer. Mr. Nesbitt responded that he was not the correct party to address the issue and was generally uncooperative. The Mayor will contact the Chairman of the Legislature for clarification.

Mayor Sidari informed the Board that an ambulance agreement with the Towns should be finalized in the next couple of days.

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A motion was made by Trustee Toale and seconded by Trustee Elliott. The following RETURN TO WORK POLICY is adopted:

Policy: As a condition of continued employment, under certain job related circumstances, current employees may also be required to take medical examinations and/or alcohol and drug screenings. The Village reserves the right to require a physical exam conducted by a Healthcare Provider (Physician Assistant or Doctor) of the Village's choice for any employee that is out due to injury, sickness, disability, or any kind of extended leave, when the reason for their absence may impact the necessary job functions of their respective position. The Employee may return to work if the Physician renders the Employee capable of resuming work related activities. Said exam will be provided at no cost to the Employee.

Procedure:

1. At least ten days, or as early as possible if ten days is not practical prior to Employee's return to work, the Employee's immediate supervisor shall be notified.
2. If deemed necessary, the Village will confirm an appointment with a Healthcare Provider and the Employee to determine if the Employee is able to return to work.
3. If the Healthcare Provider chosen by the Village denies the Employee to return to work, the Employee, at their sole cost, may seek their own Healthcare Provider's opinion provided the following:
 - a. The Employee chosen Healthcare Provider has a copy of the job description used by the Village Healthcare Provider while conducting their exam.
 - b. Said Healthcare Provider completes a thorough review of the Employee's condition(s) and limitations.
 - c. The Employee can produce a detailed note from their Healthcare Provider generally outlining the tests, their outcomes, and the Healthcare Provider's professional opinion on whether the Employee is capable to return to work.
 - d. The Employee must produce the detailed note presented on the Physician's official letterhead, signed and dated by the Healthcare Provider who conducted the exam before they resume work.

All medical and/or alcohol and drug screenings will be administered consistent with the requirements of applicable federal, state and local laws. Information on an Employee's medical condition or history will be kept separate from other Employee information and is confidential and disclosed only as necessary. Access to this information will be limited to those who have a legitimate need to know.

For the purpose of a medical examination by either the Village or Employee Healthcare Provider, the job description that will be used will be consistent with the Return to Work Job Description used by Orleans County Compensation Plan Administrator.

All ayes

Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Toale. The minutes of October 24, 2016, November 8, 2016 and November 14, 2016 are approved as submitted.

All ayes
Motion carried.

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

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Elliott. Amanda Moore is appointed Account Clerk-Typist effective December 5, 2016 with a starting salary of \$12.50 per hour, scheduled to increase to \$13.00 per hour following a 26 week probationary period.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Bensley. Christopher Seefeldt is appointed Firefighter effective December 1, 2016 at a salary of \$33,907 with a 78 week probationary period.

All ayes
Motion carried.

A motion was made by Trustee Sherman and seconded by Trustee Toale. The December 2, 2016 resignation of Wastewater Treatment Plant Operator Bradley Lang is accepted with regret.

All ayes
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Sherman. Code Enforcement Officer Martin Busch and Wilson Southworth are nominated to the Orleans County Planning Board as full and alternate members for three-year terms.

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

A motion was made by Trustee Sherman and seconded by Trustee Toale. The Mayor is authorized to sign an agreement with Attorney Matthew Brooks extending his services through May 31, 2018.

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Elliott. The Mayor is authorized to sign an agreement with Orleans County on behalf of the Orleans County Youth Bureau accepting the increased funding allocation of \$2,750 for the January 1, to December 31, 2016 program year.

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Bensley. The Mayor is authorized to sign an agreement with the Medina Professional Firefighters for the period June 1, 2014 to May 31, 2019.

All ayes
Motion carried.

Code Enforcement Officer Busch informed the Board that he had responded to a garage fire on Thanksgiving Day. He noted that Fire Captain Joshua Wolck was on scene, in charge, and doing a great job.

Fire Chief Lupo reported that there had been three house fires and three heroin overdoses in the past two weeks.

Police Chief Kenward reported that the two Crown Vics were now sold for a total of \$1,900, the Department started issuing the new parking tickets, and three officers had attended Crisis Intervention Program training.

DPW Supt. Houseknecht reported that HVAC upgrades were complete, the water tower generator is installed, the lights for the 200 block of West Center Street are ordered, leaf pick-up would be completed by the end of the week, and a pre-demolition meeting for the Roseland Avenue house has been scheduled for this week.

A motion was made by Trustee Bensley and seconded by Trustee Sherman. The following resolution Adopting SEC-Driven Continuing Disclosure Compliance Procedures is adopted:

WHEREAS, Securities Exchange Commission (“SEC”) Rule 15c2-12 (the “Rule”) generally prohibits underwriters from purchasing or selling municipal securities unless the issuer of such securities has entered into a continuing disclosure obligation; and

WHEREAS, the Village is an occasional user of municipal securities and thus has entered into continuing disclosure obligations (or will do so) from time to time; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the Village, has prepared and has recommended that the Village adopt certain SEC-driven continuing disclosure compliance procedures; and

WHEREAS, The Village Board of Trustees deems it to be in the best interest of the Village to adopt formal written procedures to help ensure continuing disclosure compliance, and to designate an official responsible for ensuring that such procedures are followed;

NOW, THEREFORE, BE IT RESOLVED, that the Village hereby adopts the continuing disclosure compliance procedures that are attached hereto as “Schedule A” and resolves to be governed thereby; and be it further

RESOLVED, that such Schedule A will be placed in its entirety in the official records, files and minutes of the Village and adhered to going forward; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

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

Trustee Toale	Aye	Trustee Elliott	Aye
Trustee Sherman	Aye	Trustee Bensley	Aye

Motion carried.

A motion was made by Trustee Sherman and seconded by Trustee Toale. Local Law #4 “Amendment to the Code of the Village of Medina Placing a Six-Month Moratorium on the Installation of Solar Equipment and Systems within the Village,” is hereby adopted as follows:

WHEREAS, the Village of Medina regulates land uses through various sections of the Code of the Village of Medina; and

WHEREAS, the Village of Medina does not have regulations for the installation of solar panels and solar arrays/ farms; and

WHEREAS, the Village of Medina's Planning Board has begun reviewing various possible amendments to the existing regulations to address these uses; and

WHEREAS, the Planning Board has been delegated by the Village Board the responsibility of preparing draft amendments or new codes associated with these solar installations; and

WHEREAS, the Planning Board needs time to update these regulations, and is recommending that the Village of Medina adopt a Moratorium while these codes are being developed and updated; and

WHEREAS, the Village has introduced a proposed Local Law entitled "Amendment to the Code of the Village of Medina Placing a Six Month Moratorium on the Installation of Solar Equipment and Systems in the Village" and presented a copy to each member of the Board; and

WHEREAS, the Village Board of the Village of Medina, New York, would like to adopt a Local Law entitled "Amendment to the Code of the Village of Medina Placing a Six Month Moratorium on the Installation of Solar Equipment and Systems in the Village", as follows:

SECTION 1. TITLE

This law shall be known as Local Law No. 4 of the Year 2016 entitled "Amendment to the Code of the Village of Medina Placing a Six Month Moratorium on the Installation of Solar Equipment and Systems within the Village".

SECTION 2. PURPOSE

The purpose of this Local Law is to amend the Code to place a six (6) month moratorium on the processing, permitting and/or construction of all solar panels and solar farms within the Village to allow time for the drafting and adoption of amendments to the Code of the Village of Medina affecting these types of uses. These amendments, among other things, will amend the location where roof and ground mounted solar panels and solar farms may be allowed, set design requirements and such other regulations as may be necessary to promote and preserve the health, safety and welfare of the Village of Medina and its citizens.

SECTION 3. AMENDMENT OF PRIOR LAW

1. The Code of the Village of Medina is further amended as follows:
"For the period commencing on the effective date of this Local Law No. 4 of the Year 2016, and for six (6) months thereafter, there shall be a moratorium on the processing, approval, and/or construction of roof and ground mounted solar panels and solar farms within the Village of Medina. During this Moratorium, the Planning Board, will draft these new regulations for presentation to the Village Board for potential adoption, and periodic reports on the drafting of these regulations will be given to the Village Board to illustrate progress and to receive input from the Village Board."

SECTION 4. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof of this Local Law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 5. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State. On enactment of this Local Law, the Moratorium shall remain in place for a six (6) month time period commencing with its effective date. This six (6) month time period may be extended by the Village Board by adoption of a Resolution for this purpose.

SECTION 6. GRANDFATHER CLAUSE

The enactment of this Moratorium, will affect any new application received on or after October 24, 2016. Any application received prior to this date will be "grandfathered" from this Moratorium and

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will be processed under the existing regulations. Any application received on or after this date will not be processed, and no approvals or permits will be issued.

This Moratorium will not affect the requirement for any necessary repairs needed to be made to any existing solar panels. However, existing roof and ground mounted solar panels that need to be modified in such a way that would require a permit and/or approval from the Village, will be included under this Moratorium.

NOW, THEREFORE, BE IT:

RESOLVED, that the Village of Medina Board of Trustees sets the required public hearing on this proposed Local Law for November 28, 2016 at 7:00 pm in the Shelby Town Hall to receive public comment; and

BE IT FURTHER,

RESOLVED, that the Village Board authorize the completion of the required referral to Orleans County, and that they have determined that this action is a Type 2 action under SEQR, not requiring a SEQR determination.

All ayes

Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Bensley. Local Law #5 "Amendment to the Village of Medina Code, Chapter 178 Article II Transient Businesses is adopted as follows:

Article III, Mobile Food Vendors

Section: 178-30. Definitions

MOBILE FOOD TRAILER ("MFT")

A commercially manufactured and/or fabricated trailer for the purpose of commercial food preparation and sales and which is self-contained and is towed/transported from site to site via a motorized vehicle, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

MOBILE FOOD VEHICLE ("MFV")

A commercially manufactured, self-contained, motorized mobile food unit in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

MOBILE FOOD VEHICLE VENDOR ("MF'VV")

The owner of a mobile food trailer/mobile food vehicle or the owners agent; hereinafter referred to as "vendor".

Section 178-31. General Provisions

- A. It shall be unlawful for a mobile food trailer or a mobile food vehicle to park, stand or operate on a public street or place which is adjacent to or within a fifty-foot radius, or a thirty foot radius if on private land, of the nearest edge of any building or section of a building comprising a licensed food establishment, excluding any patio, awning or temporary enclosure attached thereto, the kitchen of which is open for serving food to patrons. This requirement may be waived if the application is submitted together with the written consent of the proprietor of the adjacent licensed food establishment.
- B. It shall be unlawful for a mobile food trailer or a mobile food vehicle to park, stand or operate in a location where by virtue of the designated parking configuration, the vehicle cannot park parallel to the curb or right-of-way without express written permission of the Medina Police Department.
- C. Mobile food trailers and vehicles may not operate on a street for a period longer than the standard business hours allow. It shall be unlawful for a mobile food trailer or vehicle to remain parked or standing on a street when not in operation selling food without the express written consent of the Medina Police Department.
- D. Every MFTV/MFVV must at all times carry on the vehicle a measuring device with a capacity of not less than fifty (50') feet as a condition of its permit.
- E. All mobile food trailer and vehicle vendors must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, except that a mobile food trailer or mobile food vehicle that is of such a length that it occupies all or a portion of two vehicle parking spaces may park in said spaces so long as they abide by all other parking restrictions, including any hour-maximum duration requirements in force and effect at that time and location.
- F. It shall be unlawful for any mobile food trailer or mobile food vehicle to operate within fifty (50') feet of the boundary line of any fair, carnival, circus, festival, special event or civic event that is sanctioned or licensed by the Village of Medina except with the express written permission of the Medina Police Department.
- G. All signage shall be permanently affixed to the mobile food trailer or vehicle. No accessory signage shall be placed outside or around the trailer or vehicle.
- H. All mobile food trailers and mobile food vehicles shall be equipped with trash receptacles of a sufficient capacity that shall be changed as necessary to prevent overflow or the creation of litter of debris.
- I. A mobile food vendor shall not conduct activities in such a manner as will interfere with a pedestrian or vehicular use of the public streets and places.
- J. A mobile food vendor shall not directly or indirectly cause or permit the public streets and places to be littered with papers, wrappings or any other debris or refuse.
- K. A mobile food vendor shall make no false statements or representations in the course of his activities and shall conduct himself at all times in an orderly and lawful manner; nor shall he use or blow upon or ring any sound instrument or thing or shout or cry out for the purpose of attracting attention to his wares or giving notice of his approach.
- L. A mobile food vendor shall not sell any confectionery or ice cream within 250 feet of any school property between the hours of 8:00 AM and 4:00 PM on any school days.

Section: 178-32. License required

It shall be unlawful for any person, firm or corporation to conduct or operate or permit to be conducted or operated a mobile food trailer or mobile food vehicle within the Village of Medina without first obtaining a license from the Village of Medina Police Department. All licenses shall be nontransferable. The mobile food vendor shall exhibit the same at any time upon demand by the Village of Medina Police Department or any other officer of the Village. Said license shall be obtained in full at least 10 days before the first operation of the mobile food vending business.

Section: 178-33. License fee

The fee for the license required by this article shall be as determined by the Village of Medina Board of Trustees. The amount of the fee may be amended from time to time by resolution.

Section: 178-34. Weighing and measuring devices

Any vendor carrying, keeping or using scales, measures or other appliances for weighing or measuring shall first have the same inspected by the County Sealer of Weight and Measures; and if the latter shall find such appliances correct and true, he shall issue his certificate to that effect, and such certificate shall be affixed thereto in a conspicuous place. A vendor shall not carry, keep for use or use any such appliances which shall not be correct and true and do not give a record and give the weight and quality claimed by said vendor.

Section: 178-35. Application for license

- A. The application for the license shall include a statement verified by the person or persons who are to conduct such mobile food vending business and, if a corporation, by the president and treasurer thereof, containing the following information:
- B. The full name and address of each of such persons and, if a corporation, the state under the laws of which it is organized, the exact location of its principal office and place of business and the names and addresses of its officers.
- C. The location(s) within the Village of Medina where such mobile food vending business is to be conducted.
- D. The date on which such person intends to begin doing business within the Village of Medina.
- E. Proof of all applicable licenses, inspections and insurance including liability insurance for the MFT or MFV.
- F. The sales tax number issued to the applicant by the New York State Department of Taxation and Finance.
- G. A brief description of the firm and the kinds of food the applicant desires to sell.

Section: 178-36. Place of conducting business

No person shall conduct a mobile food vending business within the Village of Medina at any place or places other than that named in the statement filed with the Village of Medina Police Department pursuant to Section: 178-35 herein.

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Section: 178-37. Failure to begin business

In the event that any person fails to begin the conduct of any mobile food vending business at the place specified in the statement filed pursuant to Section: 178-35 within 90 days after the filing of such statement, such person shall not thereafter conduct any such mobile food vending business within the Village of Medina until a new license application, duly verified and containing the information set forth in said section has been filed with the Village of Medina Police Department and a new license has been issued.

Section: 178-38 Revocation of license

Any license may be revoked by the Village of Medina Police Department or any other officer, investigator, or other person designated by the Village, if the holder fails to comply with any of the sections contained in this article, or if it is found that the holder has made a false statement in their application.

Section: 178-39 Penalties for offenses Criminal penalty.

Any person who violates any provision of this article shall, upon conviction thereof, be subject to a fine not less than \$250.00 or to exceed \$500.00 or to imprisonment for a term not to exceed 15 days or both.

Section: 178-40 Purpose

The purpose of this article is to assist in the government of the Village of Medina, the management of the business, the preservation of good and order and the peace, health, safety and welfare of its inhabitants and the protection and the security of their property.

All ayes
Motion carried.

Mayor Sidari offered his thanks to all departments for their cooperation at the recent fires, and at the Parade of Lights Event.

A motion was made by Trustee Toale and seconded by Trustee Bensley. The meeting is adjourned at 8:30 p.m. to Executive Session to discuss the employment history of a certain individual.

All ayes
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Sherman. The Executive Session is adjourned to regular session at 8:45 p.m.

All ayes
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Sherman. The meeting is adjourned at 8:45 p.m.

All ayes
Motion carried.

Respectfully submitted,

Deborah L. Padoleski
Clerk-Treasurer

Schedule A

**VILLAGE OF MEDINA
ORLEANS COUNTY, NEW YORK**

**Continuing Disclosure Compliance Procedures for
Tax-Exempt Bonds and Notes**

a. Purpose: The purpose behind implementation of these continuing disclosure compliance procedures is to ensure that the **Village of Medina, Orleans County, New York** (the “Issuer”) (i) is compliant with its continuing disclosure obligations with respect to the securities it issues, pursuant to Rule 15c2-12, as amended (the “Rule”), promulgated under the Securities Exchange Act of 1934, as amended and (ii) makes accurate reports as to its compliance therewith in connection with its offerings of securities from time to time.

b. Disclosure Compliance Officer Designation, Education and Training: The Issuer will designate a “Disclosure Compliance Officer” who will be the primary official responsible for monitoring compliance with the continuing disclosure requirements listed in the Issuer’s continuing disclosure undertakings. The Disclosure Compliance Officer will attend training and educational seminars that are offered on an annual basis by the Issuer’s bond counsel (the law firm of Hodgson Russ LLP) and will consult with the Issuer’s bond counsel and financial advisor as needed to keep current on Securities and Exchange Commission regulations and developments relating to continuing disclosure compliance for its obligations. The Issuer’s designated **Disclosure Compliance Officer is the Village Clerk-Treasurer, currently Deborah L. Padoleski.**

c. Continuing Disclosure Obligations Review: The Disclosure Compliance Officer is responsible for reviewing, with the Issuer's financial advisor, the Issuer's continuing disclosure undertakings to determine the date(s) by which annual financial information and audited financial information, along with any required material events notices and, if applicable, failure to file notices, must be filed with the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system in accordance with the Rule.

d. Preparation of Annual Financial Information and Audited Financial Statements: If the Issuer's continuing disclosure undertakings require the filing of annual financial information and audited financial statements with EMMA, the Disclosure Compliance Officer will coordinate with the Issuer's auditor and financial advisor to ensure that such documents are prepared and submitted in advance of the deadline for such filing.

e. Monitoring Disclosure Compliance: The Disclosure Compliance Officer will monitor the filing with EMMA of any and all documents required under the Issuer's continuing disclosure undertakings through consultation with the Issuer's financial advisor and bond counsel when necessary.

f. Correcting Potential Non-Compliance: Upon discovery of potential or existing non-compliance with the Issuer's continuing disclosure undertakings, the Disclosure Compliance Officer will promptly take steps, including consultation with the Issuer's financial advisor and bond counsel, to correct such non-compliance, such as by filing failure to file notices with EMMA.

g. Official Statements: The Disclosure Compliance Officer will review for accuracy and completeness any descriptions of the Issuer's continuing disclosure compliance history contained in the initial drafts of notices of sale or official statements that are promulgated by the Issuer in connection with its bond and note issues, and will inform the Issuer's financial advisor and bond counsel of any potential inaccuracies or omissions within, so that any discovered inaccuracies or omissions in the draft document(s) can be corrected before such document(s) are finalized and distributed.

