

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA HELD ON MONDAY, FEBRUARY 25, 2019 AT 7:00 P.M. IN THE TOWN OF SHELBY TOWN HALL.

Present: Mayor Michael Sidari

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

Fire Chief Thomas Lupo, Police Chief Chad Kenward, Code Enforcement Officer Martin Busch, DPW Superintendent Joseph Perry, Deputy Clerk-Treasurer Jada Burgess

Attorney Matthew Brooks

Mayor Sidari called the meeting to order with the Pledge of Allegiance to the flag.

The Mayor opened the Public Hearing regarding the proposed increase in water and sewer rates at 7:00 p.m. He explained the need for the increase, citing an increase in rates from the Niagara County Water District, higher than average water loss from aging infrastructure, and a substantial increase in debt service from the recent \$3M water storage tank upgrade and water meter replacement project, and the upcoming \$7M Wastewater Treatment Plant upgrades and improvement projects. The proposed new rates include a 31.3% + \$.50 increase in the water rate, and an 11% increase in the sewer rate. No interested person appeared to speak and the Mayor closed the Public Hearing at 7:07 p.m.

Mayor Sidari recognized Lisa Enderby, who was representing the Medina Business Association. She inquired as to whether the Board had made a decision regarding the watering of the flowers the MBA plants in the Business District. The Mayor informed her that this subject would be addressed at budget time.

A motion was made by Trustee Bensley and seconded by Trustee Elliott, the following SEQR resolution regarding the Electric Systems Capital Improvement Project.

WHEREAS, the Village Board of Trustees of the Village of Medina, in the County of Orleans, New York (the "Village") desires to undertake an electric system capital improvements project (primarily consisting of various street lighting improvements) in the Village; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Village Board and its consultant have reviewed the project to Type II action to determine the necessary SEQR process, and

WHEREAS, the Village and its consultant have reviewed 6NYCRR Part 617, specifically Section 617.5 and has determined that the project is a Type II action as it is a "replacement, rehabilitation or reconstruction of a structure or facility in kind, on the same site..." and have confirmed with NYSERDA that street lighting projects are Type II actions.

NOW, THEREFORE BE IT RESOLVED, the Village Board of Trustees of the Village of Medina, in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed electric system capital improvements project is a Type II action (Section 617.5 (c) (2), (3) and (6)) , and is not subject to review under SEQR (These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8).

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Sherman. The following:

A BOND RESOLUTION, DATED FEBRUARY 25, 2019, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA, ORLEANS COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING AN ELECTRIC SYSTEM CAPITAL IMPROVEMENTS PROJECT (PRIMARILY CONSISTING OF VARIOUS STREET LIGHTING IMPROVEMENTS), AT AN ESTIMATED MAXIMUM COST OF \$465,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$465,000 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 an electric system capital improvements project (primarily consisting of various street lighting improvements) in the Village; 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 an electric system capital improvements project in the Village, primarily consisting of various street lighting improvements including, but not limited to, the replacement of approximately 467 existing High Pressure Sodium (HPS) lights with equivalent Light Emitting Diode (LED) lights and CityTouch Photocells, as well as other improvements as more fully identified in (or contemplated by) a preliminary engineering report prepared by Wendel in connection with such project, 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 \$465,000.

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 \$465,000, 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 5 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 30 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. 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 13. 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 14. 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 15. 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.

All ayes
Motion carried.

A motion was made by Trustee Bensley and seconded by Trustee Sherman. The following resolution:

WHEREAS, the Village Board is interested in upgrading public street lighting infrastructure to improve energy efficiency and lighting quality, and reduce current energy, operational and maintenance costs, and

WHEREAS, in accordance with Article 9 of the New York State Energy Law, the Village has the opportunity to implement an energy and operational savings project by means of an Energy Performance Contract, and

WHEREAS, the Village Mayor and Village Clerk, reviewed the opportunity to reduce street lighting utility costs and discussed the opportunity of receiving Energy Performance Contract proposals from qualified companies to improve Village facilities, water system, and street lighting infrastructure to reduce associated energy and maintenance costs, and increase revenue, and

WHEREAS, on August 11, 2015, the Village issued a Request For Proposals for an Energy Performance Contract, and

WHEREAS, the Village Clerk received Energy Performance Contract proposals on September 16, 2016, reviewed the proposals, and selected Wendel Energy Services, LLC, and

WHEREAS, as a part of the Energy Performance Contract process, the Village executed a Project Development Agreement on January 12, 2016, authorizing Wendel to provide study, GIS, and design services,

WHEREAS, the Village executed into an Energy Performance Contract on September 20, 2016, and has completed Phase 1 construction, and now will benefit from purchasing street lighting infrastructure from National Grid, and then implementing Phase 2 to upgrade street lighting facilities to energy efficient light emitting diode (LED), and

WHEREAS, the Village has received a street light facilities sales proposal on July 2, 2018, from National Grid, and

THEREFORE BE IT RESOLVED, that the Mayor, or his designee, contingent upon form and terms of agreement having been reviewed and approved by Village Counsel, is hereby authorized,

1st. to execute a street lighting facilities purchase and sale agreement, and a pole attachment agreement, with National Grid (Niagara Mohawk Power Corporation) for a cost of \$70,284.00,

2nd. to execute a phase 2 amendment to the existing energy performance contract with Wendel Energy Services, LLC, 375 Essjay Road, Williamsville, New York, and execute a contract with the New

York Power Authority, for the provision of LED street lighting and building envelope upgrades at a total cost not to exceed \$370,000.00, that will result in guaranteed energy savings and operational savings

that when combined over the expected life of the improvements will equal or exceed the total cost of the improvements, and

3rd. obtain project funding for the above contracts through public bond(s) or a Municipal Lease agreement with the financial institution offering the most beneficial terms in compliance with the New York State Energy Law Article 9 – Energy Performance Contracts in connection with public infrastructure.

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Elliott. The final draft of the Western Orleans County Comprehensive Plan is approved and accepted by the Village of Medina Village Board.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Bensley. The resignation of Fire Callman Paul Wengrzycki is accepted, with regret, effective February 1, 2019.

All ayes
Motion carried.

Mayor Sidari reported that he had contacted five or six water leak detection companies and only two had responded with quotes. ME Simpson, from Indiana, quoted \$17,050 and New York Leak Detection, from Jamestown, New York quoted \$1,600 per day.

A motion was made by Trustee Bensley and seconded by Trustee Elliott. New York Leak Detection is approved to provide leak detection services at a cost of \$1,600 per day, with a maximum not to exceed \$10,000.

All ayes
Motion carried.

The Mayor also reported that he and Trustee Toale had met with a company looking to prepare a grant for a waterline replacement study for a cost of \$2,500. This may be re-visited at budget time.

A motion was made by Trustee Bensley and seconded by Trustee Toale. CGI Communications is authorized to develop a video for the Village's website at no cost to the Village.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Toale. Skip Draper's request for reimbursement of clean-up costs incurred at his rental property following a sewer back-up, in the amount of \$3,927.69, is denied, citing lack of liability by the Village since there was no prior notice of defect.

All ayes
Motion carried.

A motion was made by Trustee Sherman and seconded by Trustee Bensley. The Medina Business Association is granted use of Rotary Park on June 29, 2019 for the annual Enchanted Faery Festival.

All ayes
Motion carried.

Mayor Sidari reported that John Curtin had notified him that he was interested in starting a community garden, possibly located at the corner of State Street and Ensign Avenue. Mr. Curtin indicated that he would construct a tool shed on the property. The Board expressed their approval for the project.

A motion was made by Trustee Toale and seconded by Trustee Elliott. A proposal from Dale Short of Shorty's Beast for an increase of 2.5% for the 2019 mowing contract at Boxwood Cemetery is approved.

All ayes
Motion carried.

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

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Bensley. The minutes of January 28, 2019 and February 11, 2019 are approved as submitted.

All ayes
Motion carried.

Police Chief Kenward reported that there were software issues with the new body cams, one police officer is still out on worker's comp, he and Lt. Draper had attended an event management conference and also that one bid was received for the 2012 Dodge Charger.

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A motion was made by Trustee Sherman and seconded by Trustee Elliott. The one bid received for \$500 for a 2011 Dodge Charger from Ancel Lyons is hereby accepted.

All ayes
Motion carried.

Code Enforcement Officer Busch reported that he had reviewed the plan for the rehab of the Ohio Street Medical Complex and that the Bent's Opera House and Zambistro projects were moving along.

DPW Supt. Perry reported that his crew has been busy with snow removal, equipment maintenance and cold patching roads, as well as gathering surplus equipment for the auction.

Fire Chief Lupo reported that the new firefighter was at the NYS Fire Academy and the two Fire Lieutenants are attending First Line Supervisors School. He also reported that New York State Civil Service advised that there are new requirements for Fire Chief and that none of the Firefighters will be eligible to take over as Chief. He has agreed to rescind his resignation and remain Fire Chief until a new list with eligible Firefighters is available following the newly required training. The Chief added that the ladder truck is out of service with valve issues and is being repaired at Sam's Apparatus.

Attorney Matthew Brooks requested an Executive Session to discuss pending litigation.

Clerk-Treasurer Padoleski said that Revenue and Expense reports for January 31, 2019 had been distributed and that budget sheets would be given to Department Heads later this week.

A motion was made by Trustee Toale and seconded by Trustee Elliott. The meeting is adjourned to Executive Session at 8:15 p.m. to discuss the employment history of a certain individual.

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Bensley. The Executive Session is adjourned at 8:40 p.m. to further Executive Session to discuss pending litigation.

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Elliott. The regular meeting is reconvened at 9:00 p.m.

All ayes
Motion carried.

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A motion was made by Trustee Bensley and seconded by Trustee Toale. Halli McPherson is authorized to attend Planning and Zoning meetings as clerk and will receive a stipend of \$25.00 for each meeting attended.

All ayes
Motion carried.

A motion was made by Trustee Sherman and seconded by Trustee Bensley. Fire Chief Lupo's resignation submitted at the January 28, 2019 Village Board meeting, is hereby rescinded.

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Bensley. The water and sewer rate increase of \$31.3% + \$.50 and 11%, respectively, are hereby approved and will be effective with the June 1, 2019 billing cycle.

All ayes
Motion carried.

A motion was made by Trustee Toale and seconded by Trustee Elliott. The meeting is adjourned at 9:05 p.m.

All ayes
Motion carried.

Respectfully submitted,

Deborah L. Padoleski
Clerk-Treasurer