

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA HELD ON MONDAY, AUGUST 23, 2021 AT 7:00 P.M. IN THE SENIOR CITIZEN'S CENTER.

Present: Mayor Michael Sidari

Trustees Marguerite Sherman, Timothy Elliott, Jessica Marciano

Police Chief Chad Kenward, Fire Chief Matthew Jackson, DPW Superintendent Jason Watts, and Code Enforcement Officer Daniel Gardner

Attorney Matthew Brooks

Excused: Trustee Owen Toale

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

The Mayor opened the Public Hearing at 7:00 p.m. on Local Law 3-2021, the proposed amendment to Chapter 236- Vehicles and Traffic Section 236-55.

In addition to the Village of Medina officials present and noted above, the following residents were present:

Mary Woodruff
Alex Feig

Melissa Valley
Dick Moss

Jean Wetherbee
Timothy Zeiner

No interested persons appeared to speak, Mayor Sidari closed the Public Hearing at 7:02 p.m.

A motion was made by Trustee Marciano, seconded by Trustee Elliott. The bills as presented are approved for payment.

All ayes
Motion carried.

A motion was made by Trustee Elliott, seconded by Trustee Marciano. The minutes of July 26, 2021 meeting and the minutes of the August 9, 2021 workshop are approved as submitted.

A motion was made by Trustee Marciano, seconded by Trustee Elliott. The Mayor is authorized to sign the Deputy Clerk-Treasurer and Clerk-Treasurer work agreements with an effective date of July 1, 2021.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Marciano. The Mayor is authorized to sign the proposed driveway easement for 1113 South Main Street.

All ayes
Motion carried.

A motion was made by Trustee Elliott, seconded by Trustee Marciano. Mayor Sidari is authorized to sign the bid received from DN Tanks in relation to the inspection, cleaning and repair of the Village of Medina's 3.0 MG Gunitite Water Storage Tank in the amount of \$24,895.00.

All ayes
Motion carried.

Mayor Sidari noted that he has received concerns about the deer population within the Village, particularly in the Erin Road and Eastview Avenue area. Mayor Sidari advised he had talked with the DEC as to a deer management plan. A public hearing would need to be held allowing deer to be hunted by bow and arrows. The matter was tabled for future discussion.

Mayor Sidari updated the Board on a possibly bus route in the Village to include a shelter for those wishing to utilize this service. Regional Transit Service is looking into a grant for the shelter.

A motion was made by Trustee Elliott, seconded by Trustee Marciano. The Medina Central School district is given permission to hosts their cross country meet at Boxwood Cemetery on Tuesday September 21, 2021 at 4:00 p.m. The school will be required to submit a Certificate of Insurance.

All ayes
Motion carried.

Mayor Sidari opened the Public Hearing at 7:15 p.m. on Local Law 4-2021, the proposed amendment to Chapter 230- Trees, Section 230-4.

No interested persons appeared to speak, Mayor Sidari closed the Public Hearing at 7:16 p.m.

Mary Woodruff addressed the Board in regards to the Hometown Hero Banner Campaign for 2021-2022. Currently there are forty banners on display from 2019, sixty nine banners on display from 2020, and 132 banners on display for 2021. Ms. Woodruff is requesting that she be able to open the campaign from August 31, 2021 to September 30, 2021 to allow forty new banners to be purchased to replace the forty that will be coming down this year. She discussed how donations would be accepted as well to cover the general cost or to fund a banner for a soldier whose family cannot cover the cost of purchasing a banner.

A motion was made by Trustee Elliott, seconded by Trustee Marciano. To allow forty new Hometown Hero banners for the 2021-2022 campaign to replace the ones that are coming down.

All ayes
Motion carried.

The Board offered their gratitude and appreciation to Ms. Woodruff for spear heading this champaign to honor our soldiers.

Mayor Sidari opened the public comment period.

Jean Wetherbee expressed her concern as to the bagged fire hydrants on Elm Street and within the Village. Superintendent Watts advised that the Fire Department has been assessing the fire hydrants to determine if they are out of service with the intent to budget enough each year in order to replace any fire hydrants that are deemed not in service.

Timothy Zeiner addressed the Board expressing his concern over the school cross walks on Gwinn Street and West Oak Orchard Street. Mayor Sidari requested Chief Kenward and Superintendent Watts look into cross walk regulations. Superintendent Watts indicated that the cross walks would be repainted prior to school commencing.

Alex Feig advised the Board that the grand opening of the Luke Neilson skate park would be Saturday September 4, 2021 with a ribbon cutting at 12:00 p.m. Mr. Feig discussed his concern about the lighting at the skate park as well having a walkway into the park. He also requested that the pavilion stay intact and offered to have volunteers repaint the pavilion as well as provide a new roof.

Melissa Valley addressed the Board on behalf of the Medina Sports Boosters. She discussed the lack of basketball courts within the Village of Medina and requested that the Board consider having a new basketball court at Butts Park. Ms. Valley advised she had been researching the cost and presented information to the Board as such. Mayor Sidari said that the Board would discuss this further adding that possibly ARPA funding could be used.

A motion was made by Trustee Elliott, seconded by Trustee Marciano. Scott Petrie is appointed to the position of Motor Equipment Operator with a start date on or about September 13, 2021 with a starting pay and probationary period as per the CSEA contract.

All ayes
Motion carried.

A motion was made by Trustee Marciano, seconded by Trustee Sherman. Andrew Cheverie is appointed to the position of Firefighter with a start date of September 6, 2021 and Nicolas Lee is appointed to the position of Firefighter with a start date of September 7, 2021, both with a starting salary of \$41,452.91 and a probationary period of seventy eight weeks.

All ayes
Motion carried.

Mayor Sidari indicated that a public hearing would need to be established regarding MRTA.

A motion was made by Trustee Marciano and seconded by Trustee Sherman. A public hearing will be held on September 27, 2021 at 7:00 p.m. pursuant to Cannabis Law § 131, allowing cannabis retail dispensaries or on-site consumption licenses from operating within the Village of Medina as outlined in the NYS Marijuana Regulation and Taxation Act (MRTA).

All ayes
Motion carried.

Clerk-Treasurer Burgess informed the Board that a bond resolution was necessary for the acquisition of the new ambulance.

A motion was made by Trustee Elliott, seconded by Trustee Sherman.

A BOND RESOLUTION, DATED AUGUST 23, 2021, OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA, ORLEANS COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE ACQUISITION OF TWO AMBULANCES FOR USE BY THE VILLAGE, AT AN ESTIMATED MAXIMUM COST OF \$300,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$300,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID 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 has identified a need for the acquisition of two ambulances for use by the Village; and

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Medina, in the County of Orleans, New York (the "Village") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Village is hereby authorized to undertake the acquisition of two ambulances for use by the Village, including all preliminary costs and necessary equipment, apparatus, warranties and other such costs incidental thereto and in connection with the financing thereof (the "Purpose"). The estimated maximum cost of the Purpose is \$300,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated maximum cost of such objects or purposes by the issuance of serial bonds in an aggregate principal amount not to exceed \$300,000 of the Village, hereby authorized to be issued therefore 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 acquisition 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 such 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 27-a of paragraph (a) of Section 11.00 of the Local Finance Law, and that

the period of probable usefulness of such acquisitions is ten years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of the original issuance of such bonds or notes.

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 not 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 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 hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

SECTION 14. 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 15. 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 have been complied with at 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 16. 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 such 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.

SECTION 17. This Resolution is effective immediately pursuant to Section 36.00(a)(1) of the Local Finance Law.

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

AYES: Trustee Sherman
Trustee Marciano
Trustee Elliott
Mayor Sidari

NOES:

ABSENT: Trustee Owen Toale

All ayes
Motion carried.

Mayor Sidari discussed that there is a 2.5 million dollar grant available in relation to charging stations. The cost to apply for the grant is \$2,000.00. Trustee Sherman inquired as to how much the charging station currently located at Burger King is being used. The matter was tabled for further discussion.

Police Chief Kenward advised the Board that his department would be holding their fall firearms qualification. He noted that the modems that he had purchased approximately five years ago were becoming unusable. He had contacted C & H PC who suggested modems at a cost of \$969.00 a piece, with AT&T being the provider. He advised that the Police Advisory Committee is intact and a meet and greet would be held after school was in session.

Fire Chief Jackson advised the Board that he had two employees currently attending the Fire Academy. We noted with the start of football season, the department would be providing Medina Central School District with an ambulance for the varsity and JV games.

Code Officer Gardner discussed the collapse of part of the building located at 526 East Avenue. He said the second floor had caved in and he was in the process of attempting to contact the owners of the building as it presented a safety issue. Code Officer Gardner suggested demolishing the building because of the hazard it presented.

Superintendent of Public Works Watts advised that paving is complete and they were working on the catch basins. He advised that the dog watering stations were hooked up at the dog park. Brush pick up was planned for the Tuesday after Labor Day. He noted both himself and Ben Lacy had

completed the Class C and D water license class and were waiting on approval from the Department of Health. He also had signed up for the Superintendent Civil Service test which will be held in November.

Kathy Blackburn addressed the Board advising that she was working on having twelve memorial trees planted within State Street, Butts and Gulf Street Parks. She recommended that Chris Busch be appointed to the position of Forrest Coordinator. This matter was tabled until the September 13, 2021 meeting.

Trustee Marciano requested to schedule ride a longs with both the Police and Fire Departments.

Trustee Elliott noted that the Board had met with several people for consideration on the Planning, Zoning and Waterfront committees.

Mayor Sidari noted that on Wednesday August 25, 2021 the Board would be continuing to visit the downtown businesses. On Thursday August 26, 2021 Congressman Jacobs would be touring Medina and he also noted that he had also received a thank you note from the Senior Citizens Center for the Boards contribution to the heating system.

Mayor Sidari opened the second public comment period.

Kathy Blackburn advised that Shorty's Beast and Todd Bensley had reset several stones in the Old Section of Boxwood Cemetery and have been doing a wonderful job in their restoration efforts.

Timothy Zeiner asked the Board if there is a way to enforce sidewalk replacement within the Village. The Mayor advised that the Department of Public Works will remove the existing sidewalk at no charge but it is up to the homeowner to replace the sidewalk. If there is existing sidewalk, it cannot just be removed. If removed it needs to be replaced.

A motion was made by Trustee Marciano and seconded by Trustee Sherman. The meeting is adjourned into Executive Session at 8:40 p.m. to discuss the public safety regarding a particular individual.

All ayes
Motion carried.

A motion was made by Trustee Elliott and seconded by Trustee Sherman. The regular meeting is reconvened and subsequently adjourned at 8:56 p.m.

All ayes
Motion carried.

Respectfully submitted,

Jada A. Burgess
Clerk-Treasurer

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