

MINUTES OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA HELD ON MONDAY OCTOBER 28, 2024 AT 6:00 P.M. IN THE RIDGEWAY TOWN HALL.

Present: Mayor Marguerite Sherman
Trustees Jess Marciano, Diana Baker, Deborah Padoleski, and Mark Prawel
Police Chief Todd Draper, Fire Chief Matthew Jackson, and Code Enforcement Officer Daniel Gardner
Attorney Matthew Brooks

Excused: Superintendent of Public Works Jason Watts

Mayor Sherman called the meeting to order at 6:00 p.m. with the Pledge of Allegiance to the Flag.

Mayor Sherman said Trustee Marciano was not present but would be in attendance.

Mayor Sherman National Grid had been cutting trees. She said National Grid has established a specification for cutting approved by the National Public Service Commission. She said power outages can be caused by trees, but cutting trees prevents outages. She said residents concerned about trees should call the 800 number on their bill. She said National Grid is mandated to supply safe, efficient power to customers.

Mayor Sherman said the Village had received a letter from the Office of Homes and Community Renewal designating the Village of Medina as a Pro-Housing Community. She said the purpose of the program is to ensure that all New Yorkers have access to a safe, affordable, equitable place to live. Mayor Sherman said as a Pro-Housing Community, this puts the Village of Medina in the forefront when applying for certain grants.

Mayor Sherman said two different companies had submitted quotes to perform an asbestos survey on the Fire Station. Mayor Sherman said she had attended a Family Medical Leave Act Conference on October 3, 2024, to obtain information so that the Village may legally meet the needs of their employees. Mayor Sherman said she had visited the Fire Academy and watched the two new recruits in action and looked forward to their graduation on November 7, 2024.

Mayor Sherman said there was a virtual meeting on October 23, 2024, with the Canal Corporation. The Canal Corporation displayed potential designs for the canal as they will be investing ten million dollars in our canal community. The designs are sixty percent complete, with work to begin soon. She said the trail design may be completed in 2026, the highwall thirty-six months from the start.

Mayor Sherman opened the first public comment period.

Ms. Kate Hardner addressed the board requesting that the board consider amending Chapter 254-57 of the Village Code, Harboring of Animals, allowing residents to house up to six chickens. She said chickens are food security and reduces poverty. She said Millennials and Generation Z are looking for areas that allow chickens. She said charging an annual fee allowing residents to have chickens would be another revenue source. She noted there is more policing of illegal chickens than legal chickens. She said bigger municipalities such as the City of Buffalo are allowing chickens.

Ms. Cheryl Tuttle addressed the board saying she is opposed to allowing chickens in the Village. She said chickens have an extreme odor and she is also concerned about chickens getting loose.

Ms. Cassandra Harden addressed the board saying she is in favor of backyard chickens. She said it helps children be fundamentally responsible learning out to raise chickens. She said she understood the concern but pests such as racoons and foxes were already in the Village.

Ms. Hannah Villegas said she was in favor of backyard chickens. She said if there are mice or snakes, chickens will kill them. Having pumpkins brings animals and squirrels. She said dogs produce waste. She said there could be an annual fee to keep chickens.

Mr. Todd Eick from Albion addressed the board and said he is the Agricultural Teacher and FAA Advisor at the Medina High School. He said chickens have food value. He said they can smell, or they cannot smell. He said you can control the odor, and that the FAA could hold a workshop on how to handle chickens. He said rural communities and bigger municipalities already allow them.

Ms. Carol Callina addressed the board stating she does not want chickens. She said if she wanted chickens she would move to the country.

Mr. Mark Gregoire from Murray addressed the board stating he runs a nuisance wildlife control business and that pests such as skunks are already in the Village.

Mr. Bob Prawel said he is against chickens. He said he is offended that people who live outside the Village are speaking on behalf of chickens. He said other experts could be brought in countering against allowing chickens. He also asked the board to think of home values if chickens are allowed.

Mr. Parada said chickens used to be on the books and allowed years ago and then it was removed back in the 1960's because chickens were not being taken care of. It was affecting neighbors.

Mayor Sherman said the Boxwood Cemetery Commission had met and recommended making the opening and closing of niches the same price as burying cremains, which is currently \$379.00. Trustee Baker said if the commission is making that recommendation, she would make a motion.

A motion was made by Trustee Baker and seconded by Trustee Prawel. The cost to open and close a niche in Boxwood Cemetery would be the same price as burying cremains, noting that the fee schedule increases 2% annually.

A vote was taken.

Trustee Prawel	Aye	Trustee Baker	Aye
Trustee Padoleski	Aye	Trustee Marciano	Absent

Motion carried.

Mayor Sherman asked for thoughts from the Board on amending Chapter 254-57 of the Village Code, Harboring of Animals, allowing residents to house chickens. She said the Board had three options. The Board could send it to the Planning Board for review, they could send it the Planning Board asking for the code to be amended the code allowing chickens with restrictions or the Board could decide not to act on the matter.

Trustee Baker made a motion requesting the Planning Board review the Village Code, Chapter 254-57, to make recommendations on adjusting the code with restrictions.

There was not a second.
No action was taken.

Mayor Sherman said two engineers had been recommended and submitted quotes to perform an asbestos survey on the Fire Station. She said Lozier had quoted a price of \$3,040.00 for 30 PLM samples and 20 TEM samples. Paradigm Environmental Services had submitted a quote of \$500.00 for 4 PLM samples and it did not include any TEM samples. Mayor Sherman said Lozier's quote is the maximum amount they would charge and that it may not take that many samples. She said she spoke with Paradigm, and they initially did not have TEM samples included.

A motion was made by Trustee Padoleski and seconded by Trustee Baker. Paradigm Environmental Services is hired to complete an asbestos survey on the Fire Station at a cost not to exceed \$800.00.

Trustee Padoleski	Aye	Trustee Baker	Aye
Trustee Prawel	Aye	Trustee Marciano	Absent

Motion carried.

Trustee Marciano arrived at the meeting at 6:35 p.m.

Mayor Sherman introduced Gregory Hallock from Go Art! Mr. Hallock said Go Art! is planning an event to celebrate the 200th anniversary of the Erie Canal. He said he had met with the Mayor and the Chief of Police to detail an artisan festival to be held along the canal between the Village of Medina, the Village of Albion, and the Village of Holley with over 400 artisan vendors and two concerts. He said they were anticipating approximately 238 vendors in Medina, set up by the bridge by the Conservation Club toward State Street and Horan Road. He said he anticipated over 100,000 people attending the three municipalities over a three-day span. The anticipated dates would be August 22nd, 23rd and 24th or September 26th, 27th and 28th, when the Seneca Chief is in Medina. He said he would be attending the Planning Board in November. He said Letchworth State Park is not currently holding an artisan festival and he would like to hold it annually. He said it would bring tourism dollars into the

communities. Mr. Hallock said at this point he would need the safety departments of all three municipalities to be in support of the event.

Mayor Sherman said if the New York Forward project begins in the canal basin, he would not be able to utilize the basin.

Trustee Padoleski asked what the plan is for keeping the Village informed.

Mr. Hallock said he would be emailing the Mayor and Police Chief throughout the process. Trustee Marciano thanked Mr. Hallock for putting time in for this event.

Mayor Sherman said two requests for proposals for a concept design on a fire station addition had been received and both firms were interviewed. Mayor Sherman said the concept design cost from MRB Group was \$15,000.00 and Trautman Associates was \$11,600.00.

A motion was made by Trustee Marciano and seconded by Trustee Baker. The proposal submitted by MRB Group to complete a concept design on a fire Station addition is accepted and the funds will be taken out of contingency to pay for the cost.

All ayes
Motion carried.

Trustee Padoleski stated she is still not on board that the Village purchased a ladder truck without a place to put it, she has concerns on how the Village would be able to afford it and that there may need to be budget cuts. She said she knows she is in the minority, but she agrees that a concept design is needed to pursue grants.

Mayor Sherman said Bents Opera House had three requests. One is to allow their fencing to stay up until after the Parade of Lights, one is to allow two gigantic nutcrackers to be placed in front of Bents Opera House and the third to allow overnight parking on Main Street during the summer months. Mayor Sherman introduced Mr. Justin Bruce, who would answer any questions the board had about the three requests.

Mr. Bruce said there is a parking issue with guests who are staying overnight. He said they would like their fencing to stay up until after the Parade of Lights for their guests to stand outside during the Parade of Lights. He said they also wanted to place two twelve feet high Nutcrackers inside the fencing.

Mayor Sherman asked if they had talked to the Orleans Renaissance Group about the lot across from the Post Office. Trustee Baker asked if the Nutcrackers would be secured. Code Enforcement Officer Gardner said there could not be an obstruction on the sidewalk and there needs to be a clear path and ADA accessible. Mayor Sherman said she would like the Planning Board to review. Code Enforcement Gardner said Christmas Decorations are exempt in the Code and it did not need a certificate of appropriateness from the Planning Board.

Trustee Marciano asked if there needed to be insurance coverage. Attorney Brooks stated Bents Opera House would need to submit a Certificate of Insurance, naming the Village of Medina as an additional insured, with a minimum coverage of a million dollars.

Mr. Bruce asked that Bents Opera House is allowed to keep the fencing up until February 1, 2025, as it would be locked, and the Nutcrackers would be secure. Mayor Sherman said that would be a ten week extension after the Parade of Lights. Trustee Marciano said she loved the idea of the Nutcrackers but was having a hard time taking away a spot that would be exclusive to their guests. Trustee Padoleski stated she liked the idea of keeping up the fencing for safety reasons. Trustee Baker said the Parade of Lights is a community event. Trustee Prawel said he has concerns with their parking request. He said if you control all the parking, spots would be taken away from other businesses on Main Street. He said they were not the only business, and it could hurt other businesses. Attorney Brooks said changing the parking ordinance would require a public hearing.

A motion was made by Trustee Baker and seconded by Trustee Marciano. Bents Opera House is allowed to place two Nutcrackers inside the fencing in front of Bents Opera House and the fencing is allowed to stay up until January 5, 2025, as long as the Village is provided with a Certificate of Insurance with a minimum coverage of a million dollars, naming the Village as an additional insured. Bents Opera House is also in charge of cleaning the sidewalk around and in front of the fencing.

All ayes
Motion carried.

The request to allow parking on Main Street during the summer months was tabled.

The pipe repair on East Center Street was tabled.

A motion was made by Trustee Padoleski and seconded by Trustee Prawel. The Parade of Lights Donations in the amount of \$9,900.00 is accepted to be used exclusively for that event.

All ayes
Motion carried.

Trustee Marciano stated that she would like this event to be run through another organization and not through the Village.

Mayor Sherman said the Village would need to send in a deposit to the Department of Transportation. Trustee Marciano said in order to place the pedestrian bridge across the creek, right-a-way permits would need to be obtained as it cuts into people's properties. She said the Department of Transportation would negotiate the right-a-way permits along these properties.

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

WHEREAS, a Project for the VILLAGE OF MEDINA, P.I.N. 4761.42 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the VILLAGE of MEDINA desires to advance the Project by making a

commitment of 100% of the non-federal share of the costs of THE RIGHT OF WAY ACQUISITION work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement; and it is further

NOW, THEREFORE, the VILLAGE OF MEDINA Board, duly convened does hereby

RESOLVE, that the VILLAGE OF MEDINA Board hereby approves the Project; and it is hereby further

RESOLVED, that the VILLAGE OF MEDINA Board hereby authorizes the VILLAGE OF MEDINA to pay in the first instance the full non-federal share of the cost of THE RIGHT OF WAY ACQUISITION work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$14,195.00 is hereby appropriated from THE VILLAGE OF MEDINA and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the non-federal share of the costs of the project exceed the amount appropriated above, the VILLAGE OF MEDINA shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYS DOT thereof, and it is further

RESOLVED, that the MAYOR of the BOARD OF TRUSTEES of the VILLAGE OF MEDINA be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the VILLAGE OF MEDINA with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project. and it is further

RESOLVED, this Resolution shall take effect immediately.

Clerk-Treasurer Burgess is authorized to submit a deposit to the Department of Transportation in the amount of \$14,195.00, payable out of the CDBG checking account.

All ayes
Motion carried.

Mayor Sherman said she had distributed a request from the homeowner of 600 Park Avenue, requesting to make payments on her water bill as someone had turned her outside water hose on without her knowledge and had left it running.

A motion was made by Trustee Baker and seconded by Trustee Padoleski. A payment plan is allowed for the water bill at 600 Park Avenue, but any current charges need to be paid in full.

All ayes
Motion carried.

A motion was made by Trustee Padoleski and seconded by Trustee Prawel. Mayor Sherman is authorized to sign the Cyber Security quote in the amount of \$1,332.75 received from Gallagher Insurance, with coverage from December 1, 2024, to September 30, 2025.

All ayes
Motion carried.

A motion was made by Trustee Padoleski and seconded by Trustee Marciano. Clerk-Treasurer Burgess is authorized to make a budget modification, moving \$4,150.00 from contingency A1990.4 to A1910.4 to cover the additional cost of the insurance premium renewal and the cyber security quote.

All ayes
Motion carried.

Mayor Sherman said the workshop scheduled for November 11, 2024, was cancelled due to the Veteran's Day holiday.

A motion was made by Trustee Baker and seconded by Trustee Marciano. The Minutes of September 23, 2024, the Special meeting on September 30, 2024, and the Minutes of October 17, 2024, are accepted as submitted.

All ayes
Motion carried.

A motion was made by Trustee Prawel and seconded by Trustee Baker. The bills as submitted are authorized for payment.

Trustee Padoleski	Aye	Trustee Prawel	Aye
Trustee Baker	Aye	Trustee Marciano	Abstain

Motion carried.

Trustee Marciano noted she abstained as she did not review the bills.

Fire Chief Jackson said Firefighters Petry and Kyle were doing a great job at the Fire Academy and would be graduating on November 7, 2024. He said the annual Medina Fire Department open house was held on September 28, 2024. He said an annual fire safety presentation was held at Oak Orchard School during fire prevention month. He said they participated in Orchard Manors annual drill. He said the annual ball went well and several members were recognized for outstanding acts. He said preparations were under way for the Olde Tyme Christmas and Parade of Lights to ensure the best public safety for residents and visitors.

Police Chief Draper said the current Sargeant List would be expiring and asked for an extension until November 27, 2024, to act off the list. He said if the list becomes void, it would be replaced by a new list with different candidates. He said Officers Ferris and Joy had completed their supervised field training and have been placed in shift assignments. He said several members of his department were recognized at the annual ball. He said on October 25, 2024, Officers assisted in moving hundreds of pedestrians through the business district during beggars night. He said Officers also participated in Trunk or Treat on October 26, 2024. Trustee Padoleski thanked Chief Draper for including those who were recognized at the annual ball in his monthly report.

A motion was made by Trustee Marciano and seconded by Trustee Baker. Police Chief Draper is authorized to request an extension to the Police Sargeant Civil Service List.

All ayes
Motion carried.

Code Enforcement Officer Gardner said the owner of the Main Street building that had burned was in court. He said no action was taken as the building is for sale. He said the Zoning Board meetings would now be held at 6:00 p.m. instead of 7:00 p.m. He said he had covered for the Town of Shelby Code Enforcement Officer.

Mayor Sherman read the Department of Public Works monthly report stating the splash pad and park bathrooms were winterized, the new truck and salter is getting warning lights wired, brush and leaf pick up would begin on Monday November 4, 2024. Superintendent Watts had attended the NYCOM conference and would be attending the Western New York Water Works Conference on October 30, 2024.

Clerk-Treasurer Burgess reported \$3,537.83 had been earned in interest on funds placed in NYCLASS and that the certificate of deposits had matured on October 28, 2024. Clerk-Treasurer Burgess requested an executive session to discuss the employment of a particular person.

Mayor Sherman opened the second public comment session.

Ms. Carol Callina asked why the Medina Police Department did not have any arrests listed on the Orleans Hub. Police Chief Draper said he would follow up with the secretary as she forwards that information to the Orleans Hub.

Mr. Bob Prawel asked for an update on the sink hole by the lift bridge. Mayor Sherman stated the Canal Corporation was monitoring the sink hole.

Ms. Jean Wetherbee said there is a tree obstructing the stop sign at the corner of West Avenue and South Avenue. Mayor Sherman said she would notify the Superintendent of Public Works.

Ms. Linda Limina asked if there was an update on the vacant building located on East Avenue. Mayor Sherman said there could be grant funds available and the Village Board could have an engineering study completed and that she would be meeting with the Village grant writer.

Ms. Limina said if the board was considering changing parking on Main Street, that they should talk to the business owners about how this may affect their businesses. She said people will go somewhere else.

A motion was made by Trustee Marciano and seconded by Trustee Baker. The meeting is moved into executive session at 8:00 p.m. to discuss the potential appointment of a particular person.

All ayes
Motion carried.

A motion was made by Trustee Marciano and seconded by Trustee Prawl. The meeting is reconvened at 8:45 p.m.

All ayes
Motion carried.

A motion was made by Trustee Marciano and seconded by Trustee Baker. Laura Howland is appointed to the position of temporary Account Clerk at an hourly rate of \$17.00 per hour, up to forty hours a week, through January 1, 2025, and will be extended if needed.

All ayes
Motion carried.

A motion was made by Trustee Baker and seconded by Trustee Prawl. The meeting is adjourned at 8:47 p.m.

All ayes
Motion carried.

Respectfully submitted,
Jada A. Burgess
Clerk-Treasurer

