

A regularly scheduled meeting of the Board of Trustees was held on Monday, September 16, 2019, in the Village Hall. Mayor Westcott opened the meeting at 7:00 p.m. Also present were Deputy Mayor Conley, Trustee McAvoy, Trustee Stamp, Coordinator Bobbitt, Police Chief Swick, Clerk-Treasurer Schweigert, and Brian Seaman, attorney. Trustee Blunrick was absent. Clerk Schweigert led the Pledge of Allegiance.

Fire Chief James Volkosh and a few residents were in attendance, as well.

A motion was made by Trustee McAvoy, and seconded by Trustee Stamp, to approve the minutes of the August 19, 2019, meeting. Carried, with all present voting aye.

A motion was made by Trustee Stamp, and seconded by Deputy Mayor Conley, to approve payment of claims submitted on No. 04-19/20. General: \$49,865.88; Water: \$224.45; Sewer: \$10,135.91; Capital Improvement: \$405.64; Total: \$60,631.88. Carried, with all present voting aye.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Stamp, to approve payrolls no. 7 and 8 for weeks ending August 17 and August 31, 2019.

The Treasurer's report was submitted and accepted for August 2019.

The Public Works report was submitted and accepted for August 2019. Discussed some drainage issues that need addressing on Francis Street.

The Village and Town Police reports were submitted and accepted for August 2019, with Chief Swick reading the highlights.

The fire report was submitted and accepted for August 2019.

- Discussed having the Village stripe the parking lot on Main Street that is owned by the Fire Department and the Village. Needs some repairs first, then Village will stripe.
- Chief Volkosh advised that members of the Middleport Fire Department took part in a fundraiser for the National Firefighters Foundation on September 14, 2019. Middleport was the top fundraiser at the event, raising \$3,000.
- Deputy Chief Dennis McAvoy submitted his resignation due to a conflict of interest. Chief Volkosh will have an updated list of officers submitted as soon as he is able.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Stamp, to set the trick-or-treating hours from 5 pm to 7 pm on October 31, 2019. Carried, with all present voting aye.

The Fire Department will be holding their annual Halloween Party again this year. Clerk Schweigert asked if the Village will be donating to it again.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Stamp, to donate \$100 to the Middleport Fire Department's Annual Halloween Party. Carried, with all present voting aye.

Correspondence was read:

- Received a letter from Gary & Carol Kramer, Rock Island, Illinois, commending Office Bryan Warren for going above and beyond in assisting them in June 2019.
- Received a letter from the Hartland Fire Department commending Police Officers Miguel Bermudez, Bryan Warren, and Joshua Mandeville for their quick action at a fire that prevented it from spreading throughout the entire structure.
- Based on an inquiry from Clerk Schweigert, Spectrum has advised that the Village Hall's phone number can be removed from customers' bills. Discussed. There is an FCC regulation that requires that a municipal phone number be included on bills unless it is requested to be removed. Spectrum will be notified that the Village Hall's number may be removed as if residents call for help, Village employees are unable to resolve issues.
- Received letter of resignation effective September 9, 2019, from Trustee McAvoy, stepping down as Assistance Chief from the Middleport Fire Department citing General Municipal Law/Village Law ss. 10-1012 which prohibits holding both a Trustee seat and the position of Assistance Fire Chief at the same time. Accepted.
- Received a letter of resignation from Trustee Diane (Edwards) Stamp effective September 30, 2019, as she has moved out of the Village. Accepted.

Under old business:

The next bond payment on the WWTP Upgrades Project is due in October. Clerk Schweigert suggested that the payment be wired to ensure receipt. Authorized by the Board. Bank will be notified.

Attorney Seaman updated the Board on standardizing the purchase of water radio readers. Currently the Village uses Neptune brand equipment and it would be cost effective to continue to do so. The only source of this brand is Ti-Sales. The Board may pass a resolution authorizing this until further notice. This would then mean no bidding will be necessary for future purchases.

The following resolution was offered by Trustee McAvoy, who moved its adoption, and seconded by Trustee Stamp,

**WHEREAS**, the Village of Middleport is responsible for metering water supplied to the users of the Village's water distribution system, and

**WHEREAS**, the Village regularly purchases, uses, and installs water meters, meter reading equipment, and other related equipment, and

**WHEREAS**, it is necessary that the Village's water meters, meter reading equipment, and related equipment be of the same kind and manufacture, so as to allow the Village's meter reading system to be fully integrated and functional, and

**WHEREAS**, to purchase or use equipment from other or multiple manufacturers would require maintaining multiple meter reading systems and would be inefficient and uneconomical, and

**WHEREAS**, the Village has determined that Neptune Technology Group (hereinafter “Neptune”) products, including water meters, meter reading systems and related equipment will best integrate with the Village’s existing water meter and water meter reading system, and

**WHEREAS**, by letter dated August 21, 2019, Neptune has indicated that Ti-SALES is the only distributor with the manufacturer’s approval to sell Neptune products in the region including the Village of Middleport,

**NOW THEREFORE BE IT RESOLVED**, that for reasons of efficiency and economy and pursuant to the authority confirmed by General Municipal Law Section 103(5), it is determined by this Board of Trustees that there is a need for standardization in the purchase of water meters, water meter reading equipment, and related equipment, and that such equipment be Neptune products, and

**BE IT FURTHER RESOLVED**, that the “sole source” of Neptune products for Middleport, New York, is Ti-SALES, and

**BE IT FURTHER RESOLVED**, that the Village of Middleport may purchase Neptune water meters, meter reading equipment, and related equipment from Ti-SALES by purchase order, without advertising for sealed bids or seeking additional proposals, and

**BE IT FURTHER RESOLVED**, that this Standardization Resolution to Neptune products shall stay in effect for future purchases, and

**BE IT FURTHER RESOLVED**, that the “sole source” resolution shall stay in effect for future purchases so long as Ti-SALES remains Neptune’s sole authorized distributor for the Village of Middleport.

The roll call vote on the preceding was as follows: Deputy Mayor Conley - aye; Trustee Stamp - aye; Trustee McAvoy - aye; Mayor Westcott - aye; Nays: none; Absent: Trustee Blumrick; Abstentions: none. The resolution was adopted by a supermajority vote.

Under new business:

Clerk Schweigert advised the Board that 4 employees have hit milestone anniversaries. Discussed recognizing them. Will have a reception for them at the October 2019 Board meeting.

Attorney Seaman advised the Board that FMC has reached out to the Mayor regarding the need to have a government entity certify production. Mr. Seaman has been working closely with FMC’s attorney to reach an agreement regarding this issue. Mayor Westcott and Village Coordinator Bobbitt toured FMC’s plant as part of the certification process. FMC will need to file quarterly documents in order to have the Village offer this service to them. There are two parts to this process. First, Mr. Seaman asked FMC to provide and sign an indemnification agreement for the Village with FMC being responsible for any costs if there are any subsequent legal actions.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to authorize Mayor Westcott to execute an indemnification agreement with FMC for the purpose of financial protection regarding product certification by the Village of Middleport. Carried, with all present voting aye.

Mr. Seaman advised the Board that the second part to this certification process is that, since it will create work for Village Coordinator Bobbitt, Clerk Schweigert, and Mayor Westcott, the Village should set a fee per certification to cover administrative costs.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to set a fee of \$125 per certificate for production certification for FMC. Carried, with all present voting aye.

Chief Swick advised the Board that he would like to fill the vacant Full-Time Officer position in the Middleport Police Department with Officer Bryan Warren. He recommends a start date of 9/29/2019 at pay of \$22/hour.

Motion was made by Trustee McAvoy, and seconded by Trustee Stamp, to authorize appointing Officer Bryan Warren to the full-time vacancy in the Middleport Police Department at a pay rate of \$22/hour commencing on September 29, 2019. Carried, with all present voting aye.

The next regularly scheduled meeting of the Board of Trustees will be on Monday, October 21, 2019, at 7 pm in the Village Hall.

A motion was made by Trustee McAvoy, and seconded by Trustee Stamp, to move into Executive Session for the purpose of consultation with the Village’s attorney. Carried, with all present voting aye.

Executive Session opened at 7:40 p.m.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Stamp, to return to General Session. Carried, with all present voting aye.

General Session reconvened at 8:14 p.m.

There being no other business, a motion was made by Trustee Stamp, and seconded by Trustee McAvoy, to adjourn. Carried, with all present voting aye.

Meeting adjourned at 8:14 p.m.

Respectfully submitted,

Rebecca A. Schweigert

Clerk-Treasurer