

A regularly scheduled meeting of the Board of Trustees was held on Monday, March 16, 2020, in the Village Hall. Mayor Westcott opened the meeting at 7:00 p.m. Also present were Deputy Mayor Conley, Trustee Blumrick, Trustee McAvoy, Trustee Barr, Coordinator Bobbitt, Police Chief Swick, Clerk-Treasurer Schweigert, Building Inspector Belson, and Brian Seaman, attorney. Fire Chief James Volkosh led the Pledge of Allegiance.

Fire Chief Volkosh, Tim Walck from Wendel, a few residents, and a couple of business owners were in attendance, as well.

Mr. Belson presented information to the Board of Trustees regarding some rezoning requests in the Village. Don Heschke, owner of Sigma Motors located on Mill Street, has purchased nearby properties and would like to tear them down to expand his building. This will require a zoning change to light industrial. Informational only copies of his plans were provided to all Board members. The Zoning Board of Appeals will have to grant a variance and the Board of Trustees will have to hold a site plan review once the zoning changes have been adopted.

Mr. Belson then presented information regarding plans Larry Krolak has for property he recently purchased on N. Main Street. Mr. Krolak would like to convert a single family home to a 4 unit apartment building which would require a zoning change from R-1 to R-2.

A motion was made by Trustee Blumrick, and seconded by Deputy Mayor Conley, to refer the plans for 35 N. Main Street and the adjoining lot also owned by Mr. Krolak to the Planning Board. Carried, with all present voting aye.

Mr. Krolak asked for a timeframe for all of this. Mr. Seaman advised that the local law amendment to change zoning would be introduced at an upcoming meeting with the required public hearing at the next. Mr. Heschke's plans may take longer to implement.

Mr. Brian Yaiser, who owns several properties on Main Street, addressed the Board next. He is still interested in purchasing 31 Main Street from the Village. He presented plans for what he'd like to do with the property. Discussion ensued. Discussed claw back clause vs. purchasing an interest in the property that defaults after so much time or gets applied to the purchase price based on actions taken. Mr. Yaiser would like to start working on his plans this year. Mr. Seaman will craft some guidelines for this.

Mr. Tim Walck addressed the Board regarding the Disinfection portion of the upgrades to the Wastewater Treatment Plant as required by the DEC for our SPDES permit. Recapped what we've done to date. In order to have the UV disinfectant equipment in by the end of 2020, the project must go out to bid as soon as possible. Discussed going to bid before the end of March so bids can be opened prior to the April 20, 2020, meeting and the contract can be awarded at that meeting.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to authorize going to bid by the end of March 2020 for the UV Disinfectant project at the Wastewater Treatment Plant. Roll call vote: Ayes: Deputy Mayor Conley, Trustee Barr, Trustee McAvoy, Trustee Blumrick, and Mayor Westcott; Nays: none; Abstentions: none; Absent: none. Carried unanimously.

The Village will need to have a contract in place with Wendel for this project. Discussed.

A motion was made by Trustee Blumrick, and seconded by Deputy Mayor Conley, to accept the proposal offered by Wendel in the amount of \$51,100 and to authorize Mayor Westcott to execute said proposal. Carried, with all present voting aye.

The Village has been notified about a grant that could help with upgrades on the Canal where boaters tie up. We could upgrade the potable water spigots, the lighting, and the electricity plug ins. Discussed with Mr. Bobbitt explaining what he'd like to see done there. If we get the grant, some engineering costs may be reimbursed. If we don't land the grant this year, we will have plans in place to pursue again another year.

A motion was made by Trustee Blumrick, and seconded by Trustee Barr, to authorize the mayor to execute the an agreement with Wendel to prepare plans for upgrades at the canal front at a maximum cost of \$23,800. Carried, with all present voting aye.

Mr. Walck advised the Board that a change order is necessary for the WWTP Upgrades Project for the electric contract to change the contract amount to the exact costs to close out the books. The project was slightly under budget.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to authorize Change Order 1E-06 with CIR to use the exact expenditures for the bid contract, deducting 2560.81, leaving the exact contract amount at \$255,963.54. Carried, with all present voting aye.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Blumrick, to approve the minutes of the February 18 and February 26, 2020, meetings. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to approve payment of claims submitted on Abstract No. 10-19/20 in the amounts of : General: \$28,205.37; Water: \$5,571.54; Sewer: \$20,116.27; for a Total of \$53,893.58. Carried, with all present voting aye.

A motion was made by Trustee Blumrick , and seconded by Trustee McAvoy, to approve payrolls no. No. 19 and 20 for weeks ending February 15 and February 29, 2020. Carried, with all present voting aye.

The Treasurer's report was submitted and accepted for February 2020.

The Public Works report was submitted and accepted for February 2020.

The Village and Town Police reports were submitted and accepted for February 2020.

The fire report was submitted and accepted for February 2020.

Correspondence was read:

Received a request from the USDA to allow fruit fly traps again in the Village. We have allowed this for the past two years.

A motion was made by Trustee Blumrick, and seconded by Trustee Barr, to allow the fruit fly traps to be hung in public property throughout the Village. Carried, with all present voting aye.

Trustee Blumrick asked for the status on the street light purchase. No updates at this time.

Mr. Seaman advised the Board that a resolution should be passed putting Governor Andrew Cuomo on notice that we oppose changes to Article 23 Requesting the Withdrawal of the State Budget's Energy Siting Amendment, which makes changes to home rule.

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

**WHEREAS:** NYS is a Home Rule State, which basically means that any and all powers of the State emanate from the people, and

**WHEREAS:** Per the NYS Constitution, Article IX, it is our statutory obligation to protect the health, safety and welfare of citizens of our community, and

**WHEREAS:** On Feb 21, 2020, Governor Cuomo proposed a Budget Amendment "to dramatically speed up the permitting and construction of renewable energy projects." and

**WHEREAS:** This amendment could be passed with the Budget by April 1<sup>st</sup>, replacing the current Article 10 process with a radically new method for siting renewable energy projects, and

**WHEREAS:** This amendment will effectively remove any meaningful input from citizens, towns, counties, Villages, local environmental groups, and community businesses regarding the siting and regulation of renewable energy projects, and

**WHEREAS:** The new process is structured such that scientific data, or testimony from qualified experts, will have little bearing regarding siting regulations and approval, and

**WHEREAS:** Once an application is submitted, the new Office of Renewable Energy Siting (ORES) has 60 days to review and determine if it is complete. If the ORES decision is **not** made in that time, the application is *automatically* deemed complete! and

**WHEREAS:** Once an application is determined to be complete, ORES has 12 months to approve the project. If the ORES decision is **not** made in that time, the application is *automatically* approved! There is no provision for extending this time limit, and

**WHEREAS:** The Governor's proposal also seems to indicate that the State might get into the ownership and/or operation of renewable energy generation. Such a profound change would also severely limit the ability of local communities to regulate such industrial projects, and

**WHEREAS:** All of these proposed changes are not only in conflict with our Home Rule rights, but are also contrary to our obligation to protect the health, safety and welfare of our constituents, now therefore be it

**RESOLVED:** That the Village of Middleport formally requests that this Budget Amendment be withdrawn before the Budget is voted on. Additionally we petition the State to respect our Home Rules rights, and to defend our authority to regulate renewable energy projects as the citizens of our community see fit.

The vote on the preceding resolution was as follows: Ayes: 5; Nays: 0; Abstentions: 0; Absent: 0. The resolution was unanimously passed.

Mayor Westcott advised the Board that, due to COVID-19 pandemic shut downs, the Scout House will be closed to the public until further notice starting at 4 pm on March 17, 2020. The Scouts have already advised that they have suspended all activities while the schools are closed. The Girl Scouts will also be advised that the House is closed for the duration.

Discussed need to declare a state of emergency. At this time it isn't necessary because Niagara County has already done so.

A motion was made by Trustee Bar, and seconded by Trustee Blumrick, to close the Scout House to the public starting at 4 pm on Tuesday, March 17, 2020, indefinitely and anyone with reservations will have their payment refunded if they have already paid and it is still closed when their reservation day arrives. Carried, with all present voting aye.

Mayor Westcott would like limit public access to the Clerk's Office during the pandemic. He has ordered them to only be open from 11 am to 1 pm daily.

Chief Volkosh advised the Board of the steps taken by the Middleport Fire Department to help stem the spread of the virus. They have cancelled all events planned at the hall starting March 14, 2020, until further notice.

Governor Cuomo has postponed all Village elections planned for March 18, 2020, to April 28, 2020.

Discussed public hearing for budget.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to set the public hearing for the 2020-2021 budget to be held during the Annual Reorganization meet on Monday, April 6, 2020, at 7:05 p.m. Carried, with all present voting aye.

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

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Rebecca A. Schweigert  
Clerk-Treasurer