

A regularly scheduled meeting of the Board of Trustees was held on Monday, April 16, 2018, 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 Edwards, Coordinator Bobbitt, Police Chief Swick, Clerk-Treasurer Schweigert, and Brian Seaman, attorney. Mayor Westcott led the Pledge of Allegiance.

There were a few people in attendance, as well.

Mayor Westcott opened the Public Hearing regarding an application for a special use permit to open a car repair business in the garage at the residence located at 32 N. Hartland Street, Middleport, NY. Clerk read the notice.

Mayor Westcott observed that there is already an auto business across the street. Will this new business be competition? Mr. Seaman explained will only be small repairs. Mayor Westcott was concerned about body work and painting, since it is in a residential area. The applicant will not be doing body work. Discussed area, nearness of neighbors, noise.

Mayor Westcott opened the Public hearing regarding 2018-2019 budget at 7:10 p.m. Clerk read the notice.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to approve the minutes of the March 26 and April 2, 2018, meetings. Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Deputy Mayor Conley, to approve WWTP Upgrade Project payment request No. 12 in the amount of \$2,660.00 from CIR Electrical Construction Corp as approved by Wendel Engineering. (This amount is included in total in item 10). Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Deputy Mayor Conley, to approve WWTP Upgrade Project payment request No. 11 in the amount of \$155,015.97 from Wind-Sun Construction, Inc. as approved by Wendel Engineering. (This amount is included in total in item 10). Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to approve payment of claims submitted on Abstract No. 11-17/18 in the amount of: General: \$49,495.18; Water: \$11,509.53; Sewer: \$10,889.56; Cap. Improvement: \$157,675.97; for a total of \$229,570.24. Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Trustee Edwards, to approve payrolls No. 22 and 23 for weeks ending March 17 and March 31, 2018. Carried, with all present voting aye.

The Treasurer's report was submitted and accepted for March 2018.

The Public Works report was submitted and accepted for March 2018.

The Village and Town Police reports were submitted and accepted for March 2018, with Chief Swick reading the highlights.

Mayor Westcott advised the Board that he had been given the 2018 fire contract with the Town of Royalton.

A motion was made by Trustee Blumrick, and seconded Deputy Mayor Conley, to authorize Mayor Westcott to execute the 2018 fire contract with the Town of Royalton. Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Deputy Mayor Conley, to approve the applications for membership in the Middleport Fire Co., No. 1, Inc. from the following individuals: Steven Cooley, Leon Higbee, Jr., and Dylan Parker. Carried, with all present voting aye.

Correspondence was read:

- Received a copy of the proposed inter-municipal agreement for the Greater Niagara Healthcare Consortium. Attorney Seaman is reviewing on behalf of the Village.
- 2018 Pretreatment Report submitted by Wendel Engineering
- Mayor Westcott received an invitation to an Open House at Modern Disposal
- Mayor Westcott advised the Board of a notice regarding repairs being done on 4/17 by the Niagara Water Board. May impact water pressure in the region. Residents have been advised via the Village's Facebook Page and on the Village's website. Schools and FMC were notified, and Deputy Fire Chief has set up a water supply in case of emergency.
- Received a notification from NYCOM of the 2018-19 NYS budget. Discussed cancer insurance coverage. This will remain an unfunded mandate by the State.

At 7:10 p.m., Mayor Westcott closed both public hearings.

Mr. Seaman explained the Zoning Board of Appeals recommendations and advised that SQRA must also be addressed. Trustee McAvoy asked about lighting at the place in question, as the ZBA recommendations include no additional lighting. If the owner wants to install security lighting, that should be allowed. Discussed. Determined that adding only additional residential security lighting would be allowed.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Edwards, to make a negative declaration under SQRA. There will be no adverse impact on the environment due to creation of this place of business. Carried, with all present voting aye.

The following resolution was offered by Trustee McAvoy, who urged its adoption, and seconded by Trustee Edwards

WHEREAS, an application for a Special Use Permit has been submitted by Ben Goodwin to conduct a motor vehicle repair shop at his home located at 32 N. Hartland Street, Middleport, New York, and

WHEREAS, the Village of Middleport Zoning Board of Appeals considered the matter at its April 12, 2018 meeting and recommended approval with certain conditions, and

WHEREAS, a public hearing was duly noticed and held on April 16, 2018, at which time all interested persons who wished to be heard were heard, now therefore be it

RESOLVED, that the Village Board finds that the welfare of the community will be substantially served by the granting of the requested Special Use Permit, and be it further,

RESOLVED, that a Special Use Permit to operate a motor vehicle repair shop at 32 N. Hartland Street, Middleport is hereby GRANTED to Ben Goodwin, subject to the following conditions:

1. The hours of operation will be limited to 7 am to 7 pm, Monday through Saturday of each week.
2. There will be no more than two vehicles stored outside of the garage at any given time in addition to the owners' personal vehicles.
3. The only signage will be the required 24 x 36 inch NYS Registered Repair Shop sign and one additional sign of the same size indicating the business name. These signs will be attached to the garage, with one above the other.
4. No new construction for business purposes.
5. No additional outside lighting other than residential security lighting.
6. No employees other than applicant and members of his immediate family.
7. This permit shall be personal in nature and shall expire at the time of change of ownership.
8. The Village Board may amend this permit by future resolution to provide for additional conditions.

And be it further,

RESOLVED, that the Village Clerk-Treasurer forward a certified copy of this resolution to the applicant, which certified copy shall serve as the Special Use Permit.

On a roll call vote, the following were cast: Deputy Mayor Conley – aye; Trustee Edwards – aye; Trustee McAvoy – aye; Trustee Blumrick – aye; Mayor Westcott – aye. Nays: none. Abstentions: none. Absents: none. The resolution was unanimously adopted.

Addressed the 2018-19 budget.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to adopt the 2018-2019 Budget in the amount of \$2,063,660.18, with the tax rate as follows: *full value tax rate* will be set at \$9.26 per thousand with the actual tax rate to be set at \$10.28 per thousand due to the 90 percent equalization rate. A roll call vote was as follows: Ayes: Deputy Mayor Conley, Trustee Edwards, Trustee McAvoy, Trustee Blumrick, and Mayor Westcott. Nays: none; Abstentions: none; Absent: none. Carried unanimously.

Mayor Westcott and Mr. Seaman updated the Board on the terms of the 2018-2023 Teamster's Collective Bargaining Agreement.

A motion was made by Trustee Edwards, and seconded by Trustee Blumrick, to authorize Mayor Westcott to execute the 2018-2022 Teamsters' Bargaining Collective Agreement with the Village of Middleport. Carried, with all present voting aye.

Mr. Seaman advised the Board of a proposal by Wendel Engineering based on the letter from the DEC regarding new requirement. Discussed. As this is still up in the air as far as requirements and regulations, Wendel will be tasked with contacting the DEC regarding this. Mayor Westcott, Mr. Seaman, and Mr. Bobbitt will meet with Chris LaManna from Wendel for more guidance on this.

Deputy Mayor Conley expressed concerns about hearing that the Erie Canal will be have a shorter season again this year. This could impact businesses that rely on boating customers.

Mayor Westcott advised the Board that he had contacted National Grid regarding their response time during the windstorm earlier this month. He has a meeting with a representative from NG on Weds., April 18, 2018, to discuss the issue.

Mr. Bobbitt advised he'd been contacted by the Royalton Highway Superintendent regarding possible leaking at the reservoir as a neighbor has complained about flooding, that may or may not be on his property. He will check into it.

Chief Swick updated the Board on negotiations for the traffic control contract with the Town of Royalton.

Chief Swick advised the Board that he would like authorization to trade in the Glock 40 guns that are now 13 years old and have started causing firing issues. He has \$1,650 in funds that have been donated by FMC to the Police Department and would like to use those. AmChar Wholesale has offered a trade in value of \$260/gun, which brings the price to \$1,674 for 8 guns (\$469.25/gun for 8 guns less \$260 trade in value, equals \$209.25/gun. $8 \times 209.25 = \$1,674$). The other quote he received was from Runnings at a cost of \$545.99. No trade in was offered by this company.

A motion was made Trustee McAvoy, and seconded by Deputy Mayor Conley, to declare the 8 Glock 45s as surplus property and to authorize Chief Swick to dispose of them as he sees fit. Carried, with all present voting aye.

The next regular Board meeting will be Monday, May 16, 2018, at 7:00 p.m.

A motion was made by Trustee Blumrick, and seconded by Trustee Edwards, to move into Executive Session for the purpose of consulting with the attorney for the Village. Carried, with all present voting aye.

Executive Session opened at 8:30 p.m.

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

General Session was reconvened at 8:57 p.m.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Edwards, to reduce the sewer portion of the February 1, 2018, water and sewer bill for 35 S. Vernon Street as the resident experienced a broken water pipe in the basement, causing a large reading. Account to be adjusted to reflect minimum use for sewer portion only for this account. Carried, with all present voting aye.

A motion was made by Trustee Edwards, and seconded by Deputy Mayor Conley, to authorize Mayor Westcott and/or the attorney for the village to sign and file a petition requesting party status to FMC Corporation's application for Part 373 permit. 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 9:00 p.m.

Respectfully submitted,

Rebecca A. Schweigert
Clerk-Treasurer