

# April 20, 2015

## Body:

A regularly scheduled meeting of the Board of Trustees was held on Monday, April 20, 2015, in the Village Hall. Mayor Westcott opened the meeting at 7:00 p.m. Also present were Deputy Mayor Conley, Trustee Blumrick, Trustee McAvoy, Coordinator Bobbitt, Police Chief Swick, Clerk/Treasurer Schweigert, and Daniel E. Seaman, attorney. Trustee Hinkson was absent. Trustee McAvoy led the Pledge of Allegiance. There were a few members of the Middleport Fire Department and residents in attendance, as well. A motion was made by Deputy Mayor Conley, and seconded by Trustee Blumrick, to approve the minutes of the March 16, March 21, March 24, and April 6, 2015, meetings. Carried, with all present voting aye. A motion was made by Trustee Blumrick, and seconded by Trustee McAvoy, to approve payment of claims in the amount of General: \$47,701.68; Water: \$9,698.55; Sewer: \$11,398.89; for a Total of \$68,799.12. Carried, with all present voting aye. A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to approve payrolls 22 and 23 for weeks ending March 28 and April 11, 2015. Carried, with all present voting aye. The Treasurer's report was submitted and accepted for March 2015. The Public Works report was submitted and accepted for March 2015. The Village and Town Police reports were submitted and accepted for March 2015, with Chief Swick reading the highlights. The fire report was submitted and accepted for March 2015. Correspondence was read: Received letter from employee Steven Smith advising he will be retiring at the close of business on July 15, 2015. Received letter of resignation from Police Officer P/T Lance Clark. Received notice from the Middleport Volunteer Fire Co. No. 1, Inc., advising the Board that effective 11:59 p.m. on April 30, 2015, EMT services will no longer be offered by them due to NYS regulation issues. Mayor Westcott received notification that FMC will continue its buyout assurance program through December 31, 2016. Received a request that the Mayor sign a Safe Boating Proclamation for the week of May 16 through 23. Board gave approval for signature. Clerk Schweigert updated the Board on the Health Care Consortium. The ad hoc committee is nearing updating the agreement. The RFP should go to bid by the end of May. Clerk Schweigert advised that the new phone system is scheduled to be installed on April 27 with training on April 30. System to go live on May 1, 2015. A report was submitted by the Grassroots Grant committee recommending that Dominick Ciliberto receive \$2,000 in grant money as requested. A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, authorizing payment of \$2,000 from the Grassroots Grant fund. Carried, with all present voting aye. Trustee McAvoy suggested that the Board step up efforts to draw business into the Village. He suggested taking advantage of multimedia outlets, such as the Village's websites and Facebook page to promote ourselves. Trustee Blumrick asked about the status of the \$250K grant for work along the canal. This was a Senator Maziarz project and has been archived. Trustee McAvoy asked if there has been any indication from the Canal Commission that the canal wall will be repaired soon. Mayor Westcott advised we are on the list for wall repair, but he hasn't been advised when it will happen. Trustee McAvoy again remarked that we need to encourage bicyclist stops in the Village. Mayor Westcott suggested Jerry Allen as a replacement for Doris Hinkson on the Planning Board. A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to appoint Jerry Allen to the Planning Board to finish the term of the seat vacated by Doris Hinkson. Carried, with all present voting aye. Mr. Allen's term will run through April 2019, as the seat was vacated in 2014. Mayor Westcott gave an update on the remediation project. The

summer swim and recreation programs should not be interrupted by the remediation efforts. Mr. Bobbitt has been contacted by contractors who plan to bid the remediation project. They have asked about availability of water and permission to dump contaminated water in the sewer system. Mr. Bobbitt is giving the specs that FMC must use to send liquid through the sewer system. Chief Swick advised that only a few trailers are still occupied at the park. This has created a vandalism and larceny issue as scrappers are stealing from the empty trailers. Clerk Schweigert advised the Board that Niagara County is willing to be the lead agency for the Municipal Cooperation Agreement that is required so that residents will receive tax rebates in 2016. She recommended that Middleport be a part of this plan, as the state prefers that multiagency plans be submitted, especially plans that a county is the lead agency on. The following resolution was offered by Trustee McAvoy, who moved its adoption, and seconded by Deputy Mayor Conley, WHEREAS, Governor Andrew Cuomo and the New York State Legislature enacted the Property Tax Freeze Credit to provide property tax refunds to homeowners as part of the 20142015 State Budget; and WHEREAS, the new law encourages local governments to generate long-term tax relief for taxpayers by sharing services, consolidating or merging, and demonstrating and implementing operational efficiencies; and WHEREAS, in year one of the program, which is 2015 for local governments, homeowners will receive the Freeze Credit if their local government stays within the property tax cap; and WHEREAS, in year two of the program, which is 2016 for local governments, homeowners will receive the Freeze Credit for property taxes from any taxing jurisdiction in which the homeowner resides that stays within the property tax cap and puts forward a State-approved Government Efficiency Plan demonstrating savings equivalent to one percent of their 2014 property tax levy in each of the following three years; and WHEREAS, while local governments may take a variety of approaches to develop their Government Efficiency Plans, the State has strongly encouraged they convene and facilitate a process to develop and submit county-wide Government Efficiency Plans; and WHEREAS, Niagara County has offered to coordinate the development of such Government Efficiency Plans as the 'lead agency' on behalf of all other interested municipalities; and WHEREAS, the Village of Middleport is interested in intergovernmental cooperation with Niagara County and other municipalities in submitting a county-wide Government Efficiency Plan and desires to verify its intention to participate in a coordinated Plan to allow its homeowners to receive the Freeze Credit. NOW, THEREFORE, BE IT RESOLVED that the Village of Middleport seeks to ensure that village homeowners will receive the Freeze Credit as part of this new State law; and BE IT FURTHER RESOLVED that the Village of Middleport did not exceed its designated property tax cap for fiscal year 2015 and verifies that it has no intention of exceeding the cap for fiscal year 2016, which if exceeded would disqualify the village from participation in the Property Tax Cap Freeze Credit Program; and BE IT FURTHER RESOLVED that the Village Board does hereby express its support for, and participation in, a Niagara County-wide Government Efficiency Plan; and BE IT FURTHER RESOLVED that the Village Board urges the New York State Division of the Budget to approve Niagara County's coordinated Government Efficiency Plan with local governments with the understanding that the Village of Middleport has played an active role in the identification of pre-existing and implementation of new shared services, consolidations or merges, and operational efficiencies within the Village of Middleport for inclusion in the countywide plan; and BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the Niagara County Manager; the Niagara County Budget Director; and the Niagara County Legislature. The roll call vote for the preceding resolution was as follows: Trustee Blumrick –

aye; Deputy Mayor Conley – aye; Trustee McAvoy – aye; Mayor Westcott – aye; Trustee Hinkson – absent. The resolution was duly passed. Deputy Mayor Conley asked about the status of the surplus equipment. Mr. Bobbitt advised they will be listed on Auction International soon. There were some minor repairs and cleanups that were needed before they could go to auction. They will be listed for the eleven day auctions. He doesn't expect to make much money on them. Trustee McAvoy noted that former Village Trustee Donald Weese has passed away and wanted his service to the Village to be recognized and remembered. Mr. Bobbitt advised the Board that Trustee McAvoy, Treatment Plant Operator Gary Purser, and he had sat down with a salesman to discuss the purchase of a multi-gas monitor. This monitor measures low level explosive gasses in enclosed areas such as oxygen, carbon monoxide, sewer gas, and the likes. The Village does not own one. Without this monitor, employees are placed at risk when in a situation where gasses could be present. This monitor will be used at the Wastewater Treatment Plant and by the DPW. Mr. Bobbitt got quotes from two vendors: Northern at a cost of \$1,326.33 and Martec at a cost of \$1,325. The kit includes the monitor, calibrating tool, and charger. A motion was made by Deputy Mayor Conley, and seconded by Trustee Blumrick, to purchase the multi-gas monitor kit at a cost of \$1,325 from Martec. Carried, with all present voting aye. Chief Swick would like to hire a replacement for Officer Clark. He passed around an application for Jackie Feggans, who he recommends hiring. Chief Swick interviewed 4 excellent candidates, and felt Mr. Feggans was the best candidate at this time. A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to hire Jackie Feggans as a Police Officer Part-time commencing May 1, 2015, at a rate of \$14 per hour. Carried, with all present voting aye. Mr. Bobbitt requested that the summer DPW laborers from 2014 be rehired for 2015. They will not need any training, having worked for the Village before. A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to hire Bradley Bobbitt and Connor Baker as summer laborers commencing the week of May 10, 2015, at the rate of \$9.25 per hour. Carried, with all present voting aye. Resident John Keirn, 36 Mill Street, expressed concerns regarding campers being set up in the municipal parking lot behind the Village hall. He was advised that the Village has a code allowing only one camper per groups of 6 boats. As the code was passed a few years ago, Mayor Westcott advised that it will be reviewed and updated, if needed. The next regularly scheduled meeting of the Board of Trustees will be held on Monday, May 18, 2015, at 7:00 p.m. A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to move into executive session for the purpose of consultation with the attorney for the Village. Carried, with all present voting aye. Executive session opened at 7:50 p.m. A motion was made by Deputy Mayor Conley, and seconded by Trustee Blumrick, to return to General Session. Carried, with all present voting aye. General session reconvened at 8:38 p.m. There being no other business, a motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to adjourn. Carried, with all present voting aye. Meeting adjourned at 8:38 p.m. Respectfully submitted, Rebecca A. Schweigert Clerk-Treasurer