

A regularly scheduled meeting of the Board of Trustees was held on Monday, July 20, 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, Building Inspector Belson, Dep. Clerk-Treasurer VanBuren, Clerk-Treasurer Schweigert, and Brian Seaman, attorney. Trustee McAvoy led the Pledge of Allegiance.

Fire Chief Ryan Czaja, Dep. Fire Chief Sara Burgess, and several Village residents were in attendance, as well.

Mayor Westcott opened the Public Hearing at 7:00 p.m. re: a proposed Local Law entitled, "A Local Law Amending the Village of Middleport, New York, Zoning Ordinance." Clerk Schweigert read the notice.

April Serianni, 46 N. Main Street, asked what the plans are for the property.

Attorney Seaman invited Larry Krolak, 107 Telegraph Rd., owner of 35 N. Main Street, to explain his plans for the property. He said that he plans to turn the existing house into a 4-unit efficiency apartment building.

Ms. Serianni advised that she is opposed to the plans as they will change the character of the neighborhood. She also noted that as the owner of 42 N. Main Street, Mr. Krolak is not a good neighbor and cited several incidences of issues with that property, including changes to the topography that have caused nearby properties to flood. She is concerned that an apartment building would bring down the surrounding property values. She has lived in the Village for over 30 years and does not want to live near another apartment building. She is definitely opposed to any zoning changes.

Cortlyn Waterman, 44 N. Main Street, read a statement about moving to the Village, with one of the main attractions being that even though their property is within the Village limits, it still has a country feel to it. She is definitely opposed to the changing the zoning at 35 N. Main Street, especially for the purpose of having an apartment building there.

As no one else asked to speak, Mayor Westcott advised that the Board will move on with the meeting but keep the Public Hearing open in case anyone else joins the meeting who may want to speak.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to approve the minutes of the June 15, 2020, meeting. Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Deputy Mayor Conley, to approve payment of claims submitted on Abstract No. 02-20/21. General: \$70,693.20; Water: \$14,312.31; Sewer: \$5,577.49; Total: \$90,583.00. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to authorize a \$50,000 transfer from the Water Fund to the Sewer Fund, which is included in the 2020-2021 budget. Carried, with all present voting aye.

A motion was made by Trustee Barr, and seconded by Trustee Blumrick, to approve payrolls no. 2 and 3 for weeks ending June 20 and July 4, 2020. Carried, with all present voting aye.

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

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

The Village and Town Police reports were submitted and accepted for June 2020, with Chief Swick reading the highlights.

The Fire Department report was submitted and accepted for June 2020.

At this time, 7:15 p.m., Mayor Westcott closed the Public Hearing. Trustee Blumrick asked where Mr. Krolak is storing his equipment. He has it stored in the barn, which is in disrepair and cannot be used for anything else. He also explained what he had done at 42 N. Main Street since he bought it, filling it in because it was swamp land when he bought it.

Crystal Buchan, 46 N. Main Street, observed that construction waste has been buried at 42 N. Main Street, which has caused flooding for nearby properties. Mr. Krolak disputed that.

At this time Mr. Seaman advised that the public hearing could be reopened since there are more questions to be addressed. Mayor Westcott reopened the Public Hearing at 7:18 p.m.

Discussion ensued regarding 42 N. Main Street and the impact of what may or may not have been done to it that may or may not be causing flooding issues for neighbors.

Trustee McAvoy asked if it is possible to rezone only the house so that nothing else can be built on the remaining property. Mr. Belson replied that it could be rezoned so that only a strip of land with the house on it is changed to R-2 and the remainder of the property stays R-1.

Discussion ensued regarding the apartments that are currently in the area and adding more apartments to the neighborhood would change it. Mr. Krolak advised he doesn't intend to change the outside of the house at 35 N. Main, only the inside. Discussed possible parking issues with vehicles for 4 different apartments. Mr. Krolak assured them that there is enough room for adequate off road parking. Mr. Belson observed that NYS zoning code states the number of people who can reside there and the amount of space and bedrooms that must be available depending on the size of the apartment.

Trustee McAvoy said that he would like to take a look at the property and assess the neighborhood regarding what is proposed. He asked Mr. Seaman what the next step should be. Mr. Seaman advised that the Board does not have to take action tonight. They can leave the public hearing open and continue it at the next meeting. They could close the Public Hearing and decide on the issue at the August meeting. They can discuss at the next meeting.

The Board decided to go look at the property and take action at the August meeting.

Mayor Westcott closed the Public Hearing at 7:28 p.m.

There was no correspondence to be read.

Under old business, Trustee McAvoy enquired about the letter that was to be sent to the Canal Commission regarding their SQRA plan for repairs to the dirt wall of the canal bank. Clerk Schweigert explained that after the letter was read more closely, Mayor Westcott decided not to send a letter because it specifically said they would not be addressing any repairs along the canal like the kind that we would like done, and we would prefer to keep them amenable to us so that repairs eventually get made to the walls in the Village.

Under new business, Trustee Barr showed the other Board members a sign about picking up dog waste that she saw in another municipality that could be helpful in the Village. Discussed the effectiveness of such a sign. Mr. Bobbitt may install some throughout the Village.

Trustee Blumrick handed out some research he did on some possible updates and/or additions to the Village code regarding garbage storage, garage sales, unregistered vehicles, and fences.

The next regularly scheduled meeting of the Board of Trustees will be held on Monday, August 17, 2020, at 7 pm in the Village Hall.

A motion was made by Trustee Blumrick, and seconded by Trustee McAvoy, to move into executive session for the purpose of consultations with the Village's attorney. Carried, with all present voting aye.

Executive session opened at 7:40 p.m.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to return to general session. Carried, with all present voting aye.

General session reconvened at 8:35 p.m.

The following resolution was offered by Deputy Mayor Conley, who moved its adoption, and seconded by Trustee Barr

WHEREAS taxpayer Steven Giroux has, through his attorney, raised a claim against the Village concerning the proprietary nature of a water bill and

WHEREAS the Villages wishes to compromise this claim in order to avoid litigation,

NOW, THEREFORE, be it resolved that the outstanding bill owed by Steven Giroux be compromised of \$4,000 and the amount paid in excess of \$4,000 be refunded.

The vote on the preceding resolution was as follows: Ayes: All; Nays: None; Abstentions: None; Absent: None. The resolution was unanimously passed.

The following resolution was offered by Trustee McAvoy, who moved its adoption, and seconded by Deputy Mayor Conley,

WHEREAS the 2020-2021 Village Budget appears to have budgetary shortfalls in the General Fund and the Sewer Fund, and

WHEREAS the Village must have a balanced budget, and

WHEREAS it is the desire of the Board of Trustees to ensure that the budget is balance,

IT IS NOW THEREFORE authorized that Mayor Westcott and Clerk-Treasurer Schweigert have the power to amend the budget as they see fit in order to achieve a balanced budget.

The vote on the preceding resolution was as follows: Ayes: All; Nays: None; Abstentions: None; Absent: None. The resolution was unanimously passed.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to hire Curtis Waugaman as a part-time police officer starting on August 2, 2020, with compensation of \$17 per hour. A roll call vote was taken: Deputy Mayor Conley: aye; Trustee Barr: aye; Trustee McAvoy: aye; Trustee Blumrick: aye; Mayor Westcott declined to vote. Nays: None; Abstentions: None; Absent: None. The motion was passed.

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

Meeting adjourned at 8:53 p.m.

Respectfully submitted,

Rebecca A. Schweigert
Clerk-Treasurer