

A regularly scheduled meeting of the Board of Trustees was held on Monday, August 19, 2019, 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 Stamp (fka Edwards). No Board Members were absent. Clerk-Treasurer Rebecca Schweigert was in attendance.

Fire Chief Volkosh, Sergeant Roland Johnson, and a few residents were in attendance, as well.

Discussed bond resolution for the Disinfectant upgrades needed at the Wastewater Treatment Plant. The Village will need to borrow additional funds to purchase this piece of equipment now required by the NYS DEC. The amount needed is about the same as the amount the current capital improvement project is under budget, so the two projects will equal approximately what the first project was projected to cost. This project could not be added onto the previous project because it was not included in the original bond resolution language.

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

THE BOARD OF TRUSTEES OF THE VILLAGE OF MIDDLEPORT, IN THE COUNTY OF NIAGARA, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Village of Middleport, in the County of Niagara, New York (herein called the "Village"), is hereby authorized to construct disinfection improvements to the Wastewater Treatment Plant, including ancillary and related work in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$550,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$550,000 to finance said appropriation. Sewer assessments have been imposed in the Village and it is expected that such assessments shall continue to be imposed and collected by the Village and the amounts derived therefrom shall be budgeted and used to the pay principal of and interest on the bonds, and any notes issued in anticipation thereof, as the same shall become due and payable. It is expected that grant funds may be received in relation to the project, and any such funds received or to be received are hereby authorized to be applied toward the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the Village in the principal amount of \$550,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- 2) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,
- 3) and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

4) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Lockport Union Sun & Journal*," a newspaper having general circulation in said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF MIDDLEPORT, NEW YORK

PLEASE TAKE NOTICE that on August 19, 2019, the Board of Trustees of the Village of Middleport, in the County of Niagara, New York, adopted the bond resolution entitled:

"Bond Resolution of the Village of Middleport, New York, adopted August 19, 2019, authorizing the construction of disinfection improvements to the Wastewater Treatment Plant, stating the estimated maximum cost thereof is \$550,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$550,000 to finance said appropriation,"

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Middleport to construct disinfection improvements to the Wastewater Treatment Plant, including ancillary and related work in connection therewith; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$550,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of bonds in the principal amount of \$550,000 to finance said appropriation; STATING that sewer assessments have been imposed in the Village and it is expected that such assessments shall continue to be imposed and collected by the Village and the amounts derived therefrom shall be budgeted and used to the pay principal of and interest on the bonds, and any notes issued in anticipation thereof, as the same shall become due and payable; and STATING that it is expected that grant funds may be received in relation to the project, and any such funds received or to be received are hereby authorized to be applied toward the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes;

SECOND: AUTHORIZING the issuance of bonds in the principal amount of \$550,000 pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is forty (40) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.
DATED: August 19, 2019

REBECCA A. SCHWEIGERT
Village Clerk-Treasurer

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

The roll call vote for the preceding was as follows: Deputy Mayor Conley: aye; Trustee Stamp: aye; Trustee McAvoy: aye; Trustee Blumrick: aye; Mayor Westcott: aye. Nays: none. Abstentions: none. Absent: none. The resolution was unanimously adopted.

In addition to the bond cost, there are additional associated costs with this project.

A proposal was submitted by Municipal Solutions for financial assistance during the project.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to authorize Mayor Westcott to execute a contract with Municipal Solutions in the amount of \$22,500 for financial consultation fees during the Disinfectant Project at the WWTP. Carried, will all voting aye.

A proposal was submitted by Hawkins Delafield & Wood LLP for bond counsel services during this project.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to authorize Mayor Westcott to execute the contract with Hawkins Delafield & Wood LLP for bond counsel services during the Disinfectant Project at the WWTP, not to exceed the sum of \$8,000. Carried, with all present voting aye.

A proposal was submitted by Seaman Norris LLP for legal services during this project.

A motion was made by Trustee Blumrick, and seconded by Trustee Stamp, to authorize Mayor Westcott to execute a contract with Seaman Norris LLP for legal services during the Disinfectant Project at the WWTP at a cost of \$5,500. Carried, with all present voting aye.

At this time, Middleport Police Sergeant was presented with a Certificate of Appreciation by Mayor Westcott which read:

“in recognition of valuable contributions in assisting at an accident scene on June 27, 2019. The quick thinking and action on the part of Sergeant Johnson, along with his disregard for personal safety, were significant factors in the Middleport Fire Company’s ability to extract the driver from the vehicle without causing any further injury and allowed for transporting her quickly to the regional trauma center. The Board of Trustees and the residents of the Village of Middleport are fortunate to have Sergeant Johnson as a member of the Middleport Police Department, and a grateful community thanks him for his service.”

Mayor Westcott acknowledged that Sergeant Johnson is a tremendous asset to the Police Department and community at large.

Trustee Blumrick exited the meeting at 7:18 p.m.

A motion was made by Trustee Stamp, and seconded by Trustee McAvoy, to approve the minutes of the July 15, 2019, meeting. Carried, with all present voting aye.

A motion was made by Trustee Stamp, and seconded by McAvoy, to approve payment of claims submitted on Abstract No. 03-19/20. General: \$33,160.75; Water: \$2,127.74; Sewer: \$19,614.17; Total: \$54,902.66. Carried, with all present voting aye.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Stamp, to approve payrolls no. 4 and 5 for periods ending July 20 and August 3, 2019. Carried, with all present voting aye.

The Treasurer’s report was submitted and accepted for July 2019.

The Public Works report was submitted and accepted for July 2019.

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

The fire report was submitted and accepted for July 2019. Chief Volkosh advised the Board that the Middleport Fire Co. had an Argo amphibious vehicle donated to them by an anonymous donor. They have identified many uses for this vehicle.

The 2019 Swim Program report was submitted and accepted.

The 2019 Village Recreation Program report was submitted and accepted. The director recommends that if there is remediation going on at the school in 2020, the rec program should get moved to the Scout House as the construction was very disruptive to the program and probably the reason the attendance was so low this year. Mayor Westcott gave an update on the remediation at this time, agreeing that if the scope of work at the school next summer is a lot, the program should be moved.

Water and Sewer billings for the quarter ending August 1, 2019, was as follows: Water: \$ 60,169.56; Sewer: 58,417.10; Total: \$118,586.66.

Correspondence was read:

- Received a nice note from a boater regarding how much they enjoy staying in Middleport.
- Received a notice from NYS PSA regarding a comment period for a petitioned increase by NYSEG.

Old business:

Although the number of municipalities actively seeking to purchase street lights together is dwindling, this is an item we can submit for the 2019 shared services report that Niagara County must create. Board agreed that this should be submitted.

Mr. Bobbitt advised that he has received bids on Badger and Neptune water meters but hasn’t heard back yet on Sensus meters. Our current system is Neptune. Will probably purchase a hundred or so a year to avoid financing and not impact cash flow too heavily. Mr. Bobbitt will get a letter from Neptune that Ti-Sales is the sole source of Neptune meters and reading software in this area.

Clerk Schweigert advised the Board that she would like to send Deputy Village Clerk-Treasurer Lisa VanBuren to NYCOM fall training in Saratoga Springs the week of September 16-20.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to authorize Deputy Village Clerk-Treasurer Lisa VanBuren to attend NYCOM fall training in Saratoga Springs at a maximum cost of \$2,000, which will include training, lodging, meals, and transportation costs. Carried, with all present voting aye.

Chief Swick advised the Board that his department was awarded \$987 from the Niagara County Law Enforcement Foundation for 3 new scanners. They have already been purchased and installed. Niagara County will be paying for them.

Chief Swick advised that his department is in need of a new radar unit. The cost of a replacement is \$2,379 on state bid. Stop DWI will pay for half of the cost.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Stamp, to purchase a new radar unit via State bid at a cost of \$2,379, with the Village being responsible for half of the cost at \$1,189.50 and Stop DWI funds paying for the remaining \$1,189.50. Carried, with all present voting aye.

Chief Swick reminded the Board that a pay increase after 6 months for Police Officer P/T Joshua Mandaville was discussed during budget meetings. Officer Mandaville will complete Phase II of the Academy at the end of this month. Chief Swick would like to increase his pay to \$19 per hour to be in line with the minimum rate of pay established by the Board in March.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to increase Police Officer P/T Joshua Mandaville rate of pay to \$19 per hour commencing on September 1, which is the start of the next pay cycle. Carried, with all present voting aye.

The next regular Board Meeting will be on Monday, September 16, 2019, at 7:00 p.m. in the Board Room.

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

Executive Session was opened at 8:07 p.m.

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

General Session reconvened at 8:52 p.m.

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

Meeting adjourned at 8:53 p.m.

Respectfully submitted,

Rebecca A. Schweigert
Clerk-Treasurer