

# September 19, 2016

Body:

A regularly scheduled meeting of the Board of Trustees was held on Monday, September 19, 2016, in the Village Hall. Mayor Westcott opened the meeting at 7:00 p.m. Also present were Deputy Mayor Conley, Trustee Blumrick, Trustee Hinkson, Trustee McAvoy, Coordinator Bobbitt, Police Chief Swick, Building Inspector Belson, Clerk-Treasurer Schweigert, and Brian Seaman, attorney. Mayor Westcott led the Pledge of Allegiance. There were a several residents in attendance, as well as Fire Chief Fred Srock. The maximum number of occupants in the Village Hall was exceeded due to the number of residents in attendance, so it was determined that the meeting should be moved to the Middleport Fire Hall, 28 Main Street. A motion was made by Deputy Mayor Conley, and seconded by Trustee Hinkson, to adjourn the meeting in order to move to the Middleport Fire Hall, 28 Main Street, to accommodate all in attendance. Carried, with all present voting aye. Meeting adjourned at 7:02 p.m. A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to reconvene the meeting. Carried, with all present voting aye. Meeting reconvened at 7:09 p.m. Mayor Westcott opened the Open Public Hearing on the proposed Local Law entitled "A Local Law Amending Chapter 63 (Animals) of the Code of the Village of Middleport" at 7:15 p.m. Clerk Schweigert read the Rules of Conduct for the Public Hearing and the notice of Public Hearing. All who wanted to speak were required to sign up, and Mayor Westcott called them in order to speak. Larry Temple, 6 Church Street: asked if the Board had considered the Towns' regulations. The city of Buffalo allows chickens. Read the Federal Dept. of Agriculture's definition of a farm animal and asked that this definition be considered in the law. He said that he felt that micropigs should be included in allowed pets and warned that people will move out of the Village because of this law. Bill Arnold, 48 N. Hartland Street: handed out his statement to the Board and read the highlights, the main one being that this amendment does not address irresponsible pet owners. Elizabeth Storch, 59 State Street: advised the Board that she would be willing to create and head a "dog variance" committee to accommodate times when households may have more pets that the amendment would allow due to emergency circumstances. She urged the Board to show more compassion. Her statement had previously been sent to the Board. Jacob Froman, 39 N. Main Street: although he was advised that the reason behind the amendment was because of complains re: cats, dogs, and chickens, he could find no record of these complaints. Waste products were cited. Chicken has the most fertile fertilizer, and he regularly uses his on his garden. A Trustee was quoted as saying the Village will not police animals, so he questioned the purpose of the law. Noted that the signs when entering the Village show a woman feeding chickens. He feels this is an overreach on the part of the Board. He has no neighbor problems. The problem is that the local law enforcement is not doing its job. The law should make sense and should have guidelines. When he moved here he was told he could have chickens. He understands that some people do not handle animals well, enforce that. At least grandfather in the farm animals the way domestic animals have been proposed. He visited 9 blocks in the Village getting 168 names on a list. He asked that the Board listen to the people as these are the people who vote for them. Paul Nayman, 78 N. Hartland Street: Advised he doesn't know what started this, but he feels it is not addressing the initial problem. He doesn't feel that anyone should be able to tell him how many pets he can have. This law discriminates against dogs as they are the only pet that requires a license. He doesn't care if his neighbor has 100 cats as long as they are cared for. If he sees a dog

on a chain, he will call the police. A lot of people think the real issues aren't being addressed. He's asked Board members and gets a politically correct response: other municipalities have these laws. He doesn't think this amendment should be enacted. Nina Kropp, 14 Maple Avenue: feels that limiting the number of pets won't work. Her neighbor has two dogs, when it's how the feces stink because the yard isn't cleaned. Limiting the numbers won't stop irresponsible pet owners. If chickens are not fed on the ground, they will not draw rodents. Need to enforce against irresponsible pet owners, making them keep their yards clean. Kenneth Koch, 4550 Freeman Rd.: Mr. Koch appeared on behalf of the Royalton Hartland School Board as he is the vice president. He advised the Board that the school is against the farm animal regulations as there will be an impact on the FFA (Future Farmers of America) program the school has been developing the past two years. A new feature is animal husbandry, with plans to have animals living on the school grounds. This code would inhibit what the school is doing with students. RHCS has received state grants for buildings for FFA for students. Sen. Ortt is in favor of this program and has promised a substantial sum of money for it. The Code will impede classes and animal husbandry classes. Partnership with other schools may be in jeopardy because of this Code amendment. The RHCS Board is not in favor of this. At this time Trustee Blumrick asked if the school would be exempt from the Village Code. They will not be, per Attorney Seaman. Mr. Koch warned that enacting this amendment could impact the money the school has been promised. John Keirn, 36 Mill Street: advised he understands the concerns regarding livestock but his property is zoned residential. His neighbor had chickens. They made such a mess that he was unable to use part of his yard. Rodents showed up and then other predators. He'd find chicken feathers in his yard in the morning. He doesn't want agriculture in his neighborhood. He pays taxes on residential property and lives on the edge of the Village. It's only a matter of time that chickens bring predators into the center of the Village. This issue has been going on for years. The Village Board meets the third Monday of every month. Residents can come to meetings to hear what happens. Ross Hageman, 41 South Vernon Street: He advised the Board that he has a pig. He takes care of it and it doesn't smell. He had a \$300 door ruined by a stray cat's urinating on it. Don't need large animals to cause a problem. Doesn't want to find free range chickens in his yard. He hasn't had any complaints about his pig. His daughter is in 4H and is doing well because of the pig. Neighbors don't mind. The Board needs to get to the root of the problem. He listens to dogs barking all the time. Need to address responsible ownership and look at this issue more closely. The number is too strict. The Board needs to address eyesores in the Village. William Brown, 58 Main Street: told the Board he grew up in inner-city Boston, Mass. Never saw cows close up until he was 19 years old. They are beautiful. Friends in a village similar to this are able to have miniature goats, chickens, ducks. This law will deny kids in this Village the same opportunity. Some can't go to 4H or have pets. NYS has laws for animals, and the Village should follow them. He questioned what a residence is and inquired if each of the five apartments next door to him would get the maximum amount of pets. You are going to make a law but not enforce it? What about the next Board. What if a person has five cats that a neighbor doesn't like? Will they be targeted? Mr. Brown cited other concerns that he feels need to be addressed. If laws are made, they all need to be enforced. Robert Brion, 65 Main Street: feels the law is ridiculous. Mr. Hageman said what he planned to say, so he didn't need to say more. He commented on the condition of the building behind his property and suggested enforcement of those laws be considered, as well. Christine Washbon, 8 State Street: does not agree with the amendment. Suggested that restricting the number of pets is like restricting the number of children someone may have. Should be more concerned with how people take care of

their animals. Has a potbelly pig and it is not a nuisance. Feels she should not have to get rid of her pig; farm animals should be grandfathered in. Chelsea Froman, 39 N. Main Street: the Board should not ban chickens because money invested in them will go to waste. Please think about how sad she will be when she loses the chickens. She wishes the Board would not ban chickens and farm animals and thanked the Board for listening. Emily Froman, 39 N. Main Street: her family has chickens and eggs. They keep the eggs clean. The neighbors are not bothered by the chickens. Michael Miano, 97 South Main Street submitted a statement as he was unable to attend. The Board received copies of the statement. Mr. Miano is opposed to the amendments to the animal code. He feels that the Board has not demonstrated a need for these restrictions, and the restrictions will only harm animals. Irresponsible pet owners should be targeted, including those who own cats, do not neuter them, and allow them to roam outdoors. This allows for a feral cat population to grow. Restricting the number of pets allowed in a household makes it difficult for pets in shelters to be adopted because it inhibits ownership. Limits do not increase responsibility in an already irresponsible pet owner. He is opposed to farm animal restrictions because laws should not be enacted to prevent future problems. He feels there are already enough laws on the books to protect animals from abuse, and those laws should be enforced. He urged the Board to vote "no" to the code amendments. Bill Arnold asked to speak again. He owns two houses and sympathizes with Mr. Keirn. He also feels the main problem is irresponsible pet owners, and this code amendment punishes responsible owners because of irresponsible ones. It isn't clear what this resolves, and he doesn't think anything will be resolved by passing it. There being no other people wanting to address the Board, Mayor Westcott indicated the hearing would be closed. A motion was made by Trustee Hinkson, and seconded by Trustee McAvoy, to close the public hearing. Carried, with all present voting aye. The public hearing closed at 7:58 p.m. The Board decided to return to the Village Hall for the remainder of the meeting. A motion was made by Deputy Mayor Conley, and seconded by Trustee Blumrick, to adjourn the meeting for the purpose of returning to the Village Hall. Carried, with all present voting aye. Meeting adjourned at 8:00 p.m. Motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to reconvene general session at 8:03 p.m. Carried, with all present voting aye. A motion was made by Deputy Mayor Conley, and seconded by Trustee Hinkson, to approve the minutes of the August 15, 2016, meeting. Carried, with all present voting aye. At this time the Boy Scouts in the audience were asked to speak since it was getting late on a school night. Jacob Wolf asked if the Board had decided on the amount they may want to contribute to the towards his Eagle Scout project to replace the Veterans monument sign at the Commons. He offered that the sign replacement may not be enough to satisfy his project requirements so he is also considering installing permanent benches in that area. He is hoping to have the sign done by Veterans Day and have the benches installed after. Discussion ensued. A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to authorize up to \$550 toward replacing and refurbishing the Veterans monument sign at the Commons by Jacob Wolf for his Eagle Scout project. Carried, with all present voting aye. Boy Scout Nick Kubas also addressed the Board regarding an Eagle Scout project. He would like to redo the sign in front of the Scout House that has been there since 1963. It is structurally sound but needs some cosmetic work. There is algae growing on the wood. The metal straps can be loosened, the wood can be cleaned, stripped, and refurbished with new straps added. He will need yellow and red paint and landscaping of the heavy bushes at the base. He would like to tear them out and plant perennials, with 6-8 flowers on each side and 2 on the end. He would like to replace the 12 foot pole at the top of the sign as it has a tree growing out of it. He has contacted National Grid to see if they will

donate an old pole for this purpose. He estimates a total budget of \$160 for the project. He plans to start as soon as possible with a target finish date of December 1. A motion was made by Deputy Mayor Conley, and seconded by Trustee Hinkson, to authorize a maximum of \$200 for the refurbishing of the sign at the Scout House by Nick Kubas for his Eagle Scout project. A motion was made by Trustee Blumrick, and seconded by Trustee Hinkson, to approve payment of claims submitted on Abstract No. 04-16/17 in the amount of: General: \$51,792.11; Water: \$632.69; Sewer: \$5,153.18; Capital Improvement: \$79,338.30; for a Total of \$136,916.28. Carried, with all present voting aye. A motion was made by Trustee McAvoy, and seconded by Trustee Hinkson, to authorize payment of the SPDES permit fees of \$2,000 as it is due by October 12. Carried, with all present voting aye. A motion was made by Deputy Mayor Conley, and seconded by Trustee Hinkson, to approve payrolls 7 and 8 for weeks ending August 20 and September 3, 2016. Carried, with all present voting aye. The Public Works report was submitted and accepted for August 2016. The Village and Town Police reports were submitted and accepted for August 2016, with Chief Swick reading the highlights, including animal problems, drug enforcement activities, and curfew charges. The fire report was submitted and accepted for August 2016. Correspondence was read: Received a notice of upcoming Public Information Meetings regarding Contract No. 15-6 Transmission Main Phase 2 from Niagara County. They will be meeting with the public on Sept. 19 and Sept. 29 at 7 pm at the Royalton Town Hall. Received an invitation from the Middleport UMC to their open house on Weds., Sept. 28, 2016, for their recent construction. Received notice that the Village now qualifies for a hardship loan from EFC for the WWTP upgrades. This will be a zero percent interest loan. Old business: Clerk Schweigert will provide the Board with an update on Fall Training at the October meeting. Trustee McAvoy revisited the topic of a shared e-waste event with the Towns of Royalton and Hartland. He will contact them about arranging a date for this. Mr. Seaman advised the Board that with the grant for the WWTP updates, short term financing arrangements need to be made with EFC so existing bills may get paid. He suggests a 6 month BAN that will be repaid by grant proceeds in the amount of \$300,000 to start paying construction costs. This will be rolled in the bond the Village will eventually obtain. Discussed terms. A conference call will be arranged with our engineers and EFC to get a timeline and schedule. Mr. Bobbitt advised the Board that the sampler borrowed from Albion needs to be returned soon, and the Village needs to replace it. This will be discussed during the EFC teleconference to include it in the plant upgrades project. Mayor Westcott gave a remediation update. Met with E&E on September 8. This year's school phase is done. K&M blocks on Park Avenue are done, just waiting for sod and cement. Three houses on Freeman Avenue dug up, waiting for sidewalks and sod. St. Steven's will be started within the week. May have to rip up the parking lot. Low readings for the church yard and rectory. Anticipating starting soon and being done by the second week of November. If weather gets bad, they will stop. Sod producer goes on vacation in January. May leave driveways intact. Very aggressive this season, with now having completed work at over 30 houses. Mr. Bobbitt advised he'd been contacted regarding the Village's rights of way and if they should be remediated. Discussed this as well as new sidewalks on Freeman Ave. If the ROWs are done, the sidewalks should be moved a few feet so that snow is no longer plowed onto them as it is now because they are so close to the street. Drainage issues in the area were also discussed. Mr. Arnold observed that years ago the Village agreed to not remediate ROWs as it could create a mess for property owners. Mr. Bobbitt said that this issue would be discussed with homeowners, and the end result could be all new sidewalks on that street. ROWs may be done on properties that are not having the remainder of the yard remediated to alleviate the plowing problem. Chief

Swick advised the Board he has three bids based on the states new "mini bid" process. Discussed purchase. Lowest bid price was for \$33,922.95 from Van Bortel Ford. Ford fleet program would not satisfy the Village's procurement policy. A motion was made by Trustee McAvoy, and seconded by Trustee Hinkson, to authorize the purchase of a 2017 Ford Explorer at a cost of \$33,922.95 from Van Bortel Ford per NYS OSC mini bid results. Carried, with all present voting aye. After receipt of the new vehicle, the 2012 Chevy Tahoe will be declared surplus and sold via Auctions International. The next regularly scheduled meeting will be held on Monday, October 17, 2016, at 7 p.m. in the Village Hall. A motion was made by Trustee Hinkson, and seconded by Trustee Blumrick, to move into Executive Session for the purpose of consultation with the Village's attorney. Carried, with all present voting ay. Executive Session convened at 8:55 p.m. A motion was made by Trustee Blumrick, and seconded by Trustee Hinkson, to return to General Session. Carried, with all present voting aye. General Session was reconvened at 10:03 p.m There being no other business, a motion was made by Trustee Hinkson, and seconded by Deputy Mayor Conley, to adjourn. Carried, with all present voting aye. Meeting adjourned at 10:03 p.m. Respectfully submitted, Rebecca Schweigert Clerk-Treasurer