

A regularly scheduled meeting of the Board of Trustees was held on Monday, November 15, 2021, in the Village Hall. Mayor Westcott opened the meeting at 7:01 p.m. Also present were Deputy Mayor Conley, Trustee Blumrick, Trustee McAvoy, Trustee Barr, Police Chief Swick, Clerk-Treasurer VanBuren, Fire Chief Czaja, and Tom Seaman, attorney. Coordinator Bobbitt was absent.

Deputy Mayor Conley led the Pledge of Allegiance.

There were several residents in attendance, as well.

Mayor Westcott opened the Public Hearing for the following Local Law Amending the Zoning Code at 7:02 pm.

A Local Law Amending the Zoning Code of the Village of Middleport

Be it enacted by the Village Board of Trustees of the Village of Middleport as follows:

The Code of the Village of Middleport, §200-10.1 is hereby amended to include subsection (B)(3), which shall state the following:

“School district uses including but not limited to use by a public or private school district for athletic or recreational purposes.”

This Law shall take effect immediately upon filing with the Secretary of State.

Mayor Westcott opened the Public Hearing for the following proposed Local Law opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Middleport at 7:03 pm.

Local Law No. __ of the Year 2021

Village of Middleport, County of Niagara

A local law opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Middleport.

Be it enacted by the Village Board of Trustees of the Village of Middleport as follows:

Section 1. Legislative Intent.

It is the intent of this local law to opt the Village of Middleport out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.

Section 2. Authority.

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes villages to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out.

The Board of Trustees of the Village of Middleport, County of Niagara, hereby opts-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments from locating and operating within the boundaries of the Village of Middleport.

Section 4. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This law is subject to permissive referendum, and shall become effective immediately upon the filing of the law with the Office of the Secretary of State.

Mayor Westcott opened the Public Hearing for the following proposed change to the Village’s Local Law Section 185-10(A) and Section 185-10(B) at 7:03 pm.

Village of Middleport

Local Law No. _____ of 2021

A Local Law Amending Vehicle and Traffic Fines

Be it enacted by the Village Board of Trustees of the Village of Middleport as follows:

Section 185-10(A) of the Village Code of the Village of Middleport is hereby repealed and replaced with the following:

Every person convicted of a traffic infraction for a violation of any provision of this chapter which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine not to exceed \$250 and/or imprisonment for up to 15 days or by both such fine and imprisonment.

Section 185-10(B) of the Village Code of the Village of Middleport is hereby repealed and replaced with the following:

Notwithstanding Subsection A above, a violation of any provision of this chapter relating to parking of motor vehicles shall be a violation which may be enforced by the issuance of a traffic citation form in such form as shall be hereafter prescribed by the Village of Middleport Police Department. A violation of a parking provision shall be punishable by a fine of not to exceed \$250.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to approve the minutes of the October 18, 2021, meeting. Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Deputy Mayor Conley, to approve WWTP UV Disinfection Payment Request No. 8 in the amount of \$18,990.00 from STC Construction as approved by Wendel Engineering. This payment is the final payment for STC Construction. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to authorize Abstract 6-21/22 budget transfers in the General Fund as follows:

TO	FROM	AMOUNT
A1325.4	A9010.8	\$ 4,995.00
A3120.4	A9015.8	6,130.00
A3620.4	A1210.4	16.82
A7110.4	A1990.4	154.38
	TOTAL	\$11,296.20
		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 6-21/22 in the amount of General - \$156,028.83; Water - \$11,309.30; and Sewer - \$25,297.05; and Capital Improvement - \$21,182.10; for a Total of \$213,817.28. This total also includes payrolls 10 and 11. Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Deputy Mayor Conley, to approve payrolls no. 11 and 12 for periods ending October 23, 2021, and November 6, 2021 respectively. Carried, with all present voting aye.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to authorized payment for New York State Retirement obligations on or before December 15, 2021 as follows: Employees' Retirement System amount is \$41,441.00 and Police Retirement System amount is \$70,012.00 for a Total of \$111,453.00. Carried, with all present voting aye.

The Treasurer's report and the General Fund Cash Flow Forecast was submitted and accepted for October 2021.

The Village and Town Police reports were submitted and accepted for October 2021 with Chief Swick reading the highlights.

The fire report was submitted and accepted for October 2021 with Fire Chief Czaja reading the monthly and year-to-date calls they have responded to.

Water and Sewer Billing for the quarter billed on November 1, 2021 is as follows:

Water:	\$ 52,917.37
Meter Rental Charge:	\$ 1,567.50
Sewer:	\$ 54,391.07
Sewer Debt Service Charge:	\$ <u>8,137.50</u>
TOTAL	\$117,013.44

Mayor Westcott closed the Public Hearing regarding the Local Law Amending the Zoning Code at 7:23 pm. Action will not be taken at this time because it will be turned over to the Niagara County Planning Board for review.

Mayor Westcott closed the Public Hearing regarding the proposed Local Law opting out of licensing and establishing retail cannabis dispensaries at 7:24 pm.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to authorize the adoption of the Local Law Opting out of Licensing and Establishing Retail Cannabis Dispensaries and/or on-site Cannabis Consumption Establishments within the boundaries of the Village of Middleport. Carried, with all present voting aye.

Mayor Westcott closed the Public Hearing regarding the Local Law Amending Vehicle and Traffic Fines at 7:25 pm.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Barr, authorizing the change to the Village Code to amend the Local Law for Vehicle and Traffic Fines Section 185-10(A) and Section 185-10(B). Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Deputy Mayor Conley, to authorize C&H PC to provide the Village with new Wi-Fi equipment, remove the current Cisco access point, and install and configure the new access point. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to authorize Mayor Westcott to enter into Shared Service agreements between the Town of Hartland and the Town of Royalton for Emergency support for addressing critical issues with the Village's sanitary sewer system that require resources beyond the Village of Middleport forces and equipment. Carried, with all present aye.

Correspondence

Clerk VanBuren read an email from Bill Arnold regarding FMC remediation.

Clerk VanBuren informed the Board that an agendas button has been added to the Village website due to Governor Hochul signing legislation amending Public Officers Law § 103 to require public bodies to make records that will be discussed at an upcoming meeting available to the public at least 24 hours before the meeting to the extent practicable.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to authorize Mayor Westcott to send out the following School Choice Week Proclamation. Carried, with all present voting aye.

School Choice Week Proclamation

WHEREAS all children in the **Village of Middleport, New York**, should have access to the highest-quality education possible; and,

WHEREAS the **Village of Middleport, New York**, recognizes the important role that an effective education plays in preparing all students in the **Village of Middleport, New York**, to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of the **Village of Middleport, New York**, and,

WHEREAS the **Village of Middleport, New York**, is home to a multitude of excellent education options from which parents can choose for their children; and,

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS our area has many high-quality teaching professionals who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Richard Westcott, do hereby recognize January 23 - January 29, 2022, as the **Village of Middleport, New York, SCHOOL CHOICE WEEK**, and I call this observance to the attention of all of our citizens.

Old Business

Trustee McAvoy informed the Board that the ad hoc committee to review the current employee handbook had not been able to meet since the October meeting due to scheduling conflicts. He said they would definitely meet prior to the December Board meeting.

New Business

Clerk VanBuren presented the Board with the two dumpster bid service proposals for 2022 that she had received. No action was taken as the Board requested that she reach out to each company to make sure that the bid they had submitted was their final proposal or if they would like to submit a second proposal prior to the Board taking action at the December 20, 2021, meeting.

Assemblyman Norris' office will be collecting gently used coats, boots, gloves, hats, mittens, and scarves from Tuesday, November 16, through Thursday, December 16, 2021.

The annual Tree Lighting is tentatively scheduled for Saturday, December 4, 2021, at 6 pm.

At this time Mayor Westcott opened the meeting to those in attendance to speak.

Cheryl Dimitroff from 32 State St addressed the Board regarding the condition of 35 State St. It is an eyesore in the community that has debris, weeds and an ongoing garage sale being operated.

Carol Blumrick from 31 State St told the Board that she is concerned that 35 State St is a fire hazard. She would like to know what can be done before something tragic happens.

Mark Dinieri from 33 State St asked the Board why Village Codes are not being enforced. He knows that the gentleman that lives at 35 State St is in violation of numerous Village Codes. He has called Brian Belson and left four messages regarding this issue, and he has not heard back from him.

Gary Brennan from 37 State St told the Board that this has gone way beyond just being an eyesore. It is now affecting their quality of life with the smoke that is infiltrating their homes due to the wood burning stove at 35 State St.

Mayor Westcott said he would talk to Brian Belson on Saturday, November 20, 2021. He would find out what Mr. Belson regarding the ongoing problems at 35 State St. The Mayor will inquire as to how many charges have been filed and court summons issued for the resident at 35 State St. It could just be that there is a problem with the courts deeming this as a low priority. He will ask Mark Dinieri and Trustee Blumrick to join him and Mr. Belson in conversation regarding this matter and what the Village can do to help out this neighborhood.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Blumrick, to enter into Executive Session for the purpose of consultation with the Village's Attorney. Carried, with all present voting aye.

Executive Session opened at 8:08 pm.

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

General Session reconvened at 8:44 pm.

The next regularly scheduled meeting of the Board of Trustees will be held on Monday, December 20, 2021, at 7 pm.

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

Meeting adjourned at 8:45 p.m.

Respectfully Submitted,

*Lisa M. VanBuren
Clerk-Treasurer*