

A regularly scheduled meeting of the Board of Trustees was held on Monday, October 18, 2021, in the Village Hall. Mayor Westcott opened the meeting at 7:00 p.m. Also present were Deputy Mayor Conley, Trustee McAvoy, Trustee Barr, Coordinator Bobbitt, Police Chief Swick, Clerk-Treasurer VanBuren, Fire Chief Czaja, and Tom Seaman, attorney. Trustee Blumrick was absent.

Trustee McAvoy led the Pledge of Allegiance.

Dr. Stopinski informed the Board that the RHCS D had sent out two mailings to the residents with their properties adjacent to the Elizabeth Street parcel that the school has acquired to utilize as fall practice fields. The first mailing was sent in May 2019 inviting them to a community meeting at the school, and the second mailing was sent in September 2021 as a survey to the residents that would be impacted. The school had not heard from any of the residents voicing their concerns with the proposed use of the parcel.

Trustee McAvoy sponsored the following proposed change to the Village’s Local Law.

**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.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to authorize a Public Hearing on Monday, November 15, 2021, for the above proposed change to the Village’s Zoning Code to allow school district uses in the Light Industrial district. Carried, with all present voting aye.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to approve the minutes of the September 27, 2021, meeting. Carried, with all present voting aye.

A motion was made by Trustee Barr, and seconded by Deputy Mayor Conley, to authorize Abstract 5-21/22 budget transfers in the General Fund as follows:

TO	FROM	AMOUNT
A3120.15	A3120.11	\$26,490.00
A7110.4	A1990.4	158.27
<b>TOTAL</b>		<b>\$26,648.27</b>
<b>Carried, with all present voting aye</b>		

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to approve payment of claims submitted on Abstract 5-21/22 in the amount of General - \$88,400.63; Water - \$17,313.99; and Sewer - \$11,100.60; for a Total of \$116,815.22. This total also includes payrolls 9 and 10. Carried, with all present voting aye.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Barr, to approve payrolls no. 9 and 10 for periods ending September 25, 2021, and October 9, 2021 respectively. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to authorize Mayor Westcott to execute the WWTP UV Disinfection project amendment with Municipal Solutions to increase by \$4,000 to add additional fiscal services necessary for project closeout. Carried, with all present voting aye.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to authorize Mayor Westcott to execute the Avangrid settlement agreement from Computel Consultants. Avangrid has agreed to reverse their policy of excluding “delivery only” revenue from local GRT payments. Carried, with all present voting aye.

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

The Public Works report was submitted and accepted for September 2021.

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

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

The paper will be notified that the overnight parking ban will be enforced effective Sunday, November 7, 2021, through Sunday, April 3, 2022.

Trustee McAvoy introduced the following proposed Local Law.

**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.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Barr, to authorize a Public Hearing to be held on Monday, November 15, 2021, for the above proposed Local Law to opt out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Village of Middleport. Carried, with all present voting aye.

Deputy Mayor Conley introduced the following proposed change to the Village's Local Law Section 185-10(A) and Section 185-10(B).

## **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 Barr, to authorize a Public Hearing to be held on Monday, November 15, 2021, for the above proposed Local Law amending Vehicle and Traffic fines. Carried, with all present voting aye.

#### ***Correspondence***

Clerk VanBuren informed the Board about the email she had received from Kathy Kindle regarding the American Legion's plans for the Veteran's Day Gathering.

#### ***Old Business***

Clerk VanBuren told the Board that the reporting deadline for the first Project and Expenditure Report for the ARPA funding has been extended to April 30, 2022.

#### ***New Business***

Trustee McAvoy asked the Board about forming a committee to review the current employee handbook to make suggestions to the Board for updating it as necessary.

A motion was made by Trustee McAvoy, and seconded by Trustee Barr, to form an ad hoc committee for reviewing the current employee handbook and making recommendations to the Board for updating it. The committee members would be as follows: Trustee McAvoy, Deputy Mayor Conley, and Clerk VanBuren. This committee would be disbanded upon any Board action that revises the employee handbook. Carried, with all present voting aye.

A motion was made by Trustee Barr, and seconded by Deputy Mayor Conley, 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 7:42 pm.

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

General Session reconvened at 7:51 pm.

The next regularly scheduled meeting of the Board of Trustees will be held on Monday, November 15, 2021, at 7 pm.

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

Meeting adjourned at 7:52 p.m.

*Respectfully Submitted,*

*Lisa M. VanBuren  
Clerk-Treasurer*