

**VILLAGE OF MIDDLEPORT
BOARD OF TRUSTEES
MEETING AGENDA
April 17, 2023**

1. Call meeting to order at 7:00 p.m.
2. Pledge of Allegiance led by _____.
3. Open the Public Hearing regarding the Local Law Establishing Notice of Defects at _____.
4. Approve minutes of the March 20, March 27, April 3, and April 5, 2023, meetings. Motion by Trustee _____, second by Trustee _____.
5. Bills submitted on Abstract No. 11-22/23 in the amount of: General: \$; Water: \$; Sewer: \$; and the Canal Dock Improvement: \$1,232.80 for a Total: \$. This figure also includes payrolls 22 and 23. Motion by Trustee _____, second by Trustee _____.
6. Approve Payroll Nos. 22 and 23 for periods ending March 25, 2023, and April 8, 2023. Motion by Trustee _____, second by Trustee _____.
7. Authorize the budget transfer in the General Fund from Acct Code A1620.4 to Account Code A1210.4 for \$1,200.00. Mayor Dodge will be attending the NYCOM Annual Meeting in May at The Sagamore Resort. Motion by Trustee _____, second by Trustee _____.
8. Authorize the budget transfer in the General Fund from Acct Code A1620.4 to Account Code A1450.4 for \$100.00 for the material needed to build an absentee ballot box for the Village election. Motion by Trustee _____, second by Trustee _____.
9. Authorize the following budget transfers in the Water Fund to cover the cost of purchasing 125 additional meter heads from Ti-Sales: Motion by Trustee _____, second by Trustee _____.

TO	FROM	AMOUNT
F8340.2	F1990.4	\$ 8,000.00
F8340.2	F8310.2	1,000.00
F8340.2	F8310.4	\$ 3,600.00
F8340.2	F8320.4	1,500.00
F8340.2	F8340.4	1,500.00
F8340.2	F9060.8	13,000.00
TOTAL		\$28,600.00

10. Treasurer's report submitted for the month of March 2023.

- General Fund Cash Flow forecast submitted
11. Public Works report submitted for the month of March 2023.
 12. Police report for the Village and the Towns submitted for the month of March 2023.
 13. Fire report submitted for the month of March 2023.
 14. Correspondence
 - Arbor Day Celebration will be Friday, April 28, 2023, at 9:30 am at The Village Commons.
 - The FMC Kick-off Meeting is Tuesday, May 2, 2023
 15. Old Business
 16. Mayor Dodge closed the Public Hearing at _____ regarding the Local Law Establishing Notice of Defects.
 17. _____ introduced the following Local Law and moved its adoption.

**Local Law No. _____ of the Year 2023
Village of Middleport, County of Niagara**

A Local Law Establishing Notice of Defects

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

SECTION 1. FINDINGS.

Where claims for bodily injury or damage to property are asserted against the Village of Middleport arising out of alleged defective conditions of property owned by or in the care, custody or control of the Village, adequate notice to the Village of any such conditions, if found to exist, is necessary. Whether the Village has received actual or constructive notice of such alleged defective conditions is often a question of fact which can lead to uncertainty and possible unwarranted finding of liability against the Village. To assure that the Village received notice of an alleged defective condition and is able to respond in a prompt and reasonable manner, the Village Board considers it important that such prior notice be in writing. It is the purpose of this chapter to require that notice of defective conditions of Village property be given to the Village by prior written notice actually received by the Village in order to provide for the safety, health, protection and general welfare of the persons and property of the Village of Middleport.

SECTION 2. LIABILITY OF THE VILLAGE IN CERTAIN ACTIONS.

No civil action shall be maintained against the Village of Middleport for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed or for

damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert unless written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice, relating to the particular place, was actually given to the Village Clerk and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be removed, or the place otherwise made reasonably safe.

SECTION 3.

No civil action shall be maintained against the Village of Middleport for injuries to person or property sustained in consequences of any property owned or maintained by the Village of Middleport being out of repair, unsafe, dangerous or obstructed unless written notice of the out of repair, defective, unsafe, dangerous or obstructed condition was actually given to the Village Clerk, and there was a failure or neglect within a reasonable time after receipt of such notice to repair or remove the out of repair, defect, defective, unsafe, dangerous or obstructed condition after a reasonable time of such notice.

SECTION 4.

The Village Clerk shall maintain a separate record of any and all written notice which shall be received pursuant to the provisions of this law.

SECTION 5.

Electronic submissions, including email, social media or any other electronic means shall not constitute a valid prior written notice as required pursuant to the terms of this law.

SECTION 6. SEVERABILITY.

If any part or provision of this chapter, or the application thereof, to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this chapter, or application thereof to other persons or circumstances.

SECTION 7.

This Local Law is adopted pursuant to the terms of Village Law 6-628, Municipal Home Rule Law including section 10(1)(i) thereof and New York State Constitution Article IX including the power to enact Local Laws relating to municipalities property.

SECTION 8. TERM

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

18. The adoption of the foregoing resolution was seconded by Trustee _____, and duly put to a vote. Deputy Mayor Conley _____, Trustee Barr _____, Trustee McAvoy _____, and Trustee Blumrick _____.

19. New Business

- Discuss Water/Sewer Relevy to 2023-2024 Village Taxes

20. Trustee _____ offered the following resolution and moved its adoption:

WHEREAS the Village is required pursuant to NYS Village Law § 11-1118 to relevy any unpaid water/sewer rents onto the upcoming Village tax bill and

WHEREAS the County of Niagara now requires authorization to relevy any delinquent water/sewer bill greater than \$1,000,

NOW THEREFORE the Niagara County Real Property Department is authorized to relevy all delinquent water/sewer accounts, including those owing over \$1,000, onto 2023-2024 Village tax bills.

The adoption of the foregoing resolution was seconded by Trustee _____, and duly put to a vote on roll call. Deputy Mayor Conley _____, Trustee Barr _____, Trustee Blumrick _____, Trustee McAvoy _____, and Mayor Westcott _____.

21. Authorize Clerk-Treasurer VanBuren to relevy any 2022-2023 unpaid additional garbage cart service fees to the residents 2023-2024 Village tax bills as a miscellaneous charge. Motion by _____, second by Trustee _____.

22. Executive Session for the purpose of consultation with the Village's Attorney. Motion by Trustee _____, second by Trustee _____.

23. Return to General Session at _____. Motion by Trustee _____, second by Trustee _____.

24. Next regular Board meeting will be Monday, May 15, 2023, at 7:00 p.m.

25. Adjournment. Motion by Trustee _____, second by Trustee _____.

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