

A regularly scheduled meeting of the Board of Trustees was held on Monday, March 20, 2023, in the Village Hall. Mayor Westcott opened the meeting at 7:01 p.m. Also present were Trustee Barr, Trustee Blumrick, Trustee McAvoy, Coordinator Bobbitt, Police Chief Swick, Fire Chief Czaja, Clerk-Treasurer VanBuren, and Tom Seaman, attorney. Deputy Mayor Conley was absent.

Mayor Westcott led the Pledge of Allegiance.

There were a couple of residents in attendance as well.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to approve the minutes of the February 22, 2023, meeting. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Trustee Barr, to authorize the budget transfer in the Water Fund from F9060.8 to F9030.8 for \$150.00. Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Trustee McAvoy, to authorize to amend the General Fund Revenues as outlined below:

ACCT	BUDGETED AMT	AMENDED AMT
A1120	\$300,000.00	\$325,000.00
A2680	13,344.64*	14,989.24
A3389	0.00	6,000.00
A4389	0.00	2,375.00
<b>TOTAL</b>		<b>\$35,019.60</b>
<b>*This account was amended in December and January</b>		
<b>Carried, with all present voting aye.</b>		

A motion was made by Trustee McAvoy, and seconded by Trustee Barr, to authorize to amend the General Fund Expenditures as outlined below:

ACCT	BUDGETED AMT	AMENDED AMT
A1010.1	\$ 8,700.00	\$13,050.00
A1210.1	3,900.00	5,850.00
A1420.4	15,000.00*	18,000.00
A1490.4	1,000.00	1,700.00
A3120.13	25,000.00*	28,500.00
A3120.4	51,381.64*	61,401.24
A5142.4	6,000.00	10,200.00
A9060.8	77,335.33	84,635.33
<b>TOTAL</b>		<b>\$35,019.60</b>
<b>*These accounts were amended in December</b>		
<b>**This account was amended in December and January</b>		
<b>Carried, with all present voting aye.</b>		

A motion was made by Trustee Blumrick, and seconded by Trustee McAvoy, to approve payment of claims submitted on Abstract No. 10-22/23 in the amount of General: \$57,714.86; Water: \$12,346.36; Sewer: \$15,961.09; and Canal Dock Improvement: \$5,086.72; for a Total of: \$91,109.03. This figure also includes Payrolls No. 20 and 21. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Trustee Barr, to approve Payrolls No. 20 and 21 for the weeks ending February 25, 2023, and March 11, 2023, respectively. Carried, with all present voting aye.

The Treasurer's report and the General Fund Cash Flow Forecast was submitted and accepted for February 2023.

The Public Works report was submitted and accepted for February 2023.

The Village and Town Police reports were submitted and accepted for February 2023.

The fire report was submitted and accepted for February 2023.

### **CORRESPONDENCE**

Resignation letters were read from part-time police officers Alec Williams and Stephen Gross.

Clerk VanBuren read an email from the NYS Comptroller's office informing the Village that they had completed their review of the 2022 AUD. The Village's fiscal stress score was also given which has gone down the past three years.

The American Legion Auxiliary is having their Annual Walk-A-Thon on Saturday, April 29, 2023, at The Village Commons. The registration table and basket raffle will be set up at 9:00 a.m. The walk around the Village will begin at 11:00 a.m.

Clerk VanBuren shared information she had received at the Niagara County Clerk's Association luncheon last week from the Niagara County Department of Health. They offer a variety of Public Health Emergency Preparedness training opportunities.

### **OLD BUSINESS**

C & H P.C. in Medina submitted an estimate for cyber security coverage for the 2023-2024 fiscal year. They need the Village to adopt the Cyber Security policy they submitted in July 2022 in order to fully implement the Cyber Security program. Once they have approval, they can start phishing campaigns and penetration testing to further educate the Village employees.

The Village's Procurement Policy was also discussed. Attorney Seaman will review the current policy and the Board can recommend changes at the April 2023 meeting.

Mayor Westcott and Clerk VanBuren updated the Board about the property located at 7 Mechanic Street. Clerk VanBuren contacted Niagara County Legislator, Mike Hill, on Friday, March 17, 2023. Clerk VanBuren provided him with the background information on the property, and he immediately went to inspect it for himself since Niagara County currently owns it. The Niagara County Deputy Commissioner of the Department of Public Works, Jeffrey Gaston, called the Village Clerk's office Friday afternoon to speak with Building Inspector Belson. Mayor Westcott said that the county had sent a crew down today, and they had begun to clean up the exterior of the property.

### **NEW BUSINESS**

NYS Deferred Compensation would like the Village to utilize their FastPay system for submitting employee payroll contributions.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to authorize utilizing the NYS Deferred Compensation FastPay system for the employee payroll contributions rather than mailing a check each pay period. This motion is contingent upon attorney review. Carried, with all present voting aye.

Clerk VanBuren asked the Board to consider adding Village Codes for Fences, Solar, and EV Charging stations as well as adding permit requirements for each. Attorney Seaman will discuss this with Building Inspector Belson, and the Board will decide at a future meeting how they would like to draft the Village Codes.

Trustee Blumrick introduced the following proposed Local Law.

**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.

A motion was made by Trustee Blumrick, and seconded by Trustee Barr, to authorize a Public Hearing for the above proposed Local Law Establishing Notice of Defects to be held on Monday, April 17, 2023, at the Village Hall at 7 pm. Carried, with all present voting aye.

At this time Clerk VanBuren advised the Board that Municipal Solutions has advised that EFC will be asking which repayment schedule the Village would like for the long-term financing for the WWTP UV Disinfection Project. Discussed pros and cons of Net Level Debt (same amount each month) or 50 Percent Rule (which is a payment that gradually gets higher over the life of the loan).

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to adopt the Net Level Debt repayment schedule for the current long-term financing for the WWTP UV Disinfection Project. Carried, with all present voting aye.

Chief Swick asked the Board to consider rehiring Curtis Waugaman as a part-time police officer.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to authorize the rehiring of Curtis Waugaman as a part-time police officer at the rate of \$19 per hour effective Sunday, April 2, 2023. Carried, with all present voting aye.

There is a Budget Meeting scheduled for Monday, March 27, 2023, at 4:00 p.m. at the Village Hall.

The Annual Reorganizational Meeting is tentatively scheduled for Monday, April 3, 2023, at 7:00 p.m.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to enter into Executive Session for the purpose of consultation with the Village's Attorney regarding the Collective Bargaining Agreement and Village Personnel. Carried, with all present voting aye.

Executive Session opened at 8:21 pm.

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

General Session reconvened at 9:11 pm.

The next regularly scheduled meeting of the Board of Trustees will be held on Monday, April 17, 2023, at 7 pm.

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

Meeting adjourned at 9:11 p.m.

*Respectfully Submitted,*

*Lisa M. VanBuren  
Clerk-Treasurer*