

**VILLAGE OF MIDDLEPORT
BOARD OF TRUSTEES MEETING
AGENDA – MAY 15, 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 Authorizing Employment of Swim Director at _____.

Local Law No. 2 of the Year 2023

Village of Middleport

County of Niagara, State of New York

A Local Law Authorizing Employment of Swim Director

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

SECTION 1. THE VILLAGE BOARD OF THE VILLAGE OF MIDDLEPORT MAKES THE FOLLOWING FINDINGS:

- a) The Village of Middleport conducts a swim program during summer months for children in the Royalton, Hartland, and Middleport area. Costs of the program are contributed to equally amongst the Village of Middleport, the Town of Royalton, and the Town of Hartland.
- b) The Village employs seasonal employees to conduct the program, which employment is limited to the program duration and preparations for the program.
- c) The individual who has been involved in the program as an employee for over twenty years has now become a Village Trustee, and is highly qualified to act as Director of the Village swim program.
- d) The Village Board desires to hire a member of the Board of Trustees for such position, although it is the appointing body.
- e) New York General Municipal Law Article 18 and other laws and opinions, including the Whitehall Doctrine (120 Misc. 124, Affid 206 App Division 786) prohibit a municipality from hiring a board member to a position in the same municipality, however, New York State Attorney General opinion (1987 N.Y. OP Atty General 109, Informal) provides that if there is a finding by the local legislative body that a local law is in the public interest, the governing body can adopt a local law overriding the Whitehall doctrine and the incompatibility, and is authorized to adopt local laws consistent with the constitution and general state law, relating to the powers, duties and qualifications of its employees pursuant to Municipal Home Rule Law Section 10(1)(ii)(a)1.
- f) This Board finds that adoption of this law is in the public interest because it allows for the hiring on a short-term basis of a highly qualified Board member to direct a swimming program for area youths, who benefit from the program, and the Board members abilities and expertise.

SECTION 2.

The Village Board is hereby authorized, to hire a qualified member of the Village Board as Swim Program Director based upon the above findings and the Village Board shall, at its discretion, hire the qualified member of the Village Board as Director of the Village of

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Middleport Swim Program.

SECTION 3. AUTHORITY.

This Local Law is adopted pursuant to Municipal Home Rule Section 10(1)(ii)(a)1) and 1987 N.Y. Op Atty Gen. (Inf), 109 (N.Y.A.G.) 1987.

SECTION 4. EFFECTIVE DATE.

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

4. Close the Public Hearing at _____.
5. The adoption of Local Law No. 2-2023. Motion by Trustee _____, second by Trustee _____, and duly put to a roll call vote. Deputy Mayor Conley _____, Trustee Barr _____, Trustee McAvoy _____, Trustee Blumrick _____, and Mayor Dodge _____.
6. Approve the minutes of the April 11, 2023, and April 17, 2023, meetings. Motion by Trustee _____, second by Trustee _____.
7. Authorize two budget transfers in the Sewer Fund. The first budget transfer is from G8110.2 to G8110.4 for \$125.00 and the second budget transfer is from G8120.1 to G8130.11 for \$500.00 for a Total budget transfer amount of \$625.00. Motion by Trustee _____, second by Trustee _____.
8. Authorize budget transfers in the General Fund for a total of \$. Motion by Trustee _____, second by Trustee _____.
9. Bills submitted on Abstract No. 12-22/23 in the amount of: General: \$; Water: \$; and Sewer: \$. Total: \$. This figure includes Payrolls No. 24 and 25. Motion by Trustee _____, second by Trustee _____.
10. Approve Payroll Nos. 24 and 25 for periods ending April 22, 2023, and May 6, 2023. Motion by Trustee _____, second by Trustee _____.
11. Treasurer's report for the month of April 2023.
 - General Fund Cash Flow forecast submitted
12. Village and Town Police reports for the month of April 2023.
13. Public Works report for the month of April 2023.
14. Fire report for the month of April 2023.
15. No refuse/recycle collection on Wednesday, May 31, 2023, due to the Memorial Day holiday. Regular pickup will be on Thursday, June 1, 2023.
16. Water and Sewer Billing for the quarter billed on May 1, 2023:

Water:	\$ 56,607.01
Meter Rental:	2,229.50
Sewer:	57,678.75
<u>Sewer Debt Service Charge:</u>	<u>8,162.50</u>
Total:	\$124,677.76

This cycle billing is for 8,548,000 gallons.

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17. Authorize the increase to the Village's Health Insurance Health Reimbursement Account (HRA) from \$2,350 to \$2,600 for a single plan and from \$4,700 to \$5,200 for a family or multiple-person plan effective June 1, 2023. Motion by Trustee _____, second by Trustee _____.
18. Amount of unpaid water/sewer bills as of April 30, 2023, added onto the 2023 - 2024 tax roll: \$34,863.50. Motion to authorize Niagara County Real Property Department to relevel all accounts onto the 2023-2024 Village tax bills. Motion by Trustee _____, second by Trustee _____.
19. Approve 59 ½ hours of vacation carryover for Clerk VanBuren, 40 hours of vacation carryover for Chief Swick, 40 hours of vacation carryover for Officer Mandaville, 40 hours of vacation carryover for Officer Wolcott, and 53 hours of vacation carryover for Coordinator Bobbitt. Motion by Trustee _____, second by Trustee _____.
20. Tax warrant to be signed by Mayor Dodge in the amount of \$713,166.17 (tax levy of \$678,743.11 plus unpaid water and sewer of \$34,423.06).
21. Correspondence.
 - Cal and Rebecca Rhoney Letter
 - American Legion Thank You Card
 - Memorial Day/Duck Derby
22. Old business.
 - NYMIR 2023-2024 Insurance Proposal
23. New business.
 - Fusion MGA Cyber Liability Insurance Proposal
 - CPA Firm to File the Village's Annual Report
 - Summer Swim Program
 - Ampion - Solar Energy Product Services
 - Apply for Super Cruise on Main St September 2023
24. Authorize Mayor Dodge to enter into an agreement with Fusion MGA for the Village's 2023-2024 Cyber Liability Coverage as described in the proposal dated 5/12/2023. Motion by Trustee _____, second by Trustee _____.
25. Authorize Mayor Dodge to formally enter into an agreement with Tronconi Segarra & Associates to file the Village's Annual Financial Report for the Fiscal Year 2022-2023. Motion by Trustee _____, second by Trustee _____.
26. Executive Session for the purpose of consultation with the Village's Attorney at _____. Motion by Trustee _____, second by Trustee _____.
27. Return to General Session at _____. Motion by Trustee _____, second by Trustee _____.
28. Next regular Board meeting will be **Wednesday, June 21, 2023**, at 7:00 p.m.
29. Adjournment at _____. Motion by Trustee _____, second by Trustee _____.