

A regularly scheduled meeting of the Board of Trustees was held on Monday, January 17, 2024, in the Village Hall. Mayor Dodge opened the meeting at 7:00 p.m. Also, present were Deputy Mayor Conley, Trustee McAvoy, Trustee Barr, Coordinator Bobbitt, Police Chief Swick, Fire Chief Czaja, Clerk-Treasurer VanBuren, and Tom Seaman, attorney. Trustee Blumrick was absent.

Deputy Mayor Conley led the Pledge of Allegiance.

Don Heschke, Kellie LePard, and Renee' Holly-Eberhard were also in attendance.

Don Heschke, President of Sigma Motor Inc. addressed the Board about re-zoning property he owns on Mill Street in order for the company to add a storage and assembly building and off-street loading dock.

Trustee McAvoy introduced the following Local Law Amending the Zoning Map of the Village of Middleport.

## **VILLAGE OF MIDDLEPORT**

### **A Local Law Amending the Zoning Map of the Village of Middleport**

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

The Zoning Map of the Village of Middleport, as adopted at §200-5 of the Code of the Village of Middleport, and as amended from time to time, is hereby amended to reflect the following:

The parcels located at 5 Terry Street, 6 Mill Street, and 8 Mill Street, Village of Middleport, New York, and identified by the following Tax Map Numbers, respectively:

- 85.16-1-41
- 85.16-1-39
- 85.16-1-38

are hereby rezoned from the One- and Two-Family Residential District (R-1) to the Light Industrial District (I-1).

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 Barr, to hold a Public Hearing for the proposed Local Law Amending the Zoning Map of the Village of Middleport on Wednesday, February 21, 2024, at 7 p.m. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, authorizing the members of the Zoning Board of Appeals and/or the Planning Board to convene for the consideration of Mr. Heschke's project on Mill Street. 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 December 18, 2023, meeting. It was noted that the new totals for the General Fund claims was \$118,524.52 and the Sewer Fund claims total was \$11,850.03 for a new Abstract No. 7-23/24 Total of \$132,977.31. This is due in part to the delay in receiving the MVP Healthcare invoice reflecting the new rates for 2024. 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 General Fund from A1990.4 to A1320.4 for \$475.00. This is for additional services provided by the Village auditors to research the proper accounting of revenues and expenditures between funds when using ARPA (American Rescue Plan Act) funds. They also provided general journal entries to close out the capital improvement fund now that the Village is in long-term financing with the UV Disinfection project. Carried, with all present voting aye.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Barr, to authorize the budget transfer in the Sewer Fund from G1990.4 to G8110.4 for \$150.00. Carried, with all present voting aye.

## **VILLAGE OF MIDDLEPORT**

### **EMERGENCY RESOLUTION / ARPA EXPENSE**

**WHEREAS**, on November 16, 2023, the Village Coordinator, Bryan Bobbitt, was notified of a multiple home sewage backup on S. Vernon St. in the Village of Middleport, and

**WHEREAS**, Mr. Bobbitt investigated the backup, and determined that the repair of the village's sewer main, which had failed and caused the aforesaid problems, was beyond the capacity of the Village, thus requiring third party involvement, and

**WHEREAS**, the Village Coordinator assessed the situation to be critical in nature which necessitated immediate action to preserve and protect the health and safety of the residents of the Village, now therefore be it

**RESOLVED**, the Village Board of Trustees, in reliance in part upon the opinions of the Village Coordinator, does hereby find that the above described sewer main issues, described herein, constituted a public emergency arising out of unforeseen occurrences or conditions which affected the life, health and safety of the residents of the Village which required immediate attention and could not await competitive bidding and thus constituted an emergency situation pursuant to General Municipal Law Section 103 (4), and be it further

**RESOLVED**, that the requirements for competitive bidding for said repairs be dispensed with, and be it further

**RESOLVED**, that the actions of the Village Coordinator in contracting with R.I.C. Plumbing, Inc. 5984 Dunnigan Rd., Lockport, NY 14094, to effectuate the required emergency repairs, are hereby approved by the Village Board of Trustees, and be it further

**RESOLVED**, that the Village is hereby authorized to remit payment to R.I.C. Plumbing, in the amount of \$40,750.00, following the Villages standard auditing process, and be it further

**RESOLVED**, that such expenditure be recognized as an investment in the Village's sewer system infrastructure and therefore payment for such repair shall be directed to be allocated from those moneys received by the Village through the American Rescue Plan Act (ARPA).

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to authorize the preceding resolution for the emergency sewer repair on S Vernon Street by R.I.C. Plumbing and the expenditure of ARPA funds as an investment in the Village's sewer system infrastructure. Carried, with all present voting aye.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Barr, to authorize the budget amendments in the Sewer Fund to increase the appropriations budgeted for Account Code G8120.2 for \$10,000.00 for the purchase of the CCTV Van, G8120.4 for \$40,750.00 for the emergency sewer repair work needed on S Vernon Street by R.I.C. Plumbing, and G8130.2 for \$18,000.00 for the purchase of the Sewer Vac truck from the Town of Hartland. The total budget amendment is for \$68,750.00. The Board authorized the use of ARPA funds for each expenditure. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to approve payment of claims submitted on Abstract No. 8-23/24 as follows: General: \$99,165.75; Water: \$37,751.56; Sewer: \$51,488.39 for a Total of \$188,405.70. This figure also includes Payrolls No. 15 and 16. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to approve Payrolls No. 15 and 16 for periods ending December 16, 2023, and December 30, 2023. Carried, with all present voting aye.

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

The Village Historian's annual report was submitted and accepted for 2023.

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

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

The fire report was submitted and accepted for December 2023. Fire Chief Czaja said that the fire department expects to take delivery of the new fire truck they ordered over two years ago by the end of February. He also said that the fire department was able to purchase a Lucas device which is a mechanical chest compression device that is used to provide CPR through the generous donations from the Middleport Exempt Benevolent Association and Mr. Ed's Athletic Club.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to appoint Mayor Dodge as Budget Officer for the ensuing year. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to appoint Ms. Kathy Kindle and Mrs. Rebecca Schweigert as election inspectors with Christa Lutz as an alternate election inspector. Carried, with all present voting aye.

A motion was made by Trustee Barr, and seconded by Deputy Mayor Conley, to set the compensation for the election inspectors at \$17.00 per hour. Carried, with all present voting aye.

### **Correspondence**

An email was read from Parks and Trails New York – Cycle the Erie Canal 2024 informing the Village that Sunday, July 7, 2024, will be the first day of the event. They are also hoping that the Village can serve as a stop for the cyclists on that day. We will gladly welcome them once again.

A letter was read from Assemblyman Michael Norris' Office thanking the Village for serving as a collection location for their winter clothing drive.

An email was read from Tim Walck from Wendel Engineering recommending to the Board that the Village no longer classifies FMC Corporation as a Significant Industrial User (SIU). He also recommended that the Village leave the pretreatment program and laws in place as FMC could modify their production in the future or for any other potential new industry.

**VILLAGE OF MIDDLEPORT  
RESOLUTION  
DETERMINATION TO DECLASSIFY FMC  
AS A SIGNIFICANT INDUSTRIAL USER (SIU)**

**WHEREAS**, the Village of Middleport (Village), pursuant to NYS DEC SPDES Permit No. NY0022331, maintains a Significant Industrial User (SIU) list of entities within the Village which qualify for certain EPA Pretreatment Compliance Inspections under applicable regulations, and

**WHEREAS**, the Village of Middleport, through its Village Coordinator and its Engineering firm, Wendel, has investigated the current status of FMC to determine if it should still be classified as an SIU and has determined that the amount of sewage discharge triggering such a classification has been significantly reduced over a period of years to a level far below the amount of discharge required to trigger an SIU, now therefore be it

**RESOLVED**, that upon the recommendation of the Village Coordinator and the Village's engineering firm, the Village of Middleport hereby determines that FMC no longer qualifies as a SIU and directs the Village Coordinator and Village engineering

firm to take such steps necessary to notify FMC, NYS DEC and the US EPA of this determination, and be it further

**RESOLVED**, that the Village will continue to maintain the SIU program, classification and reporting requirements at this time as to do so will require minimal reporting on a yearly basis and will also ensure that such a program is already in place in the event that a SIU ultimately is located in the Village and utilizes the Village's water treatment plant.

A motion was made by Trustee McAvoy, and seconded by Trustee Barr, to approve the preceding resolution to declassify FMC Corporation as a Significant Industrial User (SIU) as determined by Wendel Engineering and Coordinator Bobbitt. Carried, with all present voting aye.

#### **Old Business**

The flooring installation estimates were presented to the Board for the Board Room and the Village Clerk's office.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to approve the contract for the installation of the carpet tiles in the Board Room and the Clerk's office to Jeff Mages for \$1,250.00 for the Board Room and \$750 for the Clerk's office. He will take out the old carpet, prep the subfloor, install and glue the carpet tile, install and glue the vinyl base, and install the Board room double door transition molding. Carried, with all present voting aye.

#### **New Business**

A budget meeting with the Mayor and the Department Heads needs to be scheduled as soon as possible.

Clerk VanBuren gave the Village Board and the attorney the water/sewer billing software quotes to review prior to the February Board meeting.

The current form used for water service termination needs to be updated and modified. Tom Seaman, attorney, will review and have something ready for the February Board meeting.

The next regular Board Meeting – **Wednesday, February 21, 2024, at 7:00 p.m. due to the President's Day Holiday.** The Village Hall will be closed Monday, February 19, 2024, for this holiday.

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 8:38 p.m.

*Respectfully Submitted,*

*Lisa M. VanBuren  
Clerk-Treasurer*