

A regularly scheduled meeting of the Board of Trustees was held on Monday, February 21, 2024, in the Village Hall. Mayor Dodge opened the meeting at 7:00 p.m. Also present were Deputy Mayor Conley, Trustee Blumrick, Trustee McAvoy, Trustee Barr, Coordinator Bobbitt, Police Chief Swick, Clerk-Treasurer VanBuren, and Tom Seaman, attorney.

Trustee Barr led the Pledge of Allegiance.

There were a few residents in attendance, as well.

Mayor Dodge opened the Public Hearing for the proposed Local Law No. 1 “Amending the Zoning Map of the Village of Middleport” at 7:01 p.m.

Donald Heschke, President of SigmaMotor Inc., provided the Village Board with a drawing of the proposed building for his properties on Mill Street. He also had the Google Map for the area. There was discussion as to the sidewalk and drainage that would be installed.

Mayor Dodge closed the Public Hearing at 7:08 p.m.

Trustee McAvoy offered the following Local Law and moved its adoption:

LOCAL LAW NO. 1 OF THE YEAR 2024

VILLAGE OF MIDDLEPORT

COUNTY OF NIAGARA, STATE OF NEW YORK

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.

The adoption of the foregoing Local Law was seconded by Trustee Blumrick, and duly put to a roll call vote.

AYES:	Daniel A. Dodge Dorothy J. Barr Wayne B. Blumrick Thomas C. Conley Dennis J. McAvoy
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NOES:	NONE
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ABSENT:	NONE
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The Local Law was declared adopted.

VILLAGE OF MIDDLEPORT
STATE ENVIRONMENTAL QUALITY REVIEW ACT NEGATIVE DECLARATION
AND NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

DONALD HESCHKE
PROPOSED NEW BUILDING ADDITION
6 & 8 MILL STREET, AND 3 N. MAIN STREET, MIDDLEPORT, NEW YORK

WHEREAS, Donald Heschke (the “Applicant”), has proposed a new building addition on premises located at 6 & 8 Mill Street, Middleport, NY, currently SBL Nos. 85.16-1-39 & 85.16-1-38, and 5 Terry Street, SBL No. 85.16-1-41 (the “Project”), which is being considered for Site Plan Approval by the Village of Middleport (the “Village”), and

WHEREAS, the Village Board has determined the project is an Unlisted Action under the State Environmental Quality Review Act and the implementing regulations of the New York State Department of Environmental Conservation adopted thereunder (6 NYCRR Part 617) (hereinafter collectively referred to as “SEQRA”) for which coordinated review is not required; and

WHEREAS, the Village Board has considered the Project and reviewed the EAF in light of the criteria set forth in SEQRA in order to determine whether the Project will have a significant effect on the environment, now therefore be it

RESOLVED, that the Village Board of the Village of Middleport hereby declares itself lead agency for the purposes of SEQRA review of the Project, and be it further

RESOLVED, that the Project be classified as an Unlisted Action under SEQRA and that coordinated review is not required, and be it further

RESOLVED, that based upon the information set forth in the EAF, and for reasons more fully set forth in parts 2 and 3 of the EAF, the Village Board hereby determines that there will be no significant environmental impacts with regard to the Project, and hereby adopts and issues the attached Negative Declaration under SEQRA with respect thereto, and be it further

RESOLVED, that the Mayor of the Village be, and hereby is, authorized to execute any necessary documents in conjunction hereto.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, that the Site Plan application for 6 & 8 Mill Street has been reviewed by the Board of Trustees and the Building Inspector, Brian Belson. It has been determined that this site plan is an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA), and that a negative declaration should be issued requiring no further action for SEQRA purposes based on the preceding resolution. Carried, with all present voting aye.

VILLAGE OF MIDDLEPORT
PLANNING BOARD
SITE PLAN RESOLUTION

WHEREAS, a Site Plan has been submitted by Donald Heschke, proposing an addition to the business located at 6 Mill Street, 8 Mill Street, 3 North Main Street, and 5 Terry Street, has been submitted to the Village Planning Board for review, now therefore be it.

RESOLVED, that the Site Plan submitted by Donald Heschke is hereby approved as presented, conditioned on the following:

- 1) Approval is contingent on Applicant combining four parcels of 6 Mill Street, 8 Mill Street, 5 Terry Street and 3 North Main Street into a single parcel, to be completed prior to final inspection by the building inspector.

- 2) Approval is contingent on the applicant providing appropriate sidewalk space, designated as sidewalk, for use by pedestrians.
- 3) Approval allows for concrete pad at grade with the roadway to allow for vehicular access to parking areas.
- 4) Sidewalk access must remain available to pedestrians.

A motion was made by Trustee Blumrick, and seconded by Trustee Barr, for approval of the Site Plan submitted by Donald Heschke for 6 Mill Street, 8 Mill Street, 3 North Main Street and 5 Terry Street. The preceding resolution specifies the conditions that this approval is granted. Carried, with all present voting aye.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Barr, to approve the minutes of the January 17, 2024, meeting. Please note that the new total for the General Fund claims was \$99,165.75 for a new Abstract No. 8-23/24 Total of \$188,405.70. Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Trustee McAvoy, to authorize the following budget transfers in the General Fund:

TO	FROM	AMOUNT
A1440.4	A1990.4	\$ 126.25
A1440.4	A7145.1	337.50
A3120.13	A1990.4	\$21,000.00
A3120.2	A7145.1	1,100.00
A3120.4	A1620.4	7,000.00
TOTAL		\$29,563.75
Carried, with all present voting aye.		

A motion was made by Trustee Blumrick, and seconded by Deputy Mayor Conley, to approve payment of claims submitted on Abstract No. 9-23/24 in the amount of General: \$92,028.14; Water: \$25,115.61; and Sewer: \$17,297.03; for a Total of \$134,440.78. This figure also includes the Payrolls No. 17, 18, and 19. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Trustee Barr, to approve Payrolls No. 17, 18, and 19 for weeks ending January 13, 2024, January 27, 2024, and February 10, 2024, respectively. Carried, with all present voting aye.

The Treasurer's report and the General Fund Cash Flow forecast were submitted and accepted for January 2024.

The Public Works report was submitted and accepted for January 2024.

The Village and Town Police reports were submitted and accepted for January 2024 as well as the 2023 Annual Police Report.

The fire report was submitted and accepted for January 2024.

Water and Sewer billing for the quarter ending February 1, 2024:

Water:	\$ 61,290.56
Meter Rental:	2,226.00
Sewer:	62,350.32
Sewer Debt Service Charge:	<u>8,120.00</u>
Total:	\$133,986.88

This cycle billing is for 9,406,000 gallons.

Trustee Blumrick introduced the following resolution and moved its adoption:

RESOLVED, that the forthcoming General Village Election will be held on Tuesday, March 19, 2024, from 12:00 p.m. noon until 9:00 p.m. at the Village Hall, Middleport, New York. The following candidates were nominated for the office and term set forth before each name:

Inspire Change Party

Trustee - Two-year term

Kellie LePard

30 Park Ave

Middleport, New York

Tea Pot Hollow Voices Party

Trustee - Two-year term

Renee' Holly-Eberhard

52 Main Street

Middleport, New York

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

Correspondence

A letter was read from the United States Environmental Protection Agency (EPA) regarding the Village's response letters to the EPA's Pretreatment Inspection Report. The EPA is satisfied with the Village's response that they are declassifying FMC as a Significant Industrial User (SIU) so therefore the Potential Non-Compliance Items and Areas of Concern referenced in the EPA's letter no longer need to be addressed. Should the Village permit Significant Industrial Users (SIUs) in the future, the Village must ensure the SIU permits include all required conditions pursuant to 40 C.F.R. § 403.

New York Municipal Insurance Reciprocal (NYMIR) sent a letter notifying the Village that we must install working battery disconnect switches in the medium to heavy equipment owned by the Village.

Curtis Waugaman's resignation letter was read. He is resigning as a part-time police officer effective March 1, 2024.

The Arbor Day Foundation congratulated the Village on earning the recognition as a 2023 Tree City USA.

Old Business

The Canal Dock Improvement Project was discussed. The Village Board needs to make some decisions about moving forward with the project.

New Business

Clerk VanBuren requested that the Village close out the Capital Improvement bank account since there is currently no project utilizing this account. She had emails in support of this from the Vice President at Tompkins Community Bank as well as the Village accounting firm.

The Town of Royalton's Police Contract expires May 31, 2024, so a new contract needs to be negotiated as soon as possible.

The Middleport Beautification Committee requested the closure of Main Street from Church Street to State Street for National Night Out on Tuesday, August 6, 2024. The Village will have to submit a PERM33C Application with the NYS DOT for approval.

A budget meeting was set for Saturday, March 2, 2024, at 9 a.m. in the Village Hall.

A motion was made by Trustee Blumrick, and seconded by Deputy Mayor Conley, to authorize the closing of the Capital Improvement bank account at Tompkins

Community Bank due to the fact that there is currently no need to have the account open since the two projects at the Wastewater Treatment Plant have been completed, there is a zero balance in the account, and all of the bills for those projects are paid. The Village is in long-term financing with NYS EFC (Environmental Facilities Corporation). Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to authorize the Village to enter into a Site Access Agreement with FMC for the 2024 remediation work scheduled to be completed in the Village of Middleport this year contingent upon Attorney Seaman's approval. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to enter into Executive Session for the purpose of consultation with the Village's Attorney regarding a personnel matter. Carried, with all present voting aye.

Executive Session opened at 8:13 pm.

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

General Session reconvened at 8:52 pm.

The next regularly scheduled meeting of the Board of Trustees will be held on Monday, March 18, 2024, 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 8:53 p.m.

Respectfully Submitted,

Lisa M. VanBuren
Clerk-Treasurer