

UNAPPROVED
BOARD MEETING MINUTES
JANUARY 22, 2025

A regularly scheduled meeting of the Board of Trustees was held on Wednesday, January 22, 2025, in the Village Hall. Mayor Dodge opened the meeting at 7:00 p.m. Also present were Trustee LePard, Trustee Barr, Deputy Mayor Blumrick, Trustee Holly-Eberhard, Coordinator Bobbitt, Police Chief Johnson, Clerk-Treasurer VanBuren, and Tom Seaman, attorney.

Trustee Holly-Eberhard led the Pledge of Allegiance.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee LePard, to approve the minutes of the December 16, 2024, Board meeting, and the December 30, 2024, Special Meeting. Carried, with all present voting aye.

A Motion was made by Deputy Mayor Blumrick, and seconded by Trustee Holly-Eberhard, to authorize a budget amendment in the General Fund to increase the revenues budgeted for Account Code A2680 by \$9,527.11, which is the amount the Village received from New York Municipal Insurance Reciprocal (NYMIR) to cover the cost of the damages sustained to the 2015 Ford Service Truck after the \$500.00 deductible. Carried, with all present voting aye.

A motion was made by Trustee Barr, and seconded by Deputy Mayor Blumrick, to authorize a budget amendment in the General Fund to increase the appropriations budgeted for Account Code A1620.2 by \$9,527.11 towards the repair bill for the damage sustained to the 2015 Ford Service Truck. The truck is at Klino's Collision, but we have not received an estimate for their work to complete the necessary repairs. Carried, with all present voting aye.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Holly-Eberhard, to authorize payment of claims submitted on Abstract No. 8-24/25 in the amount of: General: \$168,789.50; Water: \$38,120.96; and Sewer: \$11,963.76; for a Total of: \$218,874.22. This figure also includes Payroll Nos. 15, 16, and 17. Carried, with all present voting aye.

A motion was made by Trustee LePard, and seconded by Trustee Barr, to approve Payroll Nos. 15, 16, and 17 for periods ending December 14, 2024, December 28, 2024, and January 11, 2025, respectively. Carried, with all present voting aye.

The Treasurer's report was submitted and accepted for December 2024.

- The December revenue and expenditure reports were distributed to the Board.

The Village Historian's annual report was submitted and accepted for 2024.

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

The Village and Town Police reports were submitted and accepted for December 2024. Chief Johnson also distributed the 2024 Middleport Police Department annual report.

The Fire report was submitted and accepted for December 2024.

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

A motion was made by Trustee Barr, and seconded by Trustee LePard, to appoint Ms. Kathy Kindle and Mrs. Rebecca Schweigert as the 2025 Village election inspectors with Mr. Dennis McAvoy appointed as an alternate election inspector. The Chairperson will be appointed by the Clerk-Treasurer. Carried, with all present voting aye.

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

PUBLIC COMMENT

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Retired Police Chief John Swick asked if there was an issue with some of the new LED streetlights. He has noticed National Grid in the Village working on various streets. National Grid has not contacted the Village about any problem thus far.

CORRESPONDENCE

Clerk VanBuren read a letter from the NYS Canal Corporation/NY Power Authority congratulating the Village on receiving the Canalway Grant through Round 14 of the New York State Regional Economic Development Council (REDC) Initiative.

Clerk VanBuren also read a letter from Niagara County EMS requesting a letter of endorsement from public safety entities showing support for the creation of a County Ambulance Service. Niagara County EMS needs a Permanent Certificate of Need and the process requires that they first demonstrate a “public need” and second, provide a letter of endorsement.

A motion was made by Trustee LePard, and seconded by Trustee Holly-Eberhard, authorizing Mayor Dodge to provide Niagara County EMS with a letter of support for the creation of a County Ambulance Service. Carried, with all present voting aye.

An email from property owner, Dustin Pearl, who owns two properties in the village, requested that the Board waive the penalties that were assessed to his two November water/sewer bills because he never received the bills in the mail. Attorney Seaman advised the Board that NYS law requires you to pay the penalties because if they were to waive the penalties for you, it would essentially be considered a gift.

OLD BUSINESS

Attorney Seaman did not have an update about the proposed Niagara County radio tower.

The proposal from J.M. Davidson Engineering was briefly discussed since it was presented to the Board at the December meeting for the repairs that are needed for the Francis Street Bridge.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Barr, to authorize Mayor Dodge to accept the proposal dated December 4, 2024, and enter into a contract with JM Davidson Engineering D.P.C. to provide professional services to repair the Francis Street Bridge to a Level I Load Rating. The entire scope of the work that will be performed is outlined in the proposal. Carried, with all present voting aye.

Mayor Dodge had not heard back from Town Supervisor Zaepfel to see if the Town of Hartland was willing to continue participating in the swim program if the Intermunicipal Agreement was restructured prior to the 2025 Summer Swim Program.

Attorney Seaman advised the Board as to the next steps that need to be taken by the Board regarding the past due account for the resident who resides outside the Village and receives water and sewer service from the Village.

A motion was made by Trustee Holly-Eberhard, and seconded by Deputy Mayor Blumrick, to authorize proceeding with termination of water service at 3845 N. Hartland Street and to authorize the Village Clerk to mail a notice to that effect. Carried, with all present voting aye.

Attorney Seaman has not had time to review the Village Code pertaining to the Village Planning Board.

Attorney Seaman had reviewed the Village Water Code about an administration fee being assessed to every water and sewer account that is levied to the tax roll.

Deputy Mayor Blumrick introduced the following proposed Local Law.

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LOCAL LAW NO. __ OF THE YEAR 2025

VILLAGE OF MIDDLEPORT

COUNTY OF NIAGARA, STATE OF NEW YORK

A Local Law Establishing Levy Fee

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

Section 196-10.1 Water shutoff; notice; service; reconnection. of the Code of the Village of Middleport is hereby amended by adding the following:

E. When an outstanding water bill is added to the taxes assessed against the premises served, an additional \$150 levy fee, to recoup Village costs in processing the unpaid bill for inclusion on the tax roll, shall become due with the same and shall be subject to the same penalties and interest as such taxes. This levy fee may be adjusted in the same manner as the Village Fee Schedule (Chapter 100), by simple resolution of the Village Board of Trustees, without need for public hearing.

Section 150-51 Sewer rents established. of the Code of the Village of Middleport is hereby amended by adding the following:

H. When an outstanding sewer bill is added to the taxes assessed against the premises served, an additional \$150 levy fee, to recoup Village costs in processing the unpaid bill for inclusion on the tax roll, shall become due with the same and shall be subject to the same penalties and interest as such taxes. This levy fee may be adjusted in the same manner as the Village Fee Schedule (Chapter 100), by simple resolution of the Village Board of Trustees, without need for public hearing.

Chapter 100 Fees. of the Code of the Village of Middleport is hereby amended by adding the following:

§100-6 Levy Fee.

All outstanding bills remaining due and unpaid at the time the annual Village tax levy is made out shall be included therein pursuant to the General Municipal Law and levied against the real property associated therewith and shall be collected and enforced with and at the same time as other Village taxes. When an outstanding bill is added to the taxes assessed against the premises served, an additional \$150 levy fee, to recoup Village costs in processing the unpaid bill for inclusion on the tax roll, shall become due with the same and shall be subject to the same penalties and interest as such taxes. The Village shall not apply more than one levy fee against any one parcel in any given year regardless of the number of different bills that remain due and unpaid. This levy fee may hereafter be set or adjusted in the same manner as the Village Fee Schedule (Chapter 100), by simple resolution of the Village Board of Trustees, without need for public hearing.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Holly-Eberhard to authorize a Public Hearing for the above proposed Local Law Establishing a Levy Fee to be held on Wednesday, February 19, 2025, at 7 p.m. at the Village Hall. Carried, with all present voting aye.

NEW BUSINESS

The NYS DOT contacted Clerk VanBuren about arranging for a Public Hearing meeting they would like to hold in February for three bridge projects, and one of those projects would be the village lift bridge on NY Route 271 Main St. over the Erie Canal. Clerk VanBuren stated that she reached out to Fire Chief Ruppel and President Fred Srock if it would be possible to hold the meeting at the Middleport Fire Hall. Fire Chief Ruppel has to check the calendar to see what date is available.

Coordinator Bobbitt and Clerk VanBuren have met with a representative from Helix Intel that can provide the Village with access to a Computerized Maintenance

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Management System (CMMS). As a member of New York Municipal Insurance Reciprocal (NYMIR), NYMIR is covering the cost, so this is a free benefit that we can utilize for work order management, facility maintenance, and asset management along with parts and inventory.

Coordinator Bobbitt was approached by a member of the Holy Cross Lutheran Church to see if the driveway that the Village shares with the church by the scout house could be sealed and striped this year. Attorney Seaman will prepare an updated contract for the Board to consider at the February or March meeting.

Chief Johnson requested that the Board establish a fee for providing police body cam footage on a USB along with the cost of shipping it in a padded envelope.

A motion was made by Trustee Barr, and seconded by Trustee LePard, to establish a set fee for the cost of responding to FOIL requests which require use of a USB (memory stick) to include reasonable expected costs for the memory stick, padded envelopes and shipping costs which together shall be set at \$15. Carried, with all present voting aye.

The first budget meeting with Mayor Dodge and the department heads was set for Wednesday, February 5, 2025, at 1 p.m.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Holly-Eberhard, 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 8:46 p.m.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Holly-Eberhard, to return to General Session. Carried, with all present voting aye.

General Session reconvened at 8:56 p.m.

The next regularly scheduled meeting of the Board of Trustees will be held on Wednesday, February 19, 2025, at 7:00 p.m. (This meeting is on Wednesday due to the federal holiday, President's Day, on Monday, February 17, 2025) in the Village Hall.

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

Meeting adjourned at 8:57 p.m.

Respectfully Submitted,

*Lisa M. VanBuren
Clerk-Treasurer*