

UNAPPROVED
BOARD MEETING MINUTES
FEBRUARY 19, 2025

A regularly scheduled meeting of the Board of Trustees was held on Wednesday, February 19, 2025, in the Village Hall. Mayor Dodge opened the meeting at 7:01 p.m. Also present were Trustee LePard, Trustee Barr, Deputy Mayor Blumrick, Trustee Holly-Eberhard, Coordinator Bobbitt, Police Chief Johnson, Fire Chief Czaja, Clerk-Treasurer VanBuren, and Tom Seaman, attorney.

Trustee Barr led the Pledge of Allegiance.

There were a few people in attendance, as well.

Mayor Dodge opened the Public Hearing regarding a Local Law Establishing Levy Fee within the Village of Middleport at 7:01 p.m.

LOCAL LAW NO. 1 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.

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

Mayor Dodge closed the Public Hearing at 7:03 p.m.

The adoption of the foregoing resolution was seconded by Trustee LePard, and duly put to a roll-call vote.

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AYES: Daniel A. Dodge
Kellie L. LePard
Dorothy J. Barr
Reneé Holly-Eberhard
Wayne B. Blumrick

NOES: NONE

ABSENT: NONE

The Local Law was declared adopted.

A motion was made by Trustee Barr, and seconded by Trustee Holly-Eberhard, to approve the minutes of the January 22, 2025, meeting. Carried, with all present voting aye.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Barr, to increase the appropriations budgeted for Account Code A1640.2, A5142.2, and A7110.2 by \$20,000.00 for the purchase of the 2023 Chevy Silverado work truck and accessories (dump body, plow, and salter), and A5110.2 by \$50,018.69. The total budget amendment is for \$110,018.69. The Board authorized the use of the remaining balance of ARPA funds for this expenditure in December. 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. 9-24/25 in the amount of: General: \$196,650.67; Water: \$9,473.40; and Sewer: \$17,188.55; for a Total of: \$223,312.62. This figure also includes Payroll Nos. 18 and 19. Carried, with all present voting aye.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee LePard, to approve Payroll Nos. 18 and 19 for periods ending January 25, 2025, and February 8, 2025. Carried, with all present voting aye.

The Treasurer's report was submitted and accepted for January 2025.

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

The Public Works report was submitted and accepted for January 2025.

The Village and Town Police reports were submitted and accepted for January 2025.

The Fire report was submitted and accepted for January 2025.

Water and Sewer billing for the quarter ending February 1, 2025:

Water:	\$ 55,094.64
Meter Rental:	2,236.50
Sewer:	56,220.98
Sewer Debt Service Charge:	<u>8,175.00</u>
Total:	\$121,727.12

This cycle billing is for 8,081,000 gallons.

A motion was made by Trustee LePard to introduce 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 to Override the Tax Levy Limit Established in General Municipal Law § 3-c

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

SECTION 1. LEGISLATIVE INTENT

It is the intent of this Local Law to allow the Village of Middleport to adopt a budget for the fiscal year commencing April 1, 2025, that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

SECTION 2. AUTHORITY

This Local Law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

SECTION 3. TAX LEVY LIMIT OVERRIDE

The Board of Trustees of the Village of Middleport is hereby authorized to adopt a budget for the fiscal year commencing April 1, 2025, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

SECTION 4. SEVERABILITY

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE

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

A motion was made by Trustee Barr, and seconded by Trustee LePard, to authorize a Public Hearing for the above proposed Local Law to Override the Tax Levy Limit to be held on Monday, March 17, 2025, at 7 p.m. at the Village Hall. Carried, with all present voting aye.

Trustee Holly-Eberhard introduced the following resolution and moved its adoption:

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RESOLVED, that the forthcoming General Village Election will be held on Tuesday, March 18, 2025, 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:

VILLAGE FIRST

Mayor: Two-year term
Daniel A. Dodge
12 North Vernon Street
Middleport, New York

MIDDLEPORT 1ST

Trustee - Two-year term
Wayne B. Blumrick
31 State Street
Middleport, New York

The Renewal Party

Trustee - Two-year term
Dorothy J. Barr
18 Francis Street
Middleport, New York

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee LePard, to authorize the adoption of the preceding resolution. Carried, with all present voting aye.

The NYS DOT will be holding the bridge project meeting at the Middleport Fire Hall on Wednesday, February 26, 2025, from 4:00 p.m. to 6:00 p.m.

PUBLIC COMMENT

Mr. Dana LaRock, and Mr. Mark Christensen from the Holy Cross Lutheran Church inquired as to the status of the Village sharing the cost of sealing and striping the parking lot the Village shares with the church. Coordinator Bobbitt said he was waiting until spring to start getting quotes from paving and sealing contractors. Attorney Seaman advised them that he would be drawing up a new contract as well.

CORRESPONDENCE

Clerk VanBuren read an email from NC Civil Service. The mayor had sent a letter last month requesting that the CDL provision be removed from the Wastewater Treatment Plant Operator/DPW Maintenance Person - Trainee position. The Village already has two licensed CDL drivers with very little equipment that requires this license. The Personnel Officer, Mr. Malcolm Needler, graciously removed this requirement for this position going forward.

Clerk VanBuren read an email from Tom Lowe, a member of the Board of Directors for the Niagara Falls National Heritage area, requesting a resolution of support for the Harriet Tubman Underground Railroad Byway. The Board would like more information before they adopt a resolution in support of the byway.

The Village received a letter from NYMIR (New York Municipal Insurance Reciprocal) requesting an attestation be submitted from the Village stating that battery disconnect switches have been installed on all applicable vehicles.

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Clerk VanBuren read another email from the NYS Department of Environmental Conservation (NYS DEC) congratulating the Village on being approved as a 2024 Tree City. In recognition of this achievement, the Village was invited to attend one of the two Recognition Appreciation events being held in March.

OLD BUSINESS

Attorney Seaman is still working on the employee handbook.

Chief Johnson spoke with Chief Deputy Rob Richards from the Niagara County Sheriff's Department about the proposed radio tower on Griswold Street. He said that the county is still planning on moving forward with it.

Mayor Dodge still has not heard back from Town Supervisor Zaepfel to see if the Town of Hartland is willing to continue participating in the swim program if the Intermunicipal Agreement was restructured prior to the 2025 Summer Swim Program. He said he would reach out to her again.

Attorney Seaman would like to discuss the Village Planning Board in Executive Session.

Attorney Seaman advised the Board that the letter was sent to the resident who resides outside the Village and receives water and sewer service from the Village. The resident has not contacted the clerk to request a hearing, so water termination is scheduled for Thursday, February 27, 2025.

NEW BUSINESS

Clerk VanBuren presented the Board with an Evaluation Report of the Sherman Road Lift Station and the Hammond Parkway Lift Station conducted by Wendel Engineering. Tim Walck, the village engineer, required a Board decision as to whether the Board would like Wendel to proceed with drafting a proposal to complete the necessary upgrades to both of the lift stations. This upgrade is part of the Wastewater Collection System Capacity, Management, Operation, and Maintenance Program (CMOM) in order to be in compliance with the NYS DEC and SPDES permit.

Coordinator Bobbitt told the Board that the DPW garage is desperately in need of a new garage door. He has received one quote for replacing it so far, and he will obtain two more written quotes to comply with the Village's Procurement Policy.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee LePard, Resolved, the Village Coordinator is authorized to procure the services necessary to repair the Village of Middleport garage door, at a cost not to exceed \$7,500, contingent on the Village procuring services from the lowest of at least three written quotes, and contingent on such entity executing a contract approved by the Village Attorney. Carried, with all present voting aye.

**VILLAGE OF MIDDLEPORT
RESOLUTION
SALE OF SURPLUS EQUIPMENT**

WHEREAS, the Village of Middleport has acquired and is in possession of a certain 2020 Ford Explorer which was utilized by the Village Police Department for the purpose of carrying out services in the public interest; and

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WHEREAS, the Chief of Police has determined that said vehicle is now obsolete and no longer needed by the Village of Middleport, now therefore be it

RESOLVED, that the Village Board of the Village of Middleport hereby declares said 2020 Ford Explorer to be surplus property, and be it further

RESOLVED, that the Chief of Police is authorized and directed to arrange a bid auction, through Auctions International, for the purposes of selling the above listed surplus property to the highest bidder; and be it further

RESOLVED, that the Chief of Police is hereby authorized to execute any and all documents to sell the surplus property to the highest bidder.

A motion was made by Trustee LePard, and seconded by Deputy Mayor Blumrick, to authorize Chief Johnson to auction the 2020 Ford Explorer as stated in the preceding resolution. Carried, with all present voting aye.

VILLAGE OF MIDDLEPORT

RESOLUTION

WHEREAS, the Village of Middleport has filed a property damage insurance claim related to damage done to the Village's 2015 F350 work truck, and

WHEREAS, the 2015 F350 work truck has been declared to be a total loss at a value of \$22,027.67, and

WHEREAS, the insurance company is offering to accept the totaled vehicle and title thereto for a payout of \$1,570.33, and

WHEREAS, the Village Coordinator has recommended the Village retain the totaled truck and title thereto as he anticipates to do so would be in the Village's best financial interests, now therefore be it

RESOLVED, that the Village of Middleport Village Board hereby authorized the settlement and resolution of the property damage insurance claim for the total amount of \$22,027.67, and be it further

RESOLVED, that the Village Coordinator is hereby authorized and directed to retain the actual damaged vehicle, and title thereto, and to reject the offer of \$1,570.33 to forfeit title thereto, and be it further

RESOLVED, that the Village Coordinator is hereby authorized to execute any and all documentation necessary and required to effectuate such actions, upon review and approval of the Village Attorney.

A motion was made by Trustee Holly-Eberhard, and seconded by Deputy Mayor Blumrick, to authorize the preceding resolution. Carried, with all present voting aye.

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

Executive Session opened at 8:33 p.m.

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

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General Session reconvened at 9:07 p.m.

The first budget meeting will be held on Tuesday, February 25, 2025, at 5:30 p.m. at the Village Hall.

The next regularly scheduled meeting of the Board of Trustees will be held on Monday, March 17, 2025, at 7:00 p.m. 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 9:08 p.m.

Respectfully Submitted,

*Lisa M. VanBuren
Clerk-Treasurer*

DRAFT