

A regularly scheduled meeting of the Board of Trustees was held on Monday, April 17, 2023, in the Village Hall. Mayor Dodge opened the meeting at 7 p.m. Also present were Deputy Mayor Conley, Trustee Blumrick, Trustee McAvoy, Trustee Barr, Coordinator Bobbitt, Police Chief Swick, Fire Chief Czaja, Clerk-Treasurer VanBuren, Dan Seaman, attorney, and Tom Seaman, attorney.

Trustee Blumrick led the Pledge of Allegiance.

Mayor Dodge opened the Public Hearing at 7 p.m. regarding the Local Law Establishing Notice of Defects.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Blumrick, to approve the minutes of the March 20, March 27, April 3, and April 5, 2023, meetings. Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Trustee Barr, to approve payment of claims submitted on Abstract No. 11-22/23 in the amount of General: \$212,498.24; Water: \$23,375.87; Sewer: \$28,789.04; and Canal Dock Improvement: \$2,098.25; for a Total of: \$266,761.40. This figure also includes Payrolls No. 22 and 23; and the Town of Royalton's 2022 fire contract with the Middleport Fire Department. Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Trustee McAvoy, to approve Payrolls No. 22 and 23 for weeks ending March 25, 2023, and April 8, 2023, respectively. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to authorize the budget transfer in the General Fund from Account Code A1620.4 to Account Code A1210.4 for \$1,200.00. Mayor Dodge will be attending the NYCOM Annual Meeting in May at The Sagamore Resort. Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Trustee Barr, to authorize the budget transfer in the General Fund from Account Code A1620.4 to Account Code A1450.4 for \$100.00 for the material needed to build an absentee ballot box for the Village election. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to authorize the budget transfer in the General Fund from Account Code A1620.4 to Account Code A1420.4 for \$2,000 to cover the cost of attorney fees through the end of the fiscal year. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to authorize the following budget transfers in the Water Fund to cover the cost of purchasing 125 additional meter heads from Ti-Sales:

TO	FROM	AMOUNT
F8340.2	F1990.4	\$ 8,500.00
F8340.2	F8310.2	1,500.00
F8340.2	F8310.4	\$ 3,600.00
F8340.2	F8320.4	1,500.00
F8340.2	F8340.4	1,500.00
F8340.2	F9060.8	12,000.00
TOTAL		\$28,600.00
Carried, with all present voting aye.		

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

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

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

The fire report was submitted and accepted for March 2023.

Correspondence

The Arbor Day Celebration will be on Friday, April 28, 2023, at 9:30 a.m. at The Village Commons.

The FMC Remedial Kick-off meeting to the 2023 Construction Season is Tuesday, May 2, 2023, at 10 a.m. for Village Officials. Residents and neighbors near the properties being remediated are invited to attend on Tuesday, May 2, 2023, from 5 p.m. to 7 p.m. where you can meet the new remedial construction team and see their construction plans as well.

Old Business

Clerk VanBuren asked everyone to please send their suggestion for the spring newsletter to her as soon as possible.

A resolution was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to rescind the Village of Middleport's previous resolution which authorized the Village to enter into a contract with KD Flooring and Supply, for the installation of flooring in certain portions of the Village Hall ("the project"), due to KD Flooring and Supply failure to sign said contract and be it further

Resolved, that the Village is authorized to enter into an agreement with J & D Floor Covering and Millworks for the provision of certain flooring products for the project, in accordance with the relevant quote, and be it further

Resolved, that the Village is authorized to enter into an agreement and contract (to be approved by the Village attorney) with Larry Riggle for the installation of such flooring for the project so long as the new quote does not exceed 10% of the previous Estimate No. 7784 dated September 23, 2022. Carried, with all present voting aye.

Mayor Dodge closed the Public Hearing at 7:16 pm regarding the Local Law Establishing Notice of Defects.

Local Law No. 1 of the Year 2023

Village of Middleport, County of Niagara

A Local Law Establishing Notice of Defects

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

SECTION 1. FINDINGS.

Where claims for bodily injury or damage to property are asserted against the Village of Middleport arising out of alleged defective conditions of property owned by or in the care, custody or control of the Village, adequate notice to the Village of any such conditions, if found to exist, is necessary. Whether the Village has received actual or constructive notice of such alleged defective conditions is often a question of fact which can lead to uncertainty and possible unwarranted finding of liability against the Village. To assure that the Village received notice of an alleged defective condition and is able to respond in a prompt and reasonable manner, the Village Board considers it important that such prior notice be in writing. It is the purpose of this chapter to require that notice of defective conditions of Village property be given to the Village by prior written notice actually received by the Village in order to provide for the safety, health, protection and general welfare of the persons and property of the Village of Middleport.

SECTION 2. LIABILITY OF THE VILLAGE IN CERTAIN ACTIONS.

No civil action shall be maintained against the Village of Middleport for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed or for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert

unless written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice, relating to the particular place, was actually given to the Village Clerk and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be removed, or the place otherwise made reasonably safe.

SECTION 3.

No civil action shall be maintained against the Village of Middleport for injuries to person or property sustained in consequences of any property owned or maintained by the Village of Middleport being out of repair, unsafe, dangerous or obstructed unless written notice of the out of repair, defective, unsafe, dangerous or obstructed condition was actually given to the Village Clerk, and there was a failure or neglect within a reasonable time after receipt of such notice to repair or remove the out of repair, defect, defective, unsafe, dangerous or obstructed condition after a reasonable time of such notice.

SECTION 4.

The Village Clerk shall maintain a separate record of any and all written notice which shall be received pursuant to the provisions of this law.

SECTION 5.

Electronic submissions, including email, social media or any other electronic means shall not constitute a valid prior written notice as required pursuant to the terms of this law.

SECTION 6. SEVERABILITY.

If any part or provision of this chapter, or the application thereof, to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this chapter, or application thereof to other persons or circumstances.

SECTION 7.

This Local Law is adopted pursuant to the terms of Village Law 6-628, Municipal Home Rule Law including section 10(1)(i) thereof and New York State Constitution Article IX including the power to enact Local Laws relating to municipalities property.

SECTION 8. TERM

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

A motion was made by Trustee Blumrick, and seconded by Trustee McAvoy, for the adoption of the foregoing resolution and duly put to a roll call vote.

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

New Business

Deputy Mayor Conley offered the following resolution and moved its adoption:

WHEREAS the Village is required pursuant to NYS Village Law § 11-1118 to relevy any unpaid water/sewer rents onto the upcoming Village tax bill and

WHEREAS the County of Niagara now requires authorization to relevy any delinquent water/sewer bill greater than \$1,000,

NOW THEREFORE the Niagara County Real Property Department is authorized to relevy all delinquent water/sewer accounts, including those owing over \$1,000, onto 2023-2024 Village tax bills.

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

AYES: Daniel A. Dodge
Wayne B. Blumrick
Dorothy J. Barr
Thomas C. Conley
Dennis J. McAvoy

NOES: NONE

The resolution was declared adopted.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to authorize Clerk-Treasurer VanBuren to relevy any 2022-2023 unpaid additional garbage cart service fees to the residents 2023-2024 Village tax bills as a miscellaneous charge. Carried, with all present voting aye.

A motion was made by Deputy Mayor Conley, and seconded by Trustee McAvoy, to enter into executive session for the purpose of consultation with the Village's attorneys.

Executive Session opened at 7:27 p.m.

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

General Session reconvened at 8:42 p.m.

A motion was made by Trustee McAvoy, and seconded by Trustee Blumrick, to authorize the hiring of Logan Yotter as a part-time police officer at the current rate of \$19.00 per hour with a start date of Sunday, April 30, 2023. His rate will increase to \$21 per hour effective June 1, 2023. Carried, with all present voting aye.

A motion was made by Trustee Blumrick, and seconded by Deputy Mayor Conley, to amend the Village's Employee Handbook to include Juneteenth as an additional paid holiday and to make it applicable to all Village employees. Carried, with all present voting aye.

A motion was made by Deputy Mayor Conley, and seconded by Trustee Barr, to establish a contractor's water rate for the connection to the public/Village of Middleport water supply at a rate of 4 cents per gallon which must be metered by a separate meter. Carried, with all present voting aye.

A motion was made by Trustee McAvoy, and seconded by Deputy Mayor Conley, to participate in non-binary mediation and to authorize Mayor Dodge to execute the Confidentiality and Mediation Agreement relevant thereto in a personnel issue. Carried, with all present voting aye.

The next regularly scheduled meeting of the Board of Trustees will be held on Monday, May 15, 2023, at 7 p.m.

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 8:54 p.m.

Respectfully Submitted,

Lisa M. VanBuren
Clerk-Treasurer