

UNAPPROVED
VILLAGE OF MIDDLEPORT
BOARD MEETING MINUTES
APRIL 16, 2025

A regularly scheduled meeting of the Board of Trustees was held on Wednesday, April 16, 2025, in the Village Hall. Mayor Dodge opened the meeting at 6:01 p.m. Also present were Trustee LePard, Trustee Barr, Trustee Holly-Eberhard, Deputy Mayor Blumrick, Coordinator Bobbitt, Sergeant Mandaville, Fred Srock, President of the Middleport Fire Department, Clerk-Treasurer VanBuren, and Tom Seaman, attorney. Police Chief Johnson was absent.

Trustee Holly-Eberhard led the Pledge of Allegiance.

There were several members of the Middleport Volunteer Fire Department in attendance as well.

Mayor Dodge opened the Public Hearing regarding a Local Law Abolishing the Village Planning Board and Transferring all Powers to the Village Board of Trustees at 6:02 p.m.

Mayor Dodge closed the Public Hearing at 6:02 p.m.

Deputy Mayor Blumrick offered the following Local Law and moved its adoption.

LOCAL LAW 3 OF THE YEAR 2025

VILLAGE OF MIDDLEPORT

COUNTY OF NIAGARA, STATE OF NEW YORK

A Local Law Abolishing the Village Planning Board and Transferring all Powers to the Village Board of Trustees

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

1st Action:

Chapter 200, Article V, Administration and Enforcement §200-16 Board of Appeals. is hereby renumbered as **§200-16.1 Board of Appeals.**

2nd Action:

Chapter 200, Article V, Administration and Enforcement §200-16.2 Planning Board. is hereby enacted as follows:

Chapter 200, Article V, Administration and Enforcement §200-16.2 Planning Board. Powers Vested in Village Board of Trustees.

- A. Authority. This Local Law is adopted as authorized by Municipal Home Rule Law Section 10(1)(ii)(a)(1) and Village Law 7-718.
- B. Abolishment of Planning Board and Transfer of Powers. The Village Planning Board of the Village of Middleport is hereby abolished, and its powers, duties, and responsibilities shall be transferred to, and exercised by, the Village Board of Trustees.
- C. Effect on other Code Provisions: Any and all references made in the Village Code, local laws, ordinances or policies to the Planning Board shall be read and understood as references to the Village Board of Trustees.

3rd Action:

§ 88-3 (B)(3) shall be adjusted by removing the strikethrough language and substituting with the italicized sections as follows (grey highlighted areas for ease of reference to adjusted portions of text only):

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- (1) The review and approval of subdivisions of the Village of Middleport ~~Planning Board~~ *Board of Trustees* which do not fall within those actions listed in 6 NYCRR 617.12 as Type I actions.

4th Action:

§ 127-5 of the Village Code shall be adjusted by removing the strikethrough language and substituting with the italicized sections as follows (grey highlighted areas for ease of reference to adjusted portions of text only):

Each application for a mobile home park or trailer camp shall be in writing and signed by the applicant.

- A. The application and related information shall be filed with the Village Clerk in triplicate.
- B. The Village Clerk shall transmit one copy of the application to the Village Building Inspector. The Village Clerk shall refer one copy of the application to the Village ~~Planning Board~~ *Board* for review and report prior to final action by the Village Board. The Village Clerk shall place a notice in the official village newspaper or newspapers to the effect that such an application has been filed.
- C. The Building Inspector shall check the application for compliance with the minimum requirements as established by the rules and regulations of the New York State Department of Health, the Niagara County Department of Health and the Sanitary Code of the State of New York. The Building Inspector shall, after such investigation, transmit the certified application to the Village Board, together with his written findings as whether the application satisfies or does not meet the minimum health and sanitary standards, within 30 days after the date of filing the application with the Village Clerk.
- ~~D. Upon receipt of the application from the Village Clerk, the ~~Planning Board~~ *Village Board* shall review the general arrangement of the mobile home park or trailer camp. This shall include a review of: location and width of streets; the location, size and arrangement of lots; the location of other structures within the park or camp; the location of entrances and exits; and the location, type and extent of landscaping and screening materials. ~~The Planning Board transmit the application book to the Village Board together with its written findings, within 30 days of receipt of the application. Failure to act within 30 days of receipt of the application shall be deemed approval.~~~~
- E. The Village Board shall review the findings of the Building Inspector ~~and the Planning Board~~, and by resolution indicate its approval or disapproval of the application, within 60 days of the date of filing the application with the Village Clerk. The application shall be returned to the Village Clerk, and the applicants notified in writing by the Village Clerk of the decision rendered within five days of the date of such decision.
- F. If the application is disapproved, the applicant shall have the right to appear before the Village Board for a hearing.

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

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

AYES:	Daniel A. Dodge Wayne B. Blumrick Kellie L. LePard Dorothy J. Barr Reneé Holly-Eberhard
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NOES:	NONE
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ABSENT: NONE

The Local Law was declared adopted.

Mayor Dodge opened the Public Hearing regarding the 2025-2026 Budget at 6:04 p.m. The legal notice is below:

**LEGAL NOTICE OF BUDGET HEARING AND
FIRE PROTECTION CONTRACT HEARING**

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Middleport, New York, will hold a public hearing on the tentative budget for the next fiscal year, beginning June 1, 2025, and ending May 31, 2026, at 6:00 p.m. on the 16th day of April 2025, in the Trustees Room of the Village Office and that a detailed copy of the tentative budget is available for inspection by any interested person at the Village Clerk's Office during office hours.

NOTICE IS ALSO HEREBY GIVEN that the compensation proposed to be paid to each member of the Board of Trustees from all sources is as follows: The Mayor, \$7,800 per year, Deputy Mayor, \$4,500 per year, and each Trustee, \$4,300 per year.

NOTICE IS ALSO HEREBY GIVEN that at said public hearing a contract with the Middleport Volunteer Fire Company No. 1, Inc., for fire protection to be furnished to the Village of Middleport will be considered. The following are the general terms of said fire contract:

The Middleport Volunteer Fire Company No. 1, Inc., shall furnish fire protection for a one-year period for the total sum of \$108,000 (One Hundred Eight Thousand Dollars). Such other incidental terms as may be necessary or proper in connection with such contract will also be considered.

FURTHER NOTICE is given that pursuant to Real Property Law Section 495, the exemption report that provides total assessed value on the final assessment roll for all exempt properties is on file with the tentative budget for 2025-2026.

All interested persons attending said hearing will be heard.

By order of the Board of Trustees of the Village of Middleport, New York.

At this time, several members from the Middleport Volunteer Fire Department spoke about the proposed increase to the fire protection contract between the village and fire department. The members explained how much their equipment costs have increased as well as the everyday costs just to operate the department. A lengthy discussion ensued. Attorney Seaman pointed out that the Village is required to adopt their budget by May 1st and that perhaps the two sides could agree to a more favorable increase next year. Everyone was in agreement that a better working relationship was necessary going forward.

Mayor Dodge closed the Public Hearing at 6:40 p.m.

RESOLUTION No. 12 - 2025 Adoption of the 2025-2026 Budget

WHEREAS, the tentative budget for the fiscal year 2025-2026 has been duly presented to the Board of Trustees by the Budget Officer and

WHEREAS, a duly advised public hearing has been held thereon,

THEREFORE, BE IT RESOLVED, pursuant to section 5-508 (4) of Village Law, that the said tentative budget as changed, altered and revised, be and hereby adopted as the Budget of the Village of Middleport for the fiscal year 2025-2026,

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THEREFORE, BE IT FURTHER RESOLVED that the tax rate for the fiscal year 2025-2026 budget be set at \$13.99 per thousand.

A motion was made by Trustee Holly-Eberhard, and seconded by Deputy Mayor Blumrick, to adopt Resolution No. 12 for the 2025-2026 Budget for \$2,444,920.16 with the tax rate as follows: *full value tax rate* will be set at \$7.83 per thousand, with the actual tax rate at \$13.99 per thousand due to the 56 percent equalization rate for both the Town of Royalton and the Town of Hartland. Carried, with all present voting aye.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee LePard, to approve the minutes of the March 12, 2025, Budget meeting, the March 17, 2025, Board Meeting, the March 27, 2025, Budget meeting, the April 2, 2025, Budget meeting, and the April 7, 2025, Annual Organizational Meeting. Carried, with all present voting aye.

A motion was made by Trustee Barr, and seconded by Deputy Mayor Blumrick, to authorize the Village Historian to use some of the money she received as a donation from the sale of the Universalist Church to buy a GoPro HERO10 used Camera with an AC adapter and one battery. The total cost of the camera and accessories is \$130.00. Carried, with all present voting aye.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Holly-Eberhard, to authorize the budget transfer in the General Fund from Acct Code A1990.4 to Account Code A1210.4 for \$925.00. 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 Deputy Mayor Blumrick, and seconded by Trustee Holly-Eberhard, to authorize the budget transfer in the Sewer Fund from Acct Code G1990.4 to G9030.8 for \$500.00 to increase the amount in Social Security for the 2024-2025 Fiscal Year. Carried, with all present voting aye.

A motion was made by Trustee LePard, and seconded by Deputy Mayor Blumrick, to authorize the following budget transfers in the General Fund as outlined below:

TO	FROM	AMOUNT
A3120.13	A1490.11	\$ 9,500.00
A7180.4	A1990.4	1,500.00
A8160.4	A9060.8	3,500.00
TOTAL		\$14,500.00
Carried, with all present voting aye.		

A motion was made by Trustee LePard, and seconded by Deputy Mayor Blumrick, to authorize payment of claims submitted on Abstract No. 11-24/25 in the amount of: General: \$103,483.69; Water: \$50,574.69; and Sewer: \$21,804.04; for a Total of: \$175,862.42. This figure also includes Payroll Nos. 22 and 23. Carried, with all present voting aye.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Barr, to approve Payroll Nos. 22 and 23 for periods ending March 22, 2025, and April 5, 2025. Carried, with all present voting aye.

The Treasurer’s report was submitted and accepted for March 2025.

- The March revenue and expenditure reports were distributed.

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

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

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The Fire report was submitted and accepted for March 2025.

PUBLIC COMMENT

There was no public comment offered at this time.

CORRESPONDENCE

Clerk VanBuren informed the Board that the Arbor Day Celebration will be Friday, April 25, 2025, at 2:30 p.m. at the Hammond Parkway greenspace.

OLD BUSINESS

Attorney Seaman stated that he had not had time to fully review the new contract with the NYS Department of State for the Canal Dock Improvement Project. He recommended that the Board authorize the execution of the contract.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Barr, to authorize Mayor Dodge to execute the Canal Dock Improvement Grant Contract No. C1002620 with the NYS Department of State. Carried, with all present voting aye.

Coordinator Bobbitt has been included in meetings relative to the proposed sight for the new radio tower in Niagara County. The meetings are about the demolition of the standpipe on Griswold Street. Attorney Seaman will reach out to the attorney from Niagara County to discuss the transfer of this property from the village to the county.

Mayor Dodge informed everyone that both the Town of Royalton and the Town of Hartland are going to continue to participate in sponsoring the summer swim program. Attorney Seaman will draft a new intermunicipal agreement that is pro rata for all parties.

There was discussion about the Water Fit Program as to what fees should be charged for participants that reside in one of the sponsoring municipalities and for those that reside ***outside*** one of the municipalities. The Board also discussed what fee to charge for children that would like to participate in the summer swim program from a municipality ***outside*** one of the sponsors since the Royalton Hartland School District extends beyond the three sponsors.

A motion was made by Trustee LePard, and seconded by Trustee Holly-Eberhard, to authorize that a \$40.00 fee be collected for each participant in the Summer Water Fit program that resides in one of the sponsoring municipalities (Town of Hartland, Town of Royalton, and Village of Middleport) be collected at registration to help offset the cost of the program. There would need to be a minimum of 10 participants registered in order for the class to be held. Carried, with all present voting aye.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Holly-Eberhard, to authorize that a \$60.00 fee be collected for each participant in the Summer Water Fit program that resides ***outside*** one of the sponsoring municipalities (Town of Hartland, Town of Royalton, and Village of Middleport) be collected at registration to cover the cost of the program. Carried, with all present voting aye.

A motion was made by Trustee LePard, and seconded by Deputy Mayor Blumrick to authorize that a \$60.00 fee be collected for each participant in the 2025 Summer Swim program that resides ***outside*** one of the sponsoring municipalities (Town of Hartland, Town of Royalton, and Village of Middleport) be collected to cover the anticipated costs of the program and as long as there is room available in the classes with the existing personnel. Carried, with all present voting aye.

Coordinator Bobbitt is still waiting to receive a second quote to replace the DPW garage door. A representative came and took the measurements several weeks ago.

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Coordinator Bobbitt has requested quotes for the sealing and striping of the Holy Cross Lutheran Church parking lot from two companies. Hopefully, he will have them at the next meeting.

Clerk VanBuren informed the Board that she received approval for a .gov domain today. She will have to give C & H P.C. access so that they can set everything up. The Village's .gov domain will be middleportny.gov.

Attorney Seaman stated the issues he has with the C & H P.C. Master Service Agreement. He could not recommend that the Village enter into the agreement at this time. He would like some of the language to change in the agreement first.

NEW BUSINESS

Clerk VanBuren received the Engagement Letter from Tronconi Segarra & Associates for filing the Village's 2024-2025 AFR. It is the same format as year's past.

A motion was made by Deputy Mayor Blumrick, and seconded by Trustee Barr, to authorize Mayor Dodge to formally enter into an agreement with Tronconi Segarra & Associates to file the Village's Annual Financial Report for the Fiscal Year 2024-2025. Carried, with all present voting aye.

Coordinator Bobbitt is still looking at sweeper trucks on Auction's International. He may possibly bid on one from another municipality.

Attorney Seaman discussed an agreement that has been drafted between the Niagara County Water District, the Town of Royalton, the Village of Middleport, and FMC Corporation. The agreement is for the installation of a new water line and connection to the FMC plant in Middleport.

A motion was made by Trustee Barr, and seconded by Deputy Mayor Blumrick, to authorize Mayor Dodge to enter into an agreement with the Niagara County Water District, the Town of Royalton, and FMC Corporation for the construction and connection of a new water line to FMC Corporation. This agreement is contingent upon attorney approval of the contract. Carried, with all present voting aye.

Clerk VanBuren asked the Board if they would like to proceed with new flooring at the scout house in just the kitchen and outer entrance area first because the material costs and labor to do the whole building is quite a bit more than the budget allows at this time.

A motion was made by Trustee LePard, and seconded by Deputy Mayor Blumrick, to approve the contract for the installation of luxury vinyl plank to Jeff Mages for \$1,150.00 for the kitchen and entranceway at the scout house. He will take out the old flooring, prep the subfloor, install and glue the luxury vinyl plank, install and glue the vinyl base, and install transitional molding as needed. This is contingent upon attorney approval of the contract. Carried, with all present voting aye.

The Clute-Phillips Unit 938 American Legion Auxiliary – Walk-a-thon and basket raffle will be held on Saturday, April 26th, from 11 a.m. to 2 p.m.

Clerk VanBuren said that she is working on the Spring Newsletter if anyone has anything they would like to add to it, please let her know as soon as possible.

Attorney Seaman and Clerk VanBuren discussed the importance of a Record of Activity be maintained by any elected official that participates in the NYS Employees Retirement System.

Clerk VanBuren showed the Board the list of accounts that are currently slated to be relieved pending any payments made by credit card or mailed today. The amount to be relieved to the 2025-2026 Village tax bills is \$32,835.20 as of now.

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Deputy Mayor Blumrick offered the following resolution and moved its adoption.

RESOLUTION No. 13 – 2025 Delinquent Water/Sewer Accounts

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 2025-2026 Village tax bills.

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

AYES:	Daniel A. Dodge Wayne B. Blumrick Dorothy J. Barr Kellie L. LePard Reneé Holly-Eberhard
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NOES:	NONE
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A motion was made by Trustee LePard, and seconded by Trustee Barr, to authorize Clerk-Treasurer VanBuren to relevy any 2024-2025 unpaid additional garbage cart service fees (additional carts requested by Village residents) delinquent as of April 16, 2025, by placing a \$150 charge onto the residents 2025-2026 Village tax bills as a miscellaneous charge. There are presently two unpaid service fees which amounts to \$300.00 in miscellaneous charges. Carried, with all present voting aye.

A motion was made by Trustee Holly-Eberhard, and seconded by Deputy Mayor Blumrick, to authorize Mayor Dodge to execute the Fire Protection Contract with the Middleport Volunteer Fire Co. No. 1 Inc. for the period of April 1, 2025, to March 31, 2026, in the amount of \$108,000.00. Carried, with all present voting aye.

A motion was made by Trustee LePard, and seconded by Deputy Mayor Blumrick, to authorize Mayor Dodge to execute the contract with Seaman Law LLP to provide legal services to the Village of Middleport for the 2025-2026 Fiscal Year with a monthly retainer fee per the terms of the contract. Carried, with all present voting aye.

The next regularly scheduled meeting of the Board of Trustees will be held on **Wednesday, May 21, 2025, at 6:00 p.m.** in the Village Hall.

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

Meeting adjourned at 8:03 p.m.

Respectfully Submitted,

*Lisa M. VanBuren
Clerk-Treasurer*