

VILLAGE OF MIDDLEPORT
BOARD MEETING MINUTES
MARCH 17, 2025

A regularly scheduled meeting of the Board of Trustees was held on Monday, March 17, 2025, in the Village Hall. Mayor Dodge opened the meeting at 7:00 p.m. Also present were Trustee LePard, Trustee Barr, Trustee Holly-Eberhard, Coordinator Bobbitt, Police Chief Johnson, Fred Srock, President of the Middleport Fire Department, Clerk-Treasurer VanBuren, and Tom Seaman, attorney. Deputy Mayor Blumrick was absent.

Trustee Holly-Eberhard led the Pledge of Allegiance.

There were a few people in attendance, as well.

Mayor Dodge opened the Public Hearing regarding a Local Law to Override the Tax Levy Limit Established in General Municipal Law § 3-c at 7:01 p.m.

Mayor Dodge closed the Public Hearing at 7:01 p.m.

Trustee Holly-Eberhard offered the following Local Law and moved its adoption.

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.

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.

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

NOES: NONE

ABSENT: Wayne B. Blumrick

The Local Law was declared adopted.

A motion was made by Trustee Barr, and seconded by Trustee LePard, to approve the minutes of the February 19, 2025, meeting, and the February 25, 2025, budget meeting. Carried, with all present voting aye.

A motion was made by Trustee Holley-Eberhard, and seconded by Trustee Barr, to authorize the following budget transfers in the General Fund as outlined below:

| TO | FROM | AMOUNT |
|---------------------------------------|----------|-------------|
| A1950.4 | A1990.4 | \$ 86.33 |
| A3120.1 | A1325.11 | 2,685.00 |
| A3120.13 | A1325.11 | 2,355.00 |
| A3120.13 | A7145.1 | 4,259.50 |
| A5110.2 | A1640.2 | 2,500.00 |
| A3120.16 | A1490.11 | 810.00 |
| A5110.2 | A7110.2 | 2,500.00 |
| A5110.2 | A7110.2 | 2,500.00 |
| TOTAL | | \$17,695.83 |
| Carried, with all present voting aye. | | |

A motion was made by Trustee LePard, and seconded by Trustee Barr, to authorize payment of claims submitted on Abstract No. 10-24/25 in the amount of: General: \$124,610.81; Water: \$17,236.75; and Sewer: \$12,308.04; for a Total of: \$154,155.60. This figure also includes Payroll Nos. 20 and 21. Carried, with all present voting aye.

A motion was made by Trustee Holly-Eberhard, and seconded by Trustee LePard, to approve Payroll Nos. 20 and 21 for periods ending February 22, 2025, and March 8, 2025. Carried, with all present voting aye.

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

- The February revenue and expenditure reports were distributed.

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

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

The Fire report was submitted and accepted for February 2025.

PUBLIC COMMENT

There was no public comment offered at this time.

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CORRESPONDENCE

Clerk VanBuren read a letter from the Gasport American Legion Post 1253 inviting all of the officers of the Village of Middleport and its residents to attend the dedication ceremony for the Veteran's Helicopter Memorial. It will take place on Saturday, June 14, 2025, from 9:00 a.m. to 11:00 a.m. at the Hartland Volunteer Fire Company.

OLD BUSINESS

Chief Johnson discussed with the Board the parking violation fees that three local municipalities are charging. Attorney Seaman said he would draft a Local Law for the April meeting for the Board's consideration.

Clerk VanBuren received a new quote from C & H P.C. in Medina to migrate the Village's domain from .org to .gov. The NYS Senate and Assembly enacted the Senate Bill S783 in January 2025 after it was signed by Governor Hochul.

A motion was made by Trustee Barr, and seconded by Trustee LePard, to authorize the migration of the Village website and all Village email addresses from the .org domain to the .gov domain. Carried, with all present voting aye.

Clerk VanBuren read an email she had received about the proposed Harriet Tubman Underground Railroad byway. The Board had requested additional information at the February meeting. The full length of the route is 550 miles from NYC to Niagara Falls, and it traverses through Middleport on Rte. 31.

A motion was made by Trustee LePard, and seconded by Trustee Barr, to authorize Mayor Dodge to adopt the Harriet Tubman Underground Railroad New York Scenic Byway Nomination and Corridor Management Plan Adoption resolution. Carried, with all present voting aye.

Attorney Seaman advised the Board that the fee for providing a USB to a FOIL request needed to be changed.

A motion was made by Trustee LePard, and seconded by Trustee Holley-Eberhard, **RESOLVED**, that the Village shall charge requestors the actual cost of any USB drive or similar external storage device necessary to fulfill a FOIL request and shall provide notice of such cost in advance of processing the request.

Attorney Seaman updated the Board as to the responsibilities of the Village Planning Board.

Trustee Barr introduced the following proposed Local Law.

LOCAL LAW ____ 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:

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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):

- (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

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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 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 “Abolish the Village Planning Board and Transferring all Powers to the Village Board of Trustees” to be held on **Wednesday, April 16, 2025, at 6:00 p.m.** at the Village Hall. Carried, with all present voting aye.

There was a lengthy discussion about the 2025 Summer Swim Program and the fee that should be charged for each child to participate. It was decided to keep the fee the same as last year.

A motion was made by Trustee LePard, and seconded by Trustee Holly-Eberhard, to authorize a \$20.00 fee be collected per child to help offset the costs of the 2025 Summer Swim program. The cost for one to three children is \$20.00 for each child. If a family has four or more children, they will **only** pay \$60.00 as the Board opted to cap the maximum out of pocket expense for families participating in the program. Carried, with all present voting aye.

NEW BUSINESS

Wendel Engineering submitted a WIIA Grant Writing Proposal for the Board’s consideration. A successful WIIA Grant would be beneficial to the Village to help offset the costs of the necessary upgrades to the Sherman Road Lift Station and the Hammond Parkway Lift Station

A motion was made by Trustee Holly-Eberhard, and seconded by Trustee LePard, to authorize Wendel Engineering to provide grant writing services to the Village of Middleport to seek funding for upgrading two of the Village’s wastewater pump stations as stated in the proposal dated March 14, 2025. Carried, with all present voting aye.

Attorney Seaman received a “Consent to Change Attorney” form from Webster Szanyi LLP. The attorney that has been representing the Village in ongoing litigation is leaving that firm and going to work for Gross Shuman P.C. The Village’s insurance company (NYMIR) would like the same attorney to continue handling the case.

A motion was made by Trustee LePard, and seconded by Trustee Barr, to authorize Attorney Seaman to execute the Consent to Change Attorney from Webster Szanyi LLP to Gross Shuman P.C. in regards to the Kenward matter. Carried, with all present voting aye.

Attorney Seaman offered the Board the 2025 FMC Site Access Agreement and explained it is the same agreement as years past.

A motion was made by Trustee Barr, and seconded by Trustee LePard, to authorize Mayor Dodge to execute the FMC Site Access Agreement with FMC for the 2025

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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.

Clerk VanBuren set forth the proposal from General Code for their Codification Services. The Board is not interested in this service at this time.

Coordinator Bobbitt discussed various charges for water meters. Attorney Seaman recommended that he obtain prices for each meter type and that we update our fee schedule accordingly.

A motion was made by Trustee Barr, and seconded by Trustee Holly-Eberhard, 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 8:21 p.m.

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

General Session reconvened at 8:53 p.m.

The Annual Reorganizational Meeting is scheduled for Monday, April 7, 2025, at 7:00 p.m. at the Village Hall.

The next regularly scheduled meeting of the Board of Trustees will be held on **Wednesday, April 16, 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 8:54 p.m.

Respectfully Submitted,

Lisa M. VanBuren
Clerk-Treasurer