



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Barb Dubell
716-745-3730

Monday, January 11, 2016

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on January 11, 2016 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert Wiepert	Town of Porter	Supervisor	Present	
Larry White	Town of Porter	Deputy Supervisor	Present	
Thomas Baia	Town of Porter	Councilman	Present	
Jeff Baker	Town of Porter	Councilman	Absent	
Joe Fleckenstein	Town of Porter	Councilman	Present	
Barb Dubell	Town of Porter	Town Clerk	Present	
Kara Hibbard	Town of Porter	Deputy Town Clerk	Present	
Chris Amico	Town of Porter	Engineer	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Bernie Rotella	Town of Porter	Grant Writer	Present	
Susan Driscoll	Town of Porter	Assessor	Present	

II. Public Comments

1. Report 2016-2

Public Comments

Bill Dean, 2359 Lake Road: Is the Town Board going to have a work session to discuss the issues associated with the McCabe property located at 2384 Lake Road. I've been waiting for that but I haven't heard much of anything about it from anyone on the town board. Is it still your intent to do that?

Supervisor Wiepert: It's in the court system at the present time, let's see what the court system says about the whole project. Also, if the attorneys are talking to each other, Mr. McCabe has an attorney and our attorney, so we have to be careful what kind of meeting we have and what we discuss.

Mr. Dean: Is Kyle Andrews the special counsel for the town in this situation?

Supervisor Wiepert: Yes. Mike Dowd recused himself since the start of the whole thing. There is currently no work session scheduled

RESULT: REPORT ISSUED

III. Reports/Resolutions

1. Resolution 2016-16

Minutes Approval

Resolution to approve the minutes of the December 14th regular meeting of the Porter Town Board. Also approve the minutes of the December 29th, Year-End meeting and the January 4th Organizational Meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Baia, Councilman
SECONDER:	Larry White, Deputy Supervisor
AYES:	Mert Wiepert, Larry White, Thomas Baia, Joe Fleckenstein
ABSENT:	Jeff Baker

2. Resolution 2016-17

Audited Vouchers

Resolution to approve the vouchers as audited by the Porter Town Board.

TOWN OF PORTER

WARRANT: #1	JANUARY, 2016	1/11/16
FUND	01	26,272.94
FUND	02	7,017.80
FUND	04	8,050.19
FUND	06	33,057.06
FUND	07	618.54
FUND	10	925.94
FUND	28	29,187.05
TOTAL		<u>105,129.52</u>
VOUCHER 'S	21760	THRU 21812

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Baia, Councilman
SECONDER:	Larry White, Deputy Supervisor
AYES:	Mert Wiepert, Larry White, Thomas Baia, Joe Fleckenstein
ABSENT:	Jeff Baker

3. Report 2016-3**Town Clerk**

Water	\$26,220.83
Sewer	\$ 6,322.32
Clerk's Fees	\$ 747.34

The 2016 Training School and Annual Meeting of the Association of Towns will be Held at the Marriott Marquis, New York City on February 14-17, 2016.

This is a training session for town officials.

On December 28, 2015 received notice of the following:

Re: Service Retirement

Dear Barb,

Please be advised that I am taking my NYS Service Retirement effective midnight 12/30/15.

Sincerely,

Scott Hillman
Superintendent of Highways

RESULT:	REPORT ISSUED
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4. Report 2016-4**Supervisor's Report**

Supervisor's Monthly Cash Report for December, 2015 was distributed to all Town Board members.

Resolution to accept the Supervisor's Monthly Cash Report for December, 2015

November Sales Tax: \$105,139.38. The Town is up \$2,903.59 compared to November 2014 year to date.

RESULT:	REPORT ISSUED
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5. Resolution 2016-18

Supervisor's Report

Resolution to accept the Supervisor's cash report for December 2015. Full report will be submitted after all year end adjustments are posted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry White, Deputy Supervisor
SECONDER:	Joe Fleckenstein, Councilman
AYES:	Mert Wiepert, Larry White, Thomas Baia, Joe Fleckenstein
ABSENT:	Jeff Baker

6. Report 2016-5

Bookkeeper

Bookkeeper's Monthly Report - December, 2015

Completed processing all December, 2015 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for December, 2015, and distributed it to the Supervisor & Town Board members.

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Finished year end meeting and organizational meeting agendas.

Started working on year-end closing.

RESULT:	REPORT ISSUED
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7. Report 2016-6**Recreation**

No meeting in December.

Kathy Zasucha: The building permits for the Easter Egg Hunt, which is March 19th has been submitted thru the Wilson School District and also the building permit for the summer program. I haven't yet heard anything, it takes a while. That's the only activity right now.

RESULT:	REPORT ISSUED
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8. Report 2016-7**Assessor**

ASSESSOR'S REPOT
DECEMBER 2015

- Processed November deed transfers
- Prepared and distributed Aged low income senior annual exemption renewal notices for 2016 roll
- Performed detailed review and update of STAR ENHANCED income verification program on NY State Department of Taxation website
- Informed IVP participants identified by the State as 'not eligible', or 'undecided', for the 2016 roll.

RESULT:	REPORT ISSUED
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9. Report 2016-8**Building Inspector/Code Enforcement Officer****DECEMBER****TOWN OF PORTER**

No.	Date	Owner	TYPE	LOCATION	VALUE	FEE
093-15	12/3	M. Trunzo	Fence	541 Lake	7,500	25
094-15	12/4	W. Collesano.	S.P.	3803 River Rd	27,600	50
095-15	12/9	E.R. Cline	P.B.	2539 Lake	35,000	50
096-15	12/17	D. White	S.P.	1775 Braley	15,100	50

097-15	12/29	G. Nelson	S.P.	535 Blairville	68,486	50
098-15	12/30	K. DeVos	S.P.	565 Lake	68,486	50

S.P.-Solar Panels	MONTHLY	222,172	275
P.B. - Pole Barn	Y-T-D	2,302,247	7,250

BUILDING DEPARTMENT REPORT - December 2015

- Building permits issued as per the report
- Periodic progress inspections on ongoing construction projects throughout the Town
- Prepared materials for and attended the Planning and Zoning meetings
- Pursued Zoning code violations and issued the Supervisor 'Complaints Report' for the month of December 2015
- Reviewed CWM application for site plan review
- Attended meeting with Dollar General Contractors

RESULT:	REPORT ISSUED
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10. Report 2016-9

Justice Revenue

JUSTICE
FINES 2015

01-1000.2610

	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
JANUARY	4,638.50	(2,753.50)	1,885.00
FEBRUARY	5,097.50	(2,752.50)	2,345.00
MARCH	3,352.00	(970.00)	2,382.00
APRIL	3,521.00	(1,314.00)	2,207.00
MAY	4,605.00	(2,045.00)	2,560.00
JUNE	4,363.50	(2,353.50)	2,010.00
JULY	7,229.00	(2,968.00)	4,261.00
AUGUST	5,591.00	(2,403.00)	3,188.00
SEPTEMBER	5,349.50	(2,369.50)	2,980.00

OCTOBER	4,011.50	(1,023.50)	2,988.00
NOVEMBER	4,086.50	(1,416.50)	2,670.00
DECEMBER	<u> </u>	<u> </u>	<u>0.00</u>
	51,845.00	(22,369.00)	29,476.00

RESULT:	REPORT ISSUED
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11. Report 2016-10

Highway

Department of Public Works Monthly Report for December 2015

Highway Department:

1. Called out to plow and salt 2 times.
2. We are currently picking up discarded Christmas trees and Electronics.
3. We are currently working on maintenance of our summer equipment.
4. We have removed the Christmas Wreaths in Ransomville with assistance from the Town of Wheatfield.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed repairs to a water main break on Walnut Lane.

Legislative Advocacy Day:

The NYSCHS and NYSATSH will be holding their annual Road Funding Legislative Advocacy day in Albany on March 8th and 9th. I would like authorization to attend.

Equipment purchases:

I would like authorization to solicit quotes for following equipment:

1. New pickup truck cab and chassis.
2. Tilt attachment for skid steer.

Brush Grinding Contract:

Lardon Construction	\$1.88 Cu Yd
Zoladz Construction	\$3.45 Cu Yd

I recommend the contract be awarded to the low bidder Lardon Construction.

Respectfully submitted,

Scott B. Hillman
Superintendent of Highways

RESULT:	REPORT ISSUED
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12. Resolution 2016-19

Road Funding Legislative Advocacy Day

Resolution authorizing Highway Superintendent Scott Hillman to attend the Road Funding Legislative Advocacy Day in Albany on March 8th & 9th.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Baia, Councilman
SECONDER:	Larry White, Deputy Supervisor
AYES:	Mert Wiepert, Larry White, Thomas Baia, Joe Fleckenstein
ABSENT:	Jeff Baker

13. Resolution 2016-20

Authorization to Solicit Quotes

Resolution to go out for bids for a New Pickup truck cab and chassis and a tilt attachment for our skid steer

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Baia, Councilman
SECONDER:	Joe Fleckenstein, Councilman
AYES:	Mert Wiepert, Larry White, Thomas Baia, Joe Fleckenstein
ABSENT:	Jeff Baker

14. Resolution 2016-21

Brush Grinding Contract

Resolution to award the Brushing Grinding contract to Lardon Construction. Their bid was \$1.88 Cu Yd.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry White, Deputy Supervisor
SECONDER:	Thomas Baia, Councilman
AYES:	Mert Wiepert, Larry White, Thomas Baia, Joe Fleckenstein
ABSENT:	Jeff Baker

15. Resolution 2016-22**Replace Highway Garage Lighting**

Resolution authorizing Scott Hillman to replace the lighting in the town garage to LED.

RESULT:	TABLED [UNANIMOUS]	Next: 2/8/2016 7:00 PM
MOVER:	Larry White, Deputy Supervisor	
SECONDER:	Joe Fleckenstein, Councilman	
AYES:	Mert Wiepert, Larry White, Thomas Baia, Joe Fleckenstein	
ABSENT:	Jeff Baker	

16. Report 2016-11**Engineer**

No report

RESULT:	REPORT ISSUED
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17. Report 2016-12**Grant Writer****Grants Status Report: Projects we are currently working on:**

1. **URGENT** : Projects needed over \$50,000 for a member line item. NEEDS TO BE DISCUSSED before year end.

Submitted Letter from Highway

Submitted request for recreational building (pole barn as discussed at the last meeting)

- **NYS Archives:** The New York State Archives has not opened as of yet, we are anticipating

it should be opening in late January 2016! The Local Government Records Management Improvement Fund has been established to fund projects to improve records management and archival administration in New York's local governments but this grant maybe revamped by the agency for this upcoming round.

- **LWRP:** A formal RFP has been published to get new quotes for the LWRP. (See attached RFP)
- **Greenway:** Still need to complete the POTL project: Need to complete the construction; signage. We should schedule a meeting to review this project. Project Pending.

DEC Recycling Grant: I requested from the bookkeeper a copy of the invoice and the cancelled check for reimbursement. We get \$.50 cents on the dollar on those recycling bins. So whatever we spent, \$88,550., we get half of that back. Just need to do the paperwork and we will get it back

REQUEST FOR PROPOSALS

PROFESSIONAL SERVICES

for preparation of the

TOWN OF PORTER

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

**prepared by the
TOWN OF PORTER**

**in cooperation with the
NEW YORK STATE DEPARTMENT OF STATE**

January 4, 2016

I. PROJECT DESCRIPTION AND AREA DEFINITION:

The Town of Porter (Contractor) will prepare a Local Waterfront Revitalization Program (LWRP) for its Lower Niagara River and Lake Ontario waterfronts, pursuant to the provisions of New York State Executive Law, Article 42. Completion of the LWRP may integrate preparation of a harbor management plan as set forth in 19 NYCRR Part 603 and further described in guidelines prepared by the Division of Coastal Resources.

The LWRP will provide the Town of Porter with a planning tool for appropriate waterfront development to coordinate proposed actions, and a comprehensive approach to waterfront planning and development. The primary issues in the waterfront area include expanding opportunities for public access to the waterfront, protection of natural resources, economic revitalization, development of recreational trails, redevelopment of former industrial lands, and preservation of agricultural as a viable component of the local economy.

The LWRP will include:

- a statement of the goals and objectives of the program;
- a description of the boundaries of the waterfront area;
- an inventory and analysis of existing natural and historic resources;
- development of Town of Porter coastal policies;
- proposed land and water uses;
- techniques to implement the LWRP;
- implementation actions by state and federal agencies;
- maps and illustrations; and
- compliance with the State Environmental Quality Review Act (SEQRA).

The project components are described in detail in Section 4, below.

Preparation of the LWRP will be undertaken through consultant planning services to be procured by the Town of Porter, and overseen by a waterfront advisory committee. At a minimum, the advisory committee shall include representatives of the Town Board and Town Planning Board; community, environmental, agricultural, recreational, historic preservation and economic development interests; business owners; tourism promotion organizations; and residents in the waterfront area. The selected consultant will work closely with the Waterfront Advisory Committee and the Department of State on the preparation of the LWRP.

Preparation of the LWRP update will be coordinated by a Waterfront Advisory Committee (WAC) appointed by the Town Supervisor. Members of the WAC will include representatives from the Town of Porter, the New York State Department of State (DOS), and community and civic groups and organizations.

The Town of Porter has been awarded a grant by the NYS DOS with funds provided under Title 11 of the Environmental Protection Fund to complete this project. The selected consultant must comply with all provisions in the contract between the DOS and Town of Porter, including the DOS Minority and Women-owned Business Enterprises (MWBE) goals. DOS has established an overall MWBE participation goal of 20%, with 10% for Minority-Owned Business Enterprises (MBE) and 10% for Women-Owned Business Enterprises (WBE). Respondents are expected to demonstrate how they expect to achieve these goals.

II. PURPOSE

The purpose of this project is to:

- (1) Identify the boundary of the Town's current LWRP area;
- (2) Evaluate and update the inventory, policies, project recommendations and

implementation strategies that are contained in the Town's current LWRP, and expand that analysis to the new program boundary as described above.

The final project document will provide a comprehensive Local Waterfront Revitalization Program (LWRP) for the entire waterfront area within the Town of Porter.

III. BACKGROUND

The Town of Porter, located in Niagara County according to the United States Census Bureau, the town has a total area of 37.7 square miles, of which, 33.2 square miles of it is land and 4.5 square miles of it (12.00%) is water. The northern boundary of the town is Lake Ontario and the Western boundary is the Niagara River, which is the international boundary between the United States and Ontario, Canada., respectfully requests funding support from the New York State Department of State Division of Coastal Resources Environmental Protection Fund to implement a Local Waterfront Revitalization Program (LWRP). Porter has a population of 6,771 according to the 2010 census, with more families moving from the city into neighboring towns with more

undeveloped space to build new homes. This trend is threatening the natural habitat and of securing waterfront properties; additionally, recreational areas have become a vitally important part of the master plan. The LWRP will provide the Town with a planning tool for waterfront development and will incorporate recent planning initiatives and enable Porter to better coordinate actions proposed on the waterfront, taking a more comprehensive approach to overall waterfront planning and development in the Town.

The creation of the LWRP meets several of the WNY\Regional Councils Priority list in Tourism, Economic Development and the revitalization of the lake front property & Town Park. Currently the Town of Porter has restaurants, camp grounds, a town park (Porter on the Lake) and residential property all along the waterfront and is in desperate need of a clear water front zoning plan for the use of the property to protect it as well as develop the area.

The Town of Porter has no Local Waterfront Revitalization Plan. During this time of rapid growth, there have been significant changes in the Town, particularly with regard to waterfront development. There have been important new developments along the waterfront, including the planning and implementation of a Niagara River Greenway Trail that will run the length of the shoreline connecting all the recreational resources in the Town. In addition, certain waterfront residential developments have occurred that have raised issues regarding the safeguarding of natural erosion protection features. And the purchase of waterfront property by the Town to be used at Town Park (the only town park).

IV. SCOPE OF SERVICES

Consultant services provided for the Preparation of the Town of Porter LWRP, shall, at a minimum, involve the following tasks and provisions:

Task 1: Project Kick-Off Meeting

The Contractor (Town), the Department, project partners and any other appropriate entities shall hold an initial meeting to review the project scope, project requirements, LWRP preparation requirements, roles and responsibilities of project partners and entities involved in preparing the LWRP, the selection process for procuring consultant services for the project, State Environmental Quality Review (SEQRA) compliance requirements, the schedule for submission of sections of the draft LWRP, the number of public meetings and techniques for public involvement proposed for the project, and any other information which would assist in project completion. In addition, the composition of a Waterfront Committee shall be discussed during the project kick-off meeting. The Contractor, or a designated project partner, shall prepare and distribute to all project partners a brief meeting summary clearly indicating the agreements/understandings reached at the meeting. Work on subsequent tasks shall not proceed prior to Department approval of the proposed approach as outlined in the meeting summary.

Information on preparing a Local Waterfront Revitalization Program is contained in the Department's guidebook "Making the Most of Your Waterfront: Enhancing Waterfronts to Revitalize Communities" <http://nyswaterfronts.com/communities-guidebooks.asp>.

Products: Meeting held with appropriate parties. Written meeting summary outlining agreements/understandings reached.

Task 2: Waterfront Advisory Committee

The Town shall establish a Waterfront Advisory Committee to oversee preparation the LWRP. The committee will provide input to the consultant and oversee public participation during the project. The committee will include, but not be limited to, representatives of the Town Board, Planning Board, community, environmental, agricultural, recreational, historic preservation and economic development interests; business owners; tourism promotion organizations; and residents in the waterfront area. A draft list of proposed members shall be circulated to the Department for and approval prior to establishment of the committee.

Products: Draft and final list of proposed members of project advisory committee. Project committee established.

Task 3: Request for Proposals

The Town shall draft a Request for Proposals (RFP) for consultant planning services, including a complete project description with site conditions, expected final results, a schedule for completion, and criteria for selecting a preferred proposal. The Contractor shall submit the RFP to the Department for review and approval prior to release for solicitation of proposals.

Consultant services requested shall include all of the tasks, activities and responsibilities outlined in the "Project Components" section of this work program.

Products: Approved RFP released through advertisement in local papers, the New State Contract Reporter, and other appropriate means.

Task 4: Consultant Selection and Compliance with Procurement Requirements

In consultation with the Department, the Town and an appropriate review committee shall review all proposals received as a result of the RFP. At a minimum, the following criteria are suggested for use in evaluating consultant responses:

- Quality and completeness of the response.
- Understanding of the proposed scope of work.
- Applicability of proposed alternatives or enhancements to information requested.
- Cost-effectiveness of the proposal.
- Qualifications and relevant experience with respect to the tasks to be performed.
- Reputation among previous clients.
- Ability to complete all project tasks within the allotted time and budget.

Incomplete proposals that do not address all of the requested components should not be accepted for review and consideration.

The municipal attorney, chief legal officer or financial administrator of the municipality shall certify in writing to the Department that applicable provisions of General Municipal Law were fully complied with.

The Contractor's procurement record and consultant selection is subject to approval by the Department.

Products: Consultant(s) selected and approved by the Department. Written certification of compliance with procurement procedures.

Task 5: Subcontract Preparation and Execution

The Town shall prepare a draft subcontract or subcontracts to conduct project work with the consultant or consultants selected. The subcontract(s) shall contain a detailed work plan with adequate opportunity for review at appropriate stages of project completion, a payment schedule (payments should be tied to receipt of products), and a project cost. The subcontract(s) shall specify the composition of the entire consultant team, including firm name and area of responsibility/expertise, and those professionals from the consultant team or consulting firm that will be directly involved in specific project tasks. The Town shall submit the draft subcontract(s) to the Department for review and approval, and shall incorporate the Department's comments in the final subcontract(s). A copy of the final, executed subcontract shall be submitted to the Department.

Products: Draft and final, executed consultant subcontracts.

Task 6: Second Project Meeting

In consultation with the Department, the Town shall hold a second project meeting with the consultant(s) and include the Waterfront Advisory Committee to review project requirements, site conditions, and roles and responsibilities; identify waterfront and harbor management planning issues, new information needs and next steps; and transfer any information to the consultant(s) which would assist in completion of the LWRP. A decision will be made by DOS following this meeting, as to whether a harbor management plan will be necessary as part of LWRP. Project partners at this meeting will review the LWRP preparation process, including compliance with SEQRA, and identify SEQRA lead agency and involved agencies.

The Town or its consultant(s) shall prepare and distribute a brief meeting summary clearly indicating the agreements/understandings reached at the meeting. Work on subsequent tasks shall not proceed prior to Department approval of the proposed approach as outlined in the meeting summary.

Products: Project meeting held with appropriate parties. Written meeting summary outlining agreements/understandings reached.

Task 7: Preparation of a Community Outreach Process and Plan

The consultant, the Waterfront Advisory Committee, and other partners as appropriate, shall prepare a method and process to encourage community participation in development and implementation of the Town of Porter LWRP. At a minimum, the process shall include at least three public workshop type meetings to be conducted during the plan development.

The outreach plan shall identify key individuals, organizations, and entities to be involved, and shall identify the visioning process and the roles and responsibilities in coordinating the entire outreach process, logistics, and the proposed schedule of public meetings. All public meetings will be publicized in the community through press releases, announcements, individual mailings, and any other appropriate means. A summary of each public outreach session will be made available in written form and through other appropriate means, such as notices on the Town's website.

The outreach plan shall be submitted to the Department for review and approval.

Product: Approved community outreach plan.

Task 8: Section I - Waterfront Revitalization Area Boundary

The consultant shall prepare a narrative description and map of the waterfront revitalization area - which includes surface waters and underwater lands. The waterfront revitalization area shall consider the existing coastal area boundary, including those portions of the Lower Niagara River and Lake Ontario within the Town, as well as adjacent upland which affects the water body through drainage, watershed, and any other factors. References to the Inventory and Analysis section justifying the inclusion of particular areas should be included in this section if beneficial for increased understanding. The narrative must be accompanied by a boundary map.

Section I shall be submitted to the Department for review and approval.

Products: Section I - Waterfront Revitalization Area Boundary, including narrative and map(s).

Task 9: Section II - Inventory and Analysis

The consultant shall inventory and describe existing natural and built resources and conditions within the waterfront revitalization area including the harbor (which includes surface waters and underwater lands). (See Chapter 4 of the LWRP Guidebook.) In addition, Section II will analyze waterfront issues, opportunities, and constraints to development, and resource protection needs and a reasonable assessment of the vulnerable resources and potential risks associated with climate change.

Topics to be addressed include, but are not limited to, the following:

- Identification and assessment of existing land use and development
 - Land use and ownership patterns (public and private), including underwater lands
 - Abandoned, deteriorated, or underused sites and buildings
 - Agricultural lands
- Identification and assessment of existing water-dependent uses and related issues
 - Commercial, industrial, and recreational water-dependent uses (such as ferries, marinas, boat yards, transshipment facilities, swimming areas, vessel anchorage and mooring areas, commercial or recreational fishing or shellfishing areas and uses)
 - Identification and assessment of existing zoning and other relevant local land use and development controls
 - Zoning codes, subdivision review, site plan review, and design standards, etc.
 - Identification and assessment of existing and desired open spaces, public access sites and recreational resources
 - Identification and assessment of the condition of infrastructure
 - water supply, stormwater and sewage treatment, vessel waste facilities, solid waste disposal, transportation systems, energy production and transmission, bulkheads, docks and docking facilities and underwater infrastructure and structures, such as cables and pipelines
 - Identification and assessment of historic and scenic resources
 - National Register sites and districts, locally designated historic and scenic resources, and archaeological resources such as shipwrecks and historic dry docks
 - Identification and assessment of natural resources, topography, hydrology, and geology
 - NYS Significant Coastal Fish and Wildlife Habitat areas, locally important fish and wildlife habitats, wetlands, water courses, landscape features, steep slopes, minerals, etc.
 - Assessment of issues related to water quality
 - Point and non-point sources of pollution
 - Water quality classification
 - Assessment of issues related to flooding, erosion and other coastal hazards
 - Assessment of issues related to navigation and dredging
 - Summary of the existing authorities of federal, state, regional, and local agencies that have jurisdiction in the waterfront revitalization area.
 - the National Oceanic and Atmospheric Administration, the U.S. Coast Guard, U.S. Army Corps of Engineers, and the Department of Interior;

- the State Department of State, Environmental Conservation, Health and Transportation and the Offices of General Services and Parks, Recreation, and Historic Preservation;
- agencies of the Town, town, or village, or a county if the county regulates activities in the waterfront revitalization area;
- the local harbormaster, bay constables, code enforcement officer, building inspector, police department or sheriff's office.

Section II shall be submitted to the Department for review and approval.

Products: Section II - Inventory and Analysis with accompanying maps to depict the municipality's waterfront area resources, issues, and opportunities.

Task 10: First Public Information Meeting

Following completion of the initial drafts of Section I - Waterfront Revitalization Area Boundary and Section II - Inventory and Analysis, the consultant shall conduct a public information meeting regarding the identified local waterfront issues and opportunities and solicit public input regarding the completeness and accuracy of Sections I and II.

Products: Public information meeting held. Minutes of the public meeting.

Task 11: Section III - Local Waterfront Revitalization Policies

The consultant shall refine applicable State waterfront revitalization policies to reflect local conditions and circumstances, including specific standards and proposed land and water uses for determining consistency with the policies. Provisions of the State policies may be modified to correspond with local circumstances, but may not be diminished.

Section III shall be submitted to the Department for review and approval

Products: Section III - Local Waterfront Revitalization Policies.

Task 12: Section IV - Proposed Land and Water Uses and Proposed Projects

The consultant shall describe and map proposed long-term land and water uses within the waterfront area, and proposed projects necessary to implement the LWRP.

Projects may include but not be limited to:

- Capital improvement or construction projects that are necessary to maintain or improve uses or conditions;
- Special studies, plans, design projects, or research necessary to advance or refine components of the LWRP;
- Projects to redevelop underused or deteriorated areas and sites,
- Projects to provide or improve public access;
- Projects to protect existing, or provide for new, water-dependent uses, such as marinas, boat yards, yacht clubs, or swimming beaches; and

- Projects to enhance or restore wetlands and habitats.

Section IV shall be submitted to the Department for review and approval.

Products: Section IV - Proposed Land and Water Uses and Proposed Projects accepted by the Contractor and approved by the Department.

Task 13: Second Public Information Meeting

Following completion of the initial draft of Section IV - Proposed Land and Water Uses and Proposed projects, the consultant shall conduct a public information meeting regarding the identified local waterfront issues and opportunities and solicit public input regarding the completeness and accuracy of Section IV.

Products: Public information meeting held. Minutes of the public meeting.

Task 14: Section V - Techniques for Local Implementation of the Program

The consultant shall describe existing local laws and regulations, as well as any new or amended laws or regulations which are necessary to implement the policies, proposed uses, and projects set forth in Sections III and IV. Full drafts of new or amended laws and regulations, including a local consistency review law, should be in the appendix to the LWRP.

The consultant shall also describe other public and private sector actions necessary to implement the LWRP, including actions by federal and state agencies necessary in order to fully implement and advance projects in the waterfront revitalization area. These actions may include approving anchorage and mooring areas prior to designation, designating vessel waste no-discharge zones, dredging or maintaining major navigation channels and basins, constructing or maintaining breakwaters, funding certain studies, or providing technical assistance.

The consultant shall also describe a local management structure for reviewing proposed waterfront projects for consistency with the LWRP, and the financial resources required to implement the LWRP.

Section V shall be submitted to the Department for review and approval.

Products: Section V - Techniques for Local Implementation of the Program, including ALL drafts of any necessary amendments to existing laws or new local laws, including a local consistency review law.

Task 15: Section VI - Federal and State Actions and Programs Likely to Affect Implementation of the LWRP

The Department shall provide to the Town or its consultant(s) a generic list of federal and State agency actions and programs (section VI. A.) which are to be undertaken in a manner consistent with the LWRP. The Contractor or its consultant(s) shall describe specific federal and State actions (Section VI. B.) necessary to further implementation of the LWRP (technical assistance, funding, procedural changes, etc.).

Section VI shall be submitted to the Department for review and approval.

Products: Section VI - Federal and State Actions and Programs Likely to Affect Implementation of the LWRP.

Task 16: Section VII - Local Commitment and Consultation

The consultant shall describe the public consultation efforts undertaken in the preparation of the LWRP, such as public hearings, public informational meetings, and/or meetings with governmental agencies. The consultant shall also describe any local committees created to oversee preparation of the LWRP, as well as the role of other municipal agencies.

Section VII shall be submitted to the Department for review and approval.

Products: Section VII - Local Commitment and Consultation.

Task 17: Section VIII - Determination of Significance and Compliance with SEQRA

The Town of Porter shall request designation as Lead Agency for purposes of SEQRA. The Lead Agency shall prepare, distribute and file a Full Environmental Assessment Form for purposes of evaluating the importance/significance of the impacts associated with preparing and adopting a LWRP. Upon completing the Full Environmental Assessment Form, the Lead Agency shall make a Determination of Significance in accordance with the SEQRA regulations. If the Determination of Significance results in a Positive Declaration, the Lead Agency shall prepare a Draft Generic Environmental Impact Statement for the Draft LWRP in accordance with State Environmental Quality Review Act (SEQRA) regulations and guidelines. If the findings of the Determination of Significance are such that the LWRP will not have a significant adverse environmental impact, a Negative Declaration may be prepared and filed. If a Negative Declaration is prepared and filed, then a Draft Generic Environmental Impact Statement will not be necessary and no further actions are necessary under the SEQRA regulations.

The Town or its consultant(s) shall determine whether a public hearing will be held on the Draft LWRP.

Section VIII shall be submitted to the Department for review and approval.

Products: Completed Full Environmental Assessment Form and associated SEQRA determination statements (Positive Declaration or Negative Declaration). If the Determination of Significance results in a Positive Declaration, the Lead Agency, with the assistance of the consultant, shall prepare a Draft Generic Environmental Impact Statement for the Draft LWRP in accordance with State Environmental Quality Review Act (SEQRA) regulations and guidelines. If a Draft Generic Environmental Impact Statement is prepared, a public hearing shall be held.

Task 18: Draft LWRP

The Town or its consultant shall submit a hard copy and electronic copy (.pdf format) of a complete *Preliminary Draft LWRP* document, with integrated harbor management, including a

complete Draft Generic Environmental Impact Statement (if one is to be prepared), incorporating comments provided on each component section, to the Department for approval.

If revisions to the Preliminary Draft LWRP are needed, based on Department review, the Town or its consultant shall make the required changes and resubmit the document to the Department for review. All comments and requested revisions must be addressed to the satisfaction of the Department prior to advancing the document to 60-Day Review.

Following acceptance of the Preliminary Draft LWRP document by the Department, the Town shall formally accept the Draft LWRP as complete and ready for public review and authorize its submission to the Department for review by potentially affected State, Federal, and local agencies by resolution of the local municipal legislative body. The Town or its consultant(s) shall also provide three (3) hard copies and one electronic copy (formatted in either Corel WordPerfect or Microsoft Word) of the Draft LWRP document to the Department.

Upon receipt of the required number of copies of the Draft LWRP (/Draft Generic Environmental Impact Statement, If applicable), the Department shall initiate a 60-Day Review by State, Federal, and other local agencies concurrent with the SEQRA review (if applicable).

Products: (1) Preliminary Draft LWRP acceptable to the Department; (2) a resolution of the local municipal legislative body accepting the Draft LWRP; (3) the required number of copies of the

Draft LWRP; and (a) comments received as a result of Department initiated 60-Day Review.

Task 19: Third Public Information Meeting

Following completion of the Draft LWRP and in conjunction with 60-Day Review, the Town or its consultant shall conduct a public information meeting on the Draft LWRP.

Products: Public meeting held. Minutes of the public information meeting(s) and identification of changes to be made to the Draft LWRP as a result of the public meeting submitted to the Department for approval.

Task 20: Final LWRP

Following the 60-Day Review of the Draft LWRP (/Draft Generic Environmental Impact Statement, if applicable), the Department shall meet with the Town or its consultant to determine appropriate responses to all of the comments received; which shall be reflected in the Final LWRP document (and Final Environmental Impact Statement, if applicable) to the satisfaction of the Department.

The Town shall also submit a schedule of adoption to the Department of the LWRP and any local laws necessary for implementation of the LWRP.

Products: Final LWRP (and Final Environmental Impact Statement, if applicable) and schedule of adoption.

Task 21: MWBE Quarterly Reports

The Town and its consultants and/or contractors shall submit MWBE Quarterly Reports (every March 31, June 30, September 30, and December 31) on the form provided, including a breakdown of payments issued to state-certified MWBE firms during the quarter.

Products: MWBE reports submitted to DOS during the life of the contract.

Task 22: Project Status Reports

The Town or its consultant(s) shall submit project status reports semi-annually (every June 30 and December 31) on the form provided, including a description of the work accomplished, the status of all tasks in this work plan, schedule of completion of remaining tasks, and an explanation of any problems encountered.

Products: Completed project status reports submitted to DOS during the life of the contract.

Task 23: Final Project Summary Report and Measurable Results forms

The Town or its consultant(s) shall work with the Department project manager to complete the Final Project Summary Report and Measurable Results forms. Final payment shall not be authorized until these forms have been completed and filed with project deliverables.

Products: Completed Final Project Summary Report and Measurable Results forms submitted to DOS.

V. PROPOSAL SUBMISSION REQUIREMENTS

The proposal submission shall include the following information:

- (a) General information about the consultant firm including name, address, contact information, type of business and tax ID number.
- (b) An outline (narrative statement) of the consultant's approach to the study given the overall purpose and objectives of the project and the specific work tasks and responsibilities contained in the Scope of Services. The consultant should also include a list of any assumptions made in the preparation of the proposal.
- (c) A description of the consultant's work on similar projects, detailing work performed for other government agencies, especially relating to working with them with on the State of New York's Local Waterfront Revitalization Program. In addition, as the Town plans to undertake Comprehensive Master Plan update in the very near future, please describe as well the consultant's work experience with municipal comprehensive master planning. The consultant should demonstrate detailed knowledge of how the LWRP and Master Plan are linked. The LWRP update should be written with the Master Plan update in mind. References may be included as appropriate. The consultant is also encouraged to identify any prior work experience directly related to conducting community input processes, public meetings and focus groups or developing new methods for obtaining community feedback (Internet, on-line surveys, Facebook, etc.).
- (d) An evaluation of the Scope of Services as set forth in this Request for Proposals. If, in the opinion of the consultant and in light of the overall purpose and objectives of the study, the

consultant believes the Scope of Services needs to be modified, the consultant shall prepare a list of suggested changes and/or additions as part of the proposal.

(e) A schedule for completion for each of the tasks contained in the Scope of Services. **The project is to be completed within 18 months after receipt of a Notice to Proceed.**

(f) A Fee Proposal that includes a listing showing the estimated person hours and cost breakdowns for each task listed in the Scope of Services. Hourly charges for each level of employee shall be shown along with the total cost (including direct expenses) to perform all consultant services proposed.

(g) Resumes of the proposed consultant project manager and those individuals who would provide additional consultant services to meet the requirements outlined in this RFP; a listing of the names and addresses of any sub-contractors (and appropriate resumes) to be used in completing the project.

(h) The respondent's efforts to comply with New York State's MWBE goals. Respondents shall solicit participation of MWBE contractors (including subcontractors, consultants and service providers) in accordance with the aforementioned DOS MWBE participation goals. The respondent must submit sufficient documentation to demonstrate good faith efforts to provide opportunities for MWBE participation for work related to the project in the event respective goals are not achieved.

VI. PROPOSAL RATING CRITERIA

The Town will evaluate and rank proposals that are received based on the following criteria:

- (a) The narrative statement, demonstrated understanding of the project and the proposed approach (30%)
- (b) The consultant's experience, expertise, project personnel qualifications and references (40%)
- (c) The proposed fee, budget presentation and project schedule (30%).

The Town will also consider the extent to which the respondent has secured the participation of MBE and WBE firms in its evaluation.

Interviews will likely be held before making a final consultant recommendation to the Supervisor and Town Council. The contract for this project will be awarded to the most responsive proposal that exhibits the most reasonable cost. If the professional services agreement with the selected consultant cannot be executed in a timely manner, the Town may terminate negotiations and solicit services for the project from other consultants that submitted proposals.

VII. OTHER PROPOSAL REQUIREMENTS

The proposal submission shall address the following additional requirements:

- (a) The consultant shall be responsible for printing ten (10) copies of all interim work products and ten (10) copies of all final work products including three (3) hard copies and one (1) electronic copy of each of those and of the final report including all final maps, renderings, drawings and appendices.
- (b) The consultant shall have on its staff, or included as staff from subcontractors, and is to

retain during the performance of its services, all appropriate professional personnel necessary to completely and accurately perform the work and services required. Where the design of any structural, mechanical, electrical, civil or other engineering features are included in the project, such work must be performed by an engineer licensed to practice on the State of New York.

- (c) The Town reserves the right to review the qualifications of all proposed subcontractors and retains the right of prior approval of the sub-contractor's participation in the study.
- (d) The consultant shall meet with Town staff, the Waterfront Advisory Committee and other appropriate parties at specified and appropriate times during the project, to maintain appropriate coordination and to identify concerns, issues, and problems related to the project.

VIII. ADDITIONAL INFORMATION

As mentioned above, section 5 (c), prospective consultants should be aware that the Town of Porter intends to update the Town of Porter Comprehensive Master Plan in the near future. The LWRP amendment should be written with the Master Plan update in mind to ensure ease of integration.

IX. RESOURCES PROVIDED BY THE TOWN

The Town of Porter shall administer the grant, execute a contract with the Department, and ensure the completion of work in accordance with the approved Work Plan. Unless otherwise specified in the Project Description or under Project Components, the Town of Porter and/or its approved consultant(s) or subcontractor(s) shall conduct all work as described in the component tasks.

The Town of Porter will be responsible for:

- Conducting all project work in conformance with the Work Plan included in the executed contract with the Department.
- will be responsible for all project activities including drafting request for proposals and managing subcontracts with consultants and subconsultants.
- will certify to the Department that the procurement record for project consultants and subcontractors complies with the applicable provisions of General Municipal Law.
- will receive approval from the Department for any and all consultant subcontracts before beginning project work.
- will be responsible for submission of all products and payment requests.
- will be responsible for coordinating participation and soliciting comments from local government personnel, project volunteers, and the public.
- will keep the Department informed of all important meetings for the duration of this contract.
- will receive approval from the Department before purchase of any equipment.
- will secure all necessary permits and perform all required environmental reviews.
- will ensure that all materials printed, constructed, and/or produced reflect the

Department of State logo, feature the Secretary of State and the Governor, and acknowledge the contributions of the Department to the project.

- will ensure that all products prepared as a part of this contract shall include the NYS Comptroller's contract # as indicated on the Face Page of this contract.
- will ensure the project objectives are being achieved.
- will ensure that comments received from the Department and the project advisory committee, or other advisory group, are satisfactorily responded to and reflected in subsequent work.
- will recognize that payments made to consultants or subcontractors covering work carried out or products produced prior to receiving approval from the Department will not be reimbursed unless and until the Department finds the work or products to be acceptable.

X. DEADLINE FOR SUBMISSION

Eight (6) copies of the proposal and a CD with an electronic version must be submitted no later than 4:00 pm, Monday, January 25th, 2016 to:

Ms. Barbara DuBell, Town Clerk
3265 Creek Road
Youngstown, New York 14174

Questions regarding this Request for Proposals should be directed to:

Bernie Rotella, Town Grant Consultant
3265 Creek Road
Youngstown, New York 14174

Phone: (716) 240-3230

Email: Bernie@rotellagrants.com

It is the consultant's sole responsibility to assure delivery of its proposal to the Town Clerk's office by the designated time and date.

For this **RFP** solicitation, the Town will not have a pre-submittal informational meeting. After reviewing proposals, the Town may request an interview(s) with a consultant prior to making a selection. No changes or substantive interpretations will be made to the **RFP** except by written addendum. The Town may reject any proposal considered to be nonresponsive to this RFP. Proposals should be prepared simply and economically, providing a straightforward, concise description of the consultant's qualifications, understanding of the project and schedule/fee proposal.

Upon a determination that such actions would be in the best interests of the Town of Porter, the Town, in its sole discretion, reserves the right to reject and refuse to consider any or all of the submitted proposals received in response to this RFP.

RESULT:	REPORT ISSUED
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18. Report 2016-13**Attorney**

I have two (2) matters that we need to discuss in executive session.

RESULT:	REPORT ISSUED
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19. Resolution 2015-100**Soil Removal**

Resolution authorizing Michael McCabe to remove surplus soil left after digging a pond on his property at 2384 Lake Road.

Supervisor Wiepert: .I'd like to get that "tabled" again because there are some questions we have on the lawsuit/court case.

HISTORY:

12/14/15	Board	TABLED
Next: 01/11/16		

RESULT:	TABLED [UNANIMOUS]	Next: 2/8/2016 7:00 PM
MOVER:	Thomas Baia, Councilman	
SECONDER:	Mert Wiepert, Supervisor	
AYES:	Mert Wiepert, Larry White, Thomas Baia, Joe Fleckenstein	
ABSENT:	Jeff Baker	

20. Resolution 2015-118**Telephone System**

Executive Session:

Resolution to pay Broadview an early termination fee of \$4,000.

HISTORY:

12/29/15	Board	TABLED
Next: 01/11/16		

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Baia, Councilman
SECONDER:	Joe Fleckenstein, Councilman
AYES:	Mert Wiepert, Larry White, Thomas Baia, Joe Fleckenstein
ABSENT:	Jeff Baker

21. Resolution 2015-111**Resolution to Rescind Local Law 2014-71**

Supervisor Wiepert:

This went to the Niagara County Planning Board, it was returned to us for more information that they needed. Wanted to know if we rescind this law how it affects established businesses in the town.

It was just resubmitted to them recently. They will have to act on it and then we will get their recommendation and then proceed with it.

HISTORY:

12/14/15	Board	TABLED
Next: 01/11/16		

RESULT:	TABLED [UNANIMOUS]	Next: 2/8/2016 7:00 PM
MOVER:	Joe Fleckenstein, Councilman	
SECONDER:	Jeff Baker, Councilman	
AYES:	Mert Wiepert, Larry White, Thomas Baia, Joe Fleckenstein	
ABSENT:	Jeff Baker	

22. Report 2016-14**Correspondance**

Monday, January 11, 2016, received the following resignation from Jipp Ortiz, Planning Board Chairman:

To Mert Wiepert:

I, Jipp Ortiz, am resigning from the Town of Porter Planning Board effective as of today, January 11, 2016. Thank you for the privilege to serve for as long as I have. I can no longer commit the time that is needed to fulfill the job properly. I feel that Peter Jeffrey will do a great job as chairman. I also had a conversation with Tom Oddy and he has stated that he would like to come back on the board since his commitment problems he faced over the past year are resolved. I believe he will do a great job on the Town of Porter Planning Board.

Respectfully,

Jipp Ortiz

We accept his resignation with regret.

The Vice Chairman will take over the next Planning Board meeting.

RESULT:	REPORT ISSUED
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23. Report 2016-16

Calendar of Events

CALENDAR OF EVENTS

M.L.K. Birthday	Monday, Jan. 18 th	Town Hall Closed
Zoning Board	Thursday, Jan. 21 st	Town Hall - 7:30 PM
Planning Board	Thursday, February 4 th	Town Hall - 7:00 PM
Town Board Meeting	Monday, Feb 8 th	Town Hall - 7:00 PM

RESULT:	REPORT ISSUED
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24. Report 2016-15

Town Board Comments

Bill Dean asked about the motion made at the September 14, 2015 meeting, to put a moratorium on Local Law#2-2014 until the next Planning Board meeting.

Councilman Fleckenstein: That's what was sent back to the county planning board. We have to put it out for referendum because it's a change again, that's why it had to go to the county planning board. It went there; it came back pretty much blank with a question. We answered that, and that came back just after the last meeting. So it went back out just the other day and hasn't come back yet.

Bill Dean: I think under the circumstances that no future applications should be processed in regards to allowing for the sales and service of farm and garden equipment in the town.

Code Enforcement Officer Rogers: I do have an application current that was submitted to the planning board some 6 months ago. It went back to McCabe for a more complete site plan. I've just received his new site plan and I'm reviewing that now. I don't know where that fits, if that moratorium was after he applied or before he applied. I can't really answer that question.

Councilman Fleckenstein: That application was before the September meeting, there is nobody applying between September and now. There is nothing going to happen whether we keep the law or not.

Peter Jeffrey: The question to the planning board and Kyle Andrews is about procedure because of other actions with Mr. McCabe's property, do we have to take action or should we wait until those actions are resolved. That's the questions that the planning board has for Mr. Andrews. My concern is are there violations or legal actions on the site or project.

A motion to go into Executive Session was made at 7:47 PM by Councilman Baia and seconded by Councilman White.

The Town Board returned from Executive Session at 8:14 PM. Motion to close Executive Session was made by Councilman Baia and seconded by Councilman Fleckenstein.

The regular meeting of the Porter Town Board was adjourned at 8:15 pm.

RESULT:	REPORT ISSUED
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