

Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road Youngstown, NY 14174 TownofPorter.Net

Barb Dubell 716-745-3730

Monday, May 9, 2016 7:00 PM Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on May 9, 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	Present	
Joe Fleckenstein	Town of Porter	Councilman	Present	
Barb Dubell	Town of Porter	Town Clerk	Present	
Kara Hibbard	Town of Porter	Deputy Town Clerk	Absent	
Mike Dowd	Town of Porter	Attorney	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Susan Driscoll	Town of Porter	Assessor	Present	

II. Reports/Resolutions

1. Resolution 2016-56

Minutes Approval

Resolution to approve the minutes of the April 11, 2016 regular meeting of the Porter Town Board and the minutes of the April 19th work session.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Thomas Baia, Councilman

SECONDER: Joe Fleckenstein, Councilman

AYES: Wiepert, White, Baia, Baker, Fleckenstein

2. Resolution 2016-57

Audited Vouchers

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

TOWN OF PORTER

WARRANT:	POST A	AUDIT - APR, 2016	4/30/16
FUND FUND FUND FUND FUND	01 02 04 06 07 28 36	16,425.18 68.60 5,757.21 2,109.70 1,917.28	
TOTAL		<u> 26,277.97</u>	
VOUCHER 'S	22172	THRU 22193	
WARRANT:	#5 M	AY, 2016	5/9/16
WARRANI.	# 3 IVI	A1, 2010	3/3/10
FUND FUND FUND FUND FUND FUND	91 02 04 06 07 10 35	30,199.53 5,834.17 52,725.09 697.59 27,059.17 812.52 1,000.00 118,328.07	3/9/10
FUND FUND FUND FUND FUND FUND FUND	01 02 04 06 07	30,199.53 5,834.17 52,725.09 697.59 27,059.17 812.52 1,000.00	3/9/10

RESULT: ADOPTED [UNANIMOUS]

MOVER: Thomas Baia, Councilman

SECONDER: Larry White, Deputy Supervisor

AYES: Wiepert, White, Baia, Baker, Fleckenstein

3. Report 2016-75

Town Clerk

Water \$23,523.87

Sewer \$20,487.76

Clerk Fees \$ 865.80

Duffy Johnson, Zoning Board of Appeals Chairman, has requested approval from the Town Board to change their meeting time from 7:30 to 7:00 PM. Both the Town Board and the Planning Board meet at 7:00 PM.

RESULT: REPORT ISSUED

4. Resolution 2016-61

ZBA - Start Time

Resolution to change the starting time of the monthly Zoning Board of Appeals meetings from 7:30 P.M. to 7:00 P.M.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jeff Baker, Councilman

SECONDER: Joe Fleckenstein, Councilman

AYES: Wiepert, White, Baia, Baker, Fleckenstein

5. Report 2016-88

Supervisor's Report

Supervisor's Monthly Report for April, 2016 was distributed to all Town Board members.

Resolution to accept the Supervisor's Monthly Report for April, 2016.

March Sales Tax: \$112,165.44. The Town is up \$1,266.24 from March 2015.

Need a resolution to authorize the extension of the Lake Shore Phase 3 sewer line.

Need a resolution to authorize Consortium Reimbursement.

RESULT: REPORT ISSUED

6. Resolution 2016-58

Supervisor's Report

Resolution to accept the Supervisors Report for April, 2016.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jeff Baker, Councilman

SECONDER: Larry White, Deputy Supervisor

AYES: Wiepert, White, Baia, Baker, Fleckenstein

7. Resolution 2016-59

Lake Shore Phase 3 Extension

Resolution authorizing the extension of Lake Shore 3 sewer line, approximately 90 linear feet, from the current end on Creek Road (south end), on the west side of Creek Road. This will allow landowner Richard Shears to build a house on the lot. The estimated cost of the project is about \$14,500.

Councilman Fleckenstein: Approve up to \$14,500 for extension of the Lake Shore Phase 3 Extension.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Joe Fleckenstein, Councilman

SECONDER: Larry White, Deputy Supervisor

AYES: Wiepert, White, Baia, Baker, Fleckenstein

8. Resolution 2016-60

Consortium Reimbursement

RESOLUTION

WHEREAS, the Greater Niagara Orleans County Municipal Health Insurance Consortium Study consists of twenty-six municipal entities throughout Niagara and Orleans Counties; and

WHEREAS, the Consortium's goal is to reduce overall health care costs to municipalities through purchasing health insurance jointly; and

WHEREAS, an initial comprehensive review was completed by Arthur J. Gallagher & Co. showing that significant savings would accompany the joint purchasing of health insurance through the Consortium, thereby reducing the overall operating costs to municipalities; and

WHEREAS, the Consortium, if adopted, should provide relief to taxpayers through efficiency and leverage provided by the Consortium; and

WHEREAS, by consensus vote of the Consortium Ad Hoc Committee comprised of participating municipalities, it was directed that the Town of Somerset as lead agency for the

participating members apply for a \$250,000.00 grant from the New York State Department of State to further study the Consortium; and

WHEREAS, the twelve towns in Niagara County, who are all participating members, in this project, each contributed \$417.00 to date towards the cost of the grant writer to pursue the state grant; and

WHEREAS, the Consortium was successful in that the state grant was awarded and the Town of Somerset was designated as the lead agency for administering the grant; and

WHEREAS, as a condition to the Department of State \$250,000.00 grant, the recipient must provide matching funds equal to 10% of the overall grant total; and

WHEREAS, the Town of Somerset, as the lead agency, is responsible for providing the \$25,000.00 in matching funds as required by the New York State Department of State; and

WHEREAS, by consensus vote of the Consortium Ad Hoc Committee comprised of participating municipalities, it was agreed that participating municipalities would equally reimburse the Town of Somerset for the matching funds required to be paid by the Town of Somerset for this grant; and

WHEREAS, at this time and during the grant process, there is no obligation of any municipality to join the Consortium upon its final implementation; and

WHEREAS, in order to completely evaluate the full costs and benefits of a Consortium, it is essential that the grant project continue until its conclusion; and

WHEREAS, the Town of Somerset will seek reimbursement on a quarterly basis from the State for services and expenses rendered under this Grant, in which the State will deduct the matching grant portion; and

WHEREAS, the Town of Somerset will then submit quarterly to each participating municipality a voucher for its portion of the matching grant share; and

WHEREAS, this municipality is one of the entities participating in this project and will continue to benefit from the Consortium study and potential implementation; and

NOW THEREFORE BE IT RESOLVED, that in the spirit of cooperation, this municipal body agrees that the cost of the matching amount borne by the Town of Somerset shall be allocated amongst the current twenty-six participating municipalities in equal shares, with each Niagara County town who contributed towards the cost of the initial grant writer receiving a \$417.00 deduction from this equal share in order to ensure that each entity contributes an identical amount towards this worthy project; and be it further

RESOLVED, this municipal body does hereby authorize payment to reimburse the Town of Somerset in the amount **not to exceed** a total of \$737.00. Quarterly reimbursements is not to exceed \$184.25 for our share of the grant matching funds for this worthy project; and be it further

RESOLVED, that if any additional municipal entity joins this Consortium study, then this municipal body recognizes that the aforementioned reimbursements will be adjusted downward

accordingly.

Supervisor Wiepert: Motion to proceed with the \$737.00 to the Town of Somerset who is the lead agency. This is a reimbursement to them, so we can get a feasibility study of health care for the Town of Porter.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Mert Wiepert, Supervisor
SECONDER: Thomas Baia, Councilman

AYES: Wiepert, White, Baia, Baker, Fleckenstein

9. Report 2016-76

Bookkeeper

Bookkeeper's Monthly Report - April, 2016

Completed processing all April, 2016 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for April, 2016, and distributed it to the Supervisor & Town Board members.

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

RESULT: REPORT ISSUED

10. Report 2016-77

Recreation

RE: February Recreation Report

- Story Hour continues at the Youngstown Library on Tuesdays and the Ransomville Library on Wednesdays.
- Saturday Story Hour continues on the 2nd Saturday of each month at 10:00am at the Ransomville Library.
- Tai Chi continues on Tuesday mornings at 9:30am and Yoga continues on Wednesday evenings at 6:30pm in the Cora Gushee Room, 2nd floor of the Youngstown Village Center.
- Kids Karate is offered on the 1st Saturday of each month through June from 10:00-11:00am, at the Youngstown Village Center Gym. During the months of July and August it will be offered during the

Summer Recreation Program. It will return to the 1st Saturday schedule in September. This is a non-testing, non-contact exercise program.

- The Easter Egg Hunt was held on Saturday, March 19th at 11:00am at Stevenson Elementary.
- We submitted our 2016 NYS/Niagara County Youth Bureau Grant Application and are waiting to hear back from them.
 Our Summer Recreation Program will be held on Tuesday, July 5th Thursday, August 11th at Stevenson School. Registration will be on June 29th and 30th. Resumes for the Summer Recreation Leaders are due by May 20th and interviews will be held on Monday, June 6th in the evening.
- We currently have one vacancy on the Recreation Commission due to the resignation of Janeanne LePage, which we hope to fill in the near future.
- Our next meeting will be Monday, May 2, 2016 at 7:00pm, and our meeting on June 6th will consist of interviews for the Summer Recreation Leaders.

Kathy Zasucha: The dates for the summer recreation with children starts July 6th to August 11th. We're collecting resumes now. Anybody that's a high school graduate, they don't have to be 18 but they will be 18 by the time the program ends. We are looking for 20 supervisors. The Wilson district has allowed us to use Stevenson again. We need a Recreation Commissioner.

SULT: REPORT ISSUED

11. Report 2016-87

Tax Collector

May 4, 2016

RE: TOWN/COUNTY TAX COLLECTIONS FOR 2016

Paid to Supervisor Wiepert the sum of \$6458.93. This amount included the following:

	Penalties collected in March	\$6215.90
	Return of Petty Cash	100.00
`	\$1.00 surcharge on unpaids returned	143.00
	Over payments	.03

Paid to County Treasurer on April 12, 2016 the sum of \$592,912.10 as final remittance to the County. The following figures reflect the final results of my collection for the 2016 Town/County Tax Roll in and for the Town of Porter:

Paid to Supervisor	1,312,714.45
Paid to County in February	2,900,000.00

Collected by County Treasurer

(Utilities County Owned) 99,190.95 April remittance due County 593,055.10

Total Collected	4,904,960.50
Total Uncollected (179 bills)	329,362.19
	5.234.322.69

ADJUSTMENTS-CORRECTED BILLS

Time Warner-No Town Tax	519.50
Corrected bill-	
St John's Lutheran Church	18.26
Total Adjustments	537.76
Total Warrant	5,234,860.45
April remittance	593,055.10
\$1.00 unpaids surcharge	-143.00
Paid to County Treasurer	592,912.10

There was no interest credited this year to this account.

Total of \$8225.82 in penalties was collected this year.

Town Tax Collector's account now reflects a balance of \$12.20-\$2.00 to keep the account open and \$10.20 for a overpayment refund that still has not been cashed.

Sally A. Hogan, Collector

PORT ISSUED

12. Report 2016-78

Assessor

ASSESSOR'S REPORT APRIL 2016

Finalized processing building permits for 2016 roll

Finalized processing exemption applications for 2016 roll

Finalized 2016 Tentative roll

Participated in State webinar on new rules for STAR applications from 03/02/2015 going forward.

Applied two scripts to computer database, one to identify affected homeowners, and one to trigger the issue of State checks (to replace STAR exemption allowance on school tax bill). STAR exemption recipients who applied. and were accepted prior to 03/02/2015, will continue under the original program. However, if they sell or change ownership title, they exit the original program and enter the new one.

Prepared and distributed one hundred and fifty change of assessment notices

13. Report 2016-79

Building Inspector/Code Enforcement Officer

APRIL, 2016	TOWN OF PORTER
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No.	Date	Owner	Туре	Location	Value	Fee
018-16	4/4	UMH Melrose	S.F.R.	999 Balmer	46,000	300
019-16	4/4	UMH Melrose	S.F.R.	999 Balmer	46,000	300
020-16	4/4	UMH Melrose	S.F.R.	999 Balmer	46,000	300
021-16	4/6	S Johnson LLC	Alt	3645 Ran Rd	20,000	50
022-16	4/6	S&K Auto Racing	Add	2401 Braley	60,000	150
025-16	4/7	B Whyte	P. B.	1328 Cain	15,000	50
026-16	4/11	W Collesano	Shed	3803 River Rd	1,200	25
027-16	4/13	C Diez	Add	420 Lakeside Ln	265,000	100
028-16	4/19	E Martin	P. B.	Ran Rd.	25,000	50
029-16	4/19	J Pollow	S. P.	1229 Cain	23,000	50
030-16	4/26	M Woodcock	P. B.	1567 Lake	25,000	50
				Monthly	572,200	1,425
				Y-T-D	925,975	3,125

BUILDING DEPARTMENT REPORT - April 2016

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 April 2016

CWM application for site plan reviewed

State and County 2015 reports completed

RESULT:	REPORT ISSUED
IVEOUEI.	INEL OIL HOOGED

14. Report 2016-80

Justice Revenue

JUSTICE FINES 2016

01-1000.2610

	GROSS REVENUE	DISTRIBUTION	NET REVENUE
JANUARY	3,524.00	(1,229.00)	2,295.00
FEBRUARY	4,429.50	(2,224.50)	2,205.00
MARCH	5,775.50	(3,529.50)	2,246.00
APRIL			0.00
MAY			0.00
JUNE			0.00
JULY			0.00
AUGUST			0.00
SEPTEMBER			0.00
OCTOBER			0.00
NOVEMBER			0.00
DECEMBER			0.00
	13,729.00	(6,983.00)	6,746.00

RESULT: REPORT ISSUED

15. Report 2016-81

Highway

5/9/2016

Department of Public Works Monthly Report for April 2016

Highway Department:

- 1. Completed the Town-Wide and first scheduled brush pick up.
- 2. Completed cleaning and painting of plows and spreaders.

- 3. Provided assistance to the Town of Cambria with trucks hauling stone and millings for the road widening project on Baer Road.
- 4. We are working on picking up roadside debris prior to first round of roadside mowing.

Drainage Department:

1. We are preparing the mowing tractors to start off road mowing once the weather permits.

Water and Sewer Department:

- 1. Completed monthly meter reading.
- 2. Completed sample collection for DBP testing.
- 3. Completed repairs to a water main break on Walnut Lane.

POTL:

- 1. The restrooms are now open for the season.
- 2. Completed clean up of the beach area.

Trace Read Water Meter Problem:

We have been informed by Badger Meter that they can no longer support the Trace Read all reading devices. We are currently down to one reader. As the Trace Meters were installed in 2002-2003 they are nearing the end of their battery life. Currently we do not have a high failure rate however other municipalities that installed about the same time are experiencing failures. Badger also has stopped supporting the Connect Software for the billing clerks program.

I would recommend the board consider the following to correct the issues.

- 1. Replace the current Trace Meters (approximately 500 units with Orion Transponders) 490 M25 transponder for ³/₄" meters @ \$125.67 and 10 M40 transponders for 1" meters @ \$142.96. Total estimated cost \$63,007.90
 - This would allow us to utilize the lap-top computer in the water van to do the reading.
- 2. Replace the Connect Software program with the new Software would be an additional \$6000.00

I have been in contact with Lock City Supply regarding a presentation on the new software at some point in the near future.

Respectfully submitted,

Scott B. Hillman
Superintendent of Highways

16. Resolution 2016-62

Sewer Adjustment

Resolution authorizing the adjustment of the sewer portion of the current billing on account 20-0205.00 in the amount of \$653.40. This was caused by a faulty sump-pump. The problem has been repaired and proof of same furnished. The adjustment is made because the water never went through the sewer.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Baia, Councilman
SECONDER: Jeff Baker, Councilman

AYES: Wiepert, White, Baia, Baker, Fleckenstein

17. Report 2016-82

Engineer

TOWN OF PORTER Engineering Report

May 2016

General Engineering Support

 Provided 2 cost estimates for property owner to connect to existing sewer on Creek Road for the Lakeshore Sewer District.

RESULT: REPORT ISSUED

18. Report 2016-83

Attorney

none

19. Resolution 2016-54

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.

Councilman Fleckenstein: We can't entertain a soil removal until the property is rectified and it's a very long process that has to be done. Until that pond is so called legal we can't deal with it, so we're going to have to table it for another month.

Code Enforcement Officer Rogers: There are two avenues that they are going on, one is a variance before the zoning board of appeals and the second path is the determination of a farm and a farm pond which would then give them a permit status. It's due to the zoning board in two weeks it's on their agenda for the next meeting.

Code Enforcement Officer Rogers: Based on his designation as a legitimate farm operation, I was able to issue him a permit for a farm pond. A farm pond does not require Town Board approval for soil removal, so he can remove that dirt without this resolution.

His request to sales and service farm and garden equipment is under review by the planning board for site plan approval. As far as legal action, there are two in Lewiston court. One is for removing soil without a permit, which is now, is mute, so we can withdrawal that one. The second is for commercial operations in a non-commercial zone and that will continue.

HISTORY:

04/11/16 Board TABLED

Next: 05/09/16

RESULT: WITHDRAWN

20. Report 2016-84

Grant Writer

Grants Status Report: Projects we are currently working on:

SRTS Traffic Beacons: As you know, with the close of the school the traffic beacons have been
removed in moved into the highway garage. The DOT has requested that these beacons be used or
transferred into another municipality for use for any school district that could use the beacons.
Town of Pendleton/Starpoint Central School District in need of the beacons. A resolution will be

prepared and approved by DOT for the transfer of these beacons from Porter to Pendleton. (More details to follow).

- **Greenway:** The balance of our Greenway funding is \$89,000. This needs to incude a sign. Meeting should be set for projects to use up the balance of this money.
- **LWRP:** We have received the consultant agreement from WWS Planning, this needs to be signed and exected so we can start the project.
- **CFA** is open for projects (see attached)

21. Report 2016-85

Correspondance

None

RESULT: REPORT ISSUED

22. Report 2016-89

Calendar of Events

Zoning Board Meeting	Thursday, May 19 th	7:00 PM - Auditorium
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Memorial Day Monday, May 30th TOWN HALL CLOSED

Planning Board Meeting Thursday, June 2nd 7:00 PM - Auditorium

Town Board Meeting Monday, June 13th 7:00 PM - Auditorium

23. Report 2016-95

Public Comments

Bob Emerson: Old Fort Niagara has a new event it's on May 18th, it's called Community Night. It's free admission to local residents, from 6-8 pm. We're going to have a preview of our summer season this year, prizes for the kids and prizes for the adults. We encourage people to come out and see what's new. Absolutely free of charge.

Bill Dean: 2359 Lake Road, How can the Planning Board proceed with the site plan approval for the farm and garden equipment, with so many outstanding violations associated with the McCabe property? Page 123 of the Zoning Law documents is very clear about not allowing for site plan approvals or variances, building permits, things of that nature if there are existing violations, except if the application cures the violations. I don't see how any violations are cured by approving a site plan. Peter Jeffery told me that Kyle Andrews told him that he should continue with this site plan process. How can we do that and why are we doing that? What can be done to stop it without going to court? I don't understand why Roy accepted the site plan application, given the fact that there are so many existing violations.

Roy Rogers: The site plan application was a complete site plan application and I certified that it was a complete application. Then it went to the planning board for their review The planning board chairman said that he received the advice from his legal consul to proceed, and that's correct. One of the violations had to do with the soil and that been taken care of by changing it to a farm pond. The other violation is not relevant to the application of farm and garden equipment. It's something that happened; it's not something that ongoing as of now. So it's not relevant to the application.

Bill Dean: I spoke to my attorney and asked that he reach out to Kyle Andrews and try and find out exactly what he is thinking about in this situation. I also intend to have my attorney present during the public hearing for the site plan on June 2^{nd} .

Every time I come to a meeting Kyle Andrews is a never present. Without him here you can't move or act or decide on anything. Last week Kyle wasn't here but at the same time Mike McCabe's attorney has the opportunity to speak and basically run the meeting. That's not right.

Irene: He has been retained by us at an hourly rate. What are his obligations to be here? We can't have him here one month and not here the next.

Joe Fleckenstein: We either have Kyle Andrews or some other attorney at every meeting until this is done. As big as a mess as this is none of us can comment on anything without talking to an attorney. What is this board going to do about this? We have to do something.

Mike Dowd: Kyle should be here for those instances that Mike McCabe is on the agenda. If Mike's not on the agenda, Kyle is not going to come. We have to make it clear that for any other agenda items, now that there is an application pending, he is going to have to be here. I make sure that Mr. Jeffery knows to get the notice to him. Zoning board as well, he going to have to appear for anything that goes on. I'll be in touch with him. Kyle is the one that suggested having a special meeting just to consider that application.

Bill Suitor: You all have taken the oath of office? Uphold that law, constitution? You're not doing your job. There is no integrity. How stupid do you think these people are, month after month, for a year now? You're protecting your friend.

Shelia Mooney: How does this pond that Mr. McCabe has, suddenly become legal when it doesn't fall within the parameters of what you say it has to have?

Roy Rogers: There are different rules and regulations for a recreation pond and farm pond.

Fredericka Dean: Will that special meeting to the public?

Mike Dowd: There are 2 special meetings and a public hearing scheduled later on and they will certainly be open to the public. You will be notified time, date, place etc.

RESULT: REPORT ISSUED

24. Report 2016-86

Town Board Comments

The regular meeting of the Porter Town Board was adjourned at 8:10 PM. Motion to adjourn was made by Councilman Fleckenstein and seconded by Councilman Baker. Motion carrried.