



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Barb Dubell
716-745-3730

Monday, February 8, 2016

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on February 8, 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	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Susan Driscoll	Town of Porter	Assessor	Present	
Bernie Rotella	Town of Porter	Graant Writer	Late	7:35 PM

II. Public Comments

1. Report 2016-34

Public Comments

Ruth Ann Buzzard, 3996 Andrews Road: Made a request to the board to bring Flag Day back to Ransomville. She would like to have the parade on June 11th. The flags are at Wilson, she will get the flags. Has been in contact with Clyde Burmaster who will contact the school board.

Asking that we can have the parade and then the men will be available to install the receptacles and help putting the poles on the flags. Asked if the town could provide the poles.

Councilman Fleckenstein: If you get the permission from the library, and you do get the flags, his company will help with the poles. He will personally donate made poles for the flags. She has to take care of the receptacles; we are going to need some pricing on them.

Councilman Baia: Suggested that she contact the Kiwanis Club in Lewiston. They would probably donate something. Give them a description of what you want to do.

That is the same day that the Ransomville Community Faire is held, it was suggested that she check to perhaps combine with them.

Bill Dean, 2359 Lake Road: Asked about the unresolved issues with Mr. McCabe. Questioned why

Attorney Kyle Andrews is never here. Not getting answers to his questions.

Supervisor Wiepert: The town board has been in contact with Kyle Andrews and so has the Building Inspector, so he is available.

Dean: Talked about building # 4 being one of the biggest problems. Buildings #1, 2, 3 & 4 don't comply with the Town of Porter Zoning Laws because these accessory structures are not supposed to be any bigger than the primary structure.

Going to court in Lewiston on March 29th regarding the illegal commercial use of the property. The last issue is the pond, want to point out that is also going to court on the 29th. The topsoil is illegally being removed from the property.

Supervisor Wiepert: Let's see what the court does with that pond and the other violations.

RESULT:	REPORT ISSUED
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III. Reports/Resolutions

1. Resolution 2016-23

Minutes Approval

Resolution to accept the minutes of the January 11, 2016 regular meeting of the Porter Town Board.

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

2. Resolution 2016-24

Audited Vouchers

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

TOWN OF PORTER

WARRANT: # 2		FEBRUARY, 2016	2/8/16
FUND	01	169,861.96	
FUND	02	17,191.08	
FUND	04	46,328.04	
FUND	06	3,557.17	
FUND	07	150,664.97	

FUND	10	936.13
FUND	20	261,078.00
TOTAL		<u>649,617.35</u>
VOUCHER 'S	21852	THRU 21939

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

3. Report 2016-17

Town Clerk

Water	\$25,340.46
Sewer	\$18,486.36
Clerks Fees	\$ 904.16

Received a copy of a liquor license renewal application from Ken and Diane Eckert, owners of Ray's Tavern.

A letter was received from Town Justice Clerk Lisa Hastings, that in accordance with the Justice Court Act and Town Law, the 2015 financial records and court dockets of the Town of Porter Justice Court office are available to be examined by the Town Board.

RESULT:	REPORT ISSUED
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4. Report 2016-18

Supervisor's Report

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

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

December Sales Tax: \$114,154.01. The Town is down \$13,248.50 for the year 2015.

RESULT:	REPORT ISSUED
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5. Resolution 2016-25

Supervisor's Report

Resolution to accept the Supervisors Report for January, 2016.

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

6. Report 2016-19

Bookkeeper

Bookkeeper's Monthly Report - January, 2016

Completed processing all January, 2016 Vouchers & Journal Entries.

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

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Continued working on year-end closing.

RESULT:	REPORT ISSUED
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7. Report 2016-20

Recreation

DATE: February 3, 2016

RE: January Recreation Report

- Story Hour continues at the Youngstown Library on Tuesdays and the Ransomville Library on Wednesdays.
- The new Saturday Story Hour Program was held on January 9th at the Ransomville Library. This new program will be held monthly at the Ransomville Library. In February it will be on Saturday, February 13th at 10:00am.
- 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.
- A Self-Defense Course, called The Safer Self, will be offered on Wednesday, February 10th and 17th, at the Youngstown Village Center Gym, from 6:00-7:00pm. This 2 part program, designed for women, approaches the subject of personal protection by teaching strength and empowerment. For information and to register, call 280-8010.
- Kids Karate will be offered on the 1st Saturday of each month from 10:00-11:00am, at the Youngstown Village Center Gym. The first class will be March 5th. This is a non-testing, non-contact exercise program.
- The Easter Egg Hunt will be held on Saturday, March 19th at 11:00am at Stevenson Elementary.
 - A reminder that ALL of our programs are free to ALL participants.

****At our February meeting, the Commission voted to appoint Michelle Downs, 3561 Curtiss Avenue, Ransomville, NY, to fill the vacant position of Recreation Commissioner. Her term will expire December 31, 2021. We respectfully request the Town Board for their approval.**

****Also, we ask permission to designate our Town of Porter Recreation Commission's Facebook Page as an "Official Government Organization Page". This designation will assure all users that this is the "official" page for the Commission.**

RESULT:	REPORT ISSUED
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8. Resolution 2016-33

Apointment

Resolution to appoint Michelle Downs to fill the vacant position of Recreation Commissioner. Her term will expire on December 31, 2021.

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

9. Resolution 2016-35

Official Government Facebook Page Designation

Resolution to approve the facebook page that the Recreation Department wants to put online as the "Official Government Organization Page" designation.

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

10. Report 2016-33

Tax Collector

RE: 2016 TOWN/COUNTY COLLECTIONS

Dear Supervisor Wiepert and Town Board Members:

Paid Supervisor Wiepert the amount of \$1,312,714.45 in settlement as per warrant the Town's share of the 2016 Town/County taxes.

A payment of \$2,900,000.00 will be made to the Niagara County Treasurer before February 15, 2016 as partial settlement of County monies owed per 2016 warrant.

The Tax Collector's account has \$2,957,704.52 as of February 2, 2016. This represents all payments collected to date.

Of the 3479 bills owed-I collected 2962 from January 1 February 2, 2016.

I have finished the process of mailing over 1000 tax receipts to the homeowners who have an escrow account pay their tax bill.

Respectfully yours,

Sally A. Hogan, Collector
Town of Porter

RESULT:	REPORT ISSUED
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11. Report 2016-21**Assessor****ASSESSOR'S REPORT**

January 2016

- Processed December deed transfers
- Attended three on-site inspections
- Meeting with NY State on pre decisional collaboration process for 2016 roll.
- Worked with Niagara County Industrial Development Agency on issue of PILOT tax bill.
- Began processing building permits for the 2016 roll, speaking with every permit holder, adjusting parcel inventory and assessed value as required.

RESULT:	REPORT ISSUED
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12. Report 2016-22**Building Inspector/Code Enforcement Officer****JANUARY****TOWN OF PORTER**

No.	Date	Owner	TYPE	LOCATION	VALUE	FEE
001-16	1/5	D. Foley	Deck	2503 Parker Rd	6,000	25
002-16	1/15	B. Hout.	Alt.	3772 Creek	15,000	50
003-16	1/15	R. Zahno	G. H..	3424 Ransv Rd	20,000	50
004-16	1/21	J. Ortiz	P. B..	2660 Lkpt Rd	30,000	50

G. H. - Greenhouse	MONTHLY	71,000	175
P.B. - Pole Barn	Y-T-D	71,000	175

BUILDING DEPARTMENT REPORT - January 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 January 2016
- Reviewed CWM application for site plan review
- Attended meeting with Dollar General Contractors
- State mandated Code School

RESULT:	REPORT ISSUED
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13. Report 2016-23

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	5,220.50	(2,957.50)	2,263.00
	57,065.50	(25,326.50)	31,739.00

RESULT:	REPORT ISSUED
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14. Resolution 2016-34**Brown & Company Audit Court Records**

Resolution to have Brown & Company LLC audit the books of the Justice Court Office.

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

15. Report 2016-24**Highway**

2/8/2016

**Department of Public Works
Monthly Report for January 2016**

Highway Department:

1. Called out to plow and salt 16 times.
2. Received 600 tons of mixed salt.
3. We are continuing maintenance on our summer equipment.

Water and Sewer Department:

1. Completed our monthly meter reading.
2. Collected our quarterly Stage 2 DBP samples for testing.
3. Completed repairs to 2 water main leaks, 1 on Lake Rd. and the other on New Rd.
4. I would like permission for myself and Scott Cudney to attend the WNYWWC training school in Batavia on Wednesday February 10th.

New Pickup Purchase:

I have received a quote to piggyback purchase off the Chautauqua Co. Contract # E-11-14-PFTH for a 2016 Chevrolet Silverado 2500 HD pickup thru Joe Basil Chevrolet 5111 Transit Road, Depew NY. The purchase price is \$37919.80.

Respectfully submitted,

Scott B. Hillman
Superintendent of Highways

RESULT:	REPORT ISSUED
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16. Resolution 2016-22**Replace Highway Garage Lighting**

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

HISTORY:

01/11/16	Board	TABLED
Next: 02/08/16		

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

17. Resolution 2016-31**Purchase of 2016 Chevrolet Pick-Up**

Resolution authorizing Highway Superintendent to purchase off the Chautauqua Co. Contract # E-11-14-PFTH for a 2016 Chevrolet Silverado 2500 HD pickup thru Joe Basil Chevrolet 5111 Transit Road, Depew NY. The purchase price is \$37,919.80.

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

18. Resolution 2016-32**Attend 2016 WNYWWC**

Resolution authorizing Scott Hillman and Scott Cudney to attend the 2016 WNYWWC training in Batavia, on Wednesday, February 10th.

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

19. Report 2016-25**Engineer**

No report.

RESULT:	REPORT ISSUED
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20. 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		
01/11/16	Board	TABLED
Next: 02/08/16		

RESULT:	TABLED [UNANIMOUS]	Next: 3/14/2016 7:00 PM
MOVER:	Thomas Baia, Councilman	
SECONDER:	Mert Wiepert, Supervisor	
AYES:	Wiepert, White, Baia, Baker, Fleckenstein	

21. Report 2016-26**Attorney**

none

RESULT:	REPORT ISSUED
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22. Resolution 2015-111**Resolution to Rescind Local Law 2014-71****Resolution to rescind Local Law 2014-71, Sales and Service of Garden/Farm equipment.**

Per Amy Fisk, Niagara County, Jan. 28, 2016: The Niagara County Planning Board received the information from the town indicating that zoning text amendment related to the sales and service of garden/farm equipment will not affect existing businesses. No further action is required by the County, at their December meeting the Board in essence returned this to the town for local determination. She commented that response from the Niagara County Planning Board was poorly worded and could easily have been misunderstood by the town.

HISTORY:

12/14/15	Board	TABLED
Next: 01/11/16		
01/11/16	Board	TABLED
Next: 02/08/16		

RESULT:	TABLED [UNANIMOUS]	Next: 3/14/2016 7:00 PM
MOVER:	Jeff Baker, Councilman	
SECONDER:	Joe Fleckenstein, Councilman	
AYES:	Wiepert, White, Baia, Baker, Fleckenstein	

23. Report 2016-27**Grant Writer****Grants Status Report: Projects we are currently working on:**

- **SAM Applications** : Preliminary application have been sent in for Highway and POL projects.
- **NYS Archives:** The applications are open and working with Clerk's office and Court Office to submit a ECMS system. Will review the project with NYS Archives to see if we can submit a shared service (Clerk & court)
- **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.
- **LWRP:** Two proposals have been received and we have interviewed one vendor so far. A second interview is scheduled for Wednesday the 10th. Committee with discuss and make

recommendations to the Town Board. Committee members include, Kathy Zasucha Chairwoman, Tony Collard, Wendy Shaw (HWY), Dottie Riordan (Village) and Bernie Rotella.

Grant Writer Rotella as the board for direction on the water tower because the grant is due on April 15th. We talked about getting an engineering report.

Councilman Fleckenstein: We already ordered that thru CRA. That's the water model that we ordered. We ok'd that 2 or 3 months ago.

Rotella: I'll call Dave Britton tomorrow to see where it's at.

RESULT:	REPORT ISSUED
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24. Report 2016-28

Correspondance

report

RESULT:	REPORT ISSUED
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25. Report 2016-29

Calendar of Events

Town Hall CLOSED Monday, February 15th President's Day

Zoning Board Meeting Thursday, February 18th Town Hall - 7:30 PM

Planning Board Meeting Thursday, March 3rd Town Hall - 7:00 PM

Town Board Meeting Monday, March 14th Town Hall - 7:00 PM

RESULT:	REPORT ISSUED
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26. Resolution 2016-36**Planning Board Appointment**

Resolution to appoint Robert Tower to the Planning Board to fill the vacant term ending December 31, 2018.

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

27. Report 2016-30**Town Board Comments**

Councilman Fleckenstein wanted to thank the Planning Board and Zoning Boards and anyone else that had anything to do with the Dollar General in Ransomville, he has not seen one better looking than the one in Ransomville. They did a nice job getting it designed correctly.

The regular meeting of the Porter Town Board was adjourned at 7:55 pm. Motion made by Councilman White and seconded by Councilman Fleckenstein.

RESULT:	REPORT ISSUED
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