



Town of Porter

Work Session

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Barb Dubell
716-745-3730

Thursday, February 25, 2016

8:30 AM

Conference Room - Town Hall

I. Call to Order

8:30 AM Meeting called to order on February 25, 2016 at Conference Room - Town Hall, 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	Absent	
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	
Dave Britton	Town of Porter	Engineer	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Late	8:54 AM
Norm Ault	Town of Porter	Bookkeeper	Present	
Peter Jeffrey	Town of Porter	Planning Board Chairman	Present	
Kathy Zasucha	Town of Porter	Recreation	Present	

II. Reports

1. Report 2016-35

Hospitalization

Explanation of the proposed Niagara Consortium for health insurance.

The Town Board discussed the possible benefits for the town to join the Niagara Consortium for health insurance. After much discussion it was decided that the town was not interested in being a part of it.

RESULT: REPORT ISSUED

2. Report 2016-36

Sewer Line

Attorney Dowd:

There is one house inside the 1200 foot distance that the owner of that property has said that he pays his

\$50 dollars a year now wants to tie in. How is he going to tie in, the main doesn't even reach the lot line of that parcel? But he's still in the district.

Is the sewer quote available to him that he would have to tie in if he developed? If not, what can we do about it? The options are to increase the facilities. You could say no, were not going to do it. We could do an analysis and say that there's not enough benefit for enough lots or enough revenue to justify the additional expense. All we're doing is increasing the facility within the district.

Councilman Fleckenstein: So for the people in the district it's not going to do anything for them. It's going to cost them more money.

Dowd: You have one property owner, who is talking about subdividing the 3-5 frontage lots. The question is does the town increase the facility by running the sewer main on the west side of the road up to the corner? Right now he is complaining the he pays his \$50 dollars a month and he can't tie in.

The town could petition that we're going to take it out of the improvement area because we don't have enough money to go to it, so there is no reason he should be paying \$50 dollars.

Engineer Britton: That big lot is serviceable, you could push a lateral across. From the intersection of Creek you're probably looking at 200 feet that you couldn't do a push across. The lines coming out of a house are typically 6 inches. If you're going to push across there, you do an 8 inch then you could extend off of that push. That's how I would do it, put an 8 inch and then put a structure.

Engineer Britton will explore different options for getting service over there. He will get a few quotes and get back to the board.

RESULT:	REPORT ISSUED
----------------	----------------------

3. Report 2016-38

Town Insurance

Renewal is March 15, 2016. Selective premium will be about \$900.00 increase from 2015.

They are going to start giving dividends to municipalities. If you have great claim records for 2 years, you get a dividend.

RESULT:	REPORT ISSUED
----------------	----------------------

4. Resolution 2016-37

Selective Insurance

Motion to renew Selective Insurance with an increase in the premiums not to exceed \$1,500.

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

5. Report 2016-37**Retirement**

Discuss Scott and time certification.

This was discussed in Executive Session.

RESULT:	REPORT ISSUED
----------------	----------------------

6. Report 2016-39**L W R P**

Kathy Zasucha: The recommended action is to hire project managers WWS Planning for the sum of \$47,700. They will, along with our committee help identify all the coastal boundaries and describe them and propose any changes. There are 2 public meetings.

Supervisor Wiepert: The park committee talked about building some steps down to the beach also, putting in a kayak launching area. That could be grant money if the board decides to do it.

Councilman Fleckenstein: Where does the \$47,700 come from? How much money from our General Fund are we going to have to pay?

Zasucha: It's the grant that you accepted about year ago. The LWRP is sort of like a zoning board of the water coastal areas that you really need as a policy. We put it out to bid and this was the lowest one.

Councilman Baker: Bernie said that this is what we need to do to help in the future. Kathy stepped up and took this thing that nobody wanted to do. If this is what you're recommending, I'll go with that. Bernie will be here later and he should have some idea of what this will cost us.

RESULT:	REPORT ISSUED
----------------	----------------------

7. Report 2016-40**Supervisor**

Update on Lake Road:

Peter Jeffery, Planning Board Chairman: Had a meeting with Supervisor Wiepert, Councilman Baker and our attorney Kyle Andrews on the McCabe property. Mike and his son were both there with their attorney. They were diplomatic and reasonable about it but pretty much they gave us an ultimatum that if we didn't give them the approval on the site plan, which allows them to do the sales and service of farm and garden equipment, that they would take us to court. They are willing to work with us on other aspects of the site plan but that was the bottom line.

I still have some concerns about it; I sent Kyle a letter asking for some clarification on a few things. I asked him for a statement that I can have him present to the neighbors that are disgruntled. I haven't got a response back yet. I would like to have Kyle at our next meeting. I intend to update my board members, I have the site plan packages and I'll give them an update of where we're at. I did express to Kyle that I had concerns, if we go forward with the site plan then you're going to have Mr. Dean coming after the town legally.

I have the letter from Ag & Markets and as of the date that they put that out there, he did not qualify under the farm law. I assume that by the end of 2016 that he will qualify for it. If we go forward we need from them a scope of what services or product that they are going to provide in sales and service of farm and garden equipment and what building that's going to be done in. On the other side of it, if some of those building are going to be used for farm operations we need to know that.

We need to know what buildings are being used for farm operations and which buildings are being used for sales and service of farm and garden equipment. If the square footage of that building is greater than the square footage of the house than he is going to have to get an area variance for the building. Until we get that information we can't go forward.

Councilman Fleckenstein: McCabe does have 10 cows now. Meanwhile I looked in the Ag& Markets Law and there is a provision for startup farms, very vague, \$10,000 gross at the end of the year and the 7 acres of ground. We should ask Mike for the receipts for the cows, fertilizer receipts, show the investment that he is making to do that.

CWM Update:

We're moving along, I talked with Mike Mahar. Trying to set up a site visit with both zoning and planning boards. Both boards need to go out there, the two big concerns out there as far as the application, is a setback for the one that's on the north. The other major concern is about the timing that they're going for a variance on the special use permit. I sent Mike Mahar a copy of my check list.

Guard Property

He is talking about a subdivision. There's property on River Road that he's in contract with, 100 acres on the east side of the River Road and 300 foot of river frontage. He would like to do an upscale development, around 20 homes. He wants to market them and have docks on the river for those homes. And the way our code is written you can have 1 dock or 4 slips with one home. He could divide the 300 hundred foot up into 3 lots, but his lot on the east side of river road is a flag lot, it's got a 66 foot driveway that goes back to the bigger hundred acres. They're going to ask for a variance to get 12 dock spaces on the river. They would like it to be an HOA, (Home Owners Association) that would own that parcel. We don't have any laws on the books about HOA. They could petition the board to get the home owners association regulations written. He had a lawyer, a planner and some partners at the meeting.

Courtroom Furniture:

Dave Truesdale: We had Shannon Reeves from Eaton Furniture come in to give us some suggestions on

chairs and tables for the courtroom. The table by the windows is broken and can't be repaired. Our plan is to make all the furniture in here all the same, take the table in the conference room, which is the same as these, bring that into the courtroom so we still have 3 tables in here. Replace the table in the conference room with a new table. We're looking for new furniture for this room. One of the state safety rules for courts is that you have to have gang chairs that are connected in groups of 3 chairs, 4 chairs or 5 chairs. Also we're going to have about 15 individual chairs for meetings like this. Also, this carpet is the original carpet to the building, it has pulls and runs in it and it's time to be replaced. So we have to get the carpet done first so that we can match the colors for the chairs.

We are just at the early stages of trying to get this all put together. This is not the building committee that's doing this it's just a group of people from town hall who are doing it. Once we get a proposal put together, we'll take it to the building committee, get their blessing or not and then we will take it to the board. So we're looking at a few months down the road before we come to the board with a proposal.

RESULT:	REPORT ISSUED
----------------	----------------------

8. Resolution 2016-38

Soil Removal

Councilman Fleckenstein requested permission from the Town Board to remove the excavated soil piled on his property at 2332 Balmer Road. The excavated soil is piled on his property from the cleaning of town ditches.

Councilman Fleckenstein abstained from the vote.

RESULT:	ADOPTED [3 TO 0]
MOVER:	Jeff Baker, Councilman
SECONDER:	Larry White, Deputy Supervisor
AYES:	Mert Wiepert, Larry White, Jeff Baker
ABSTAIN:	Joe Fleckenstein
ABSENT:	Thomas Baia

9. Report 2016-41

Town Board Comments

Hawthorne Drainage:

Councilman Fleckenstein: Asked Superintendent Hillman if he has been over to Hawthorne Place and seen the standing water after the heavy rains. The water that is there now is blocked by a berm of shrubs that a land owner had put up.

Hillman: There are some issues because of the way that subdivision is laid out. We're going to look at that. There is some rearranging that needs to be done. We're aware of the situation and we are going to go back and address it and see what can be done with the yard drainage.

Time Warner:

Councilman Fleckenstein: I'm still getting phone calls from residents that can't get it. I'm going to call Legislature Godfrey from Wilson. Right now we're running with no contract, what does that really mean? Their contract has been gone for a year and a half now. What can we do about it?

Attorney Dowd: Get a copy of the contract. I'm sure there is some line that talks about what happens upon termination. Probably it says that upon termination either party can notify the other within so much time that you want to terminate the contract. You can certainly say it's time to renegotiate your contract. We need to get these people serviced.

Parking in Ransomville:

We talked awhile back about parking in Ransomville. I've gotten some complaints again on KiPo. I drove in KiPos parking lot the other day, they have so many parking spots in the back, they could park all their employees back there with no problem. And I think they were parking back there, but there are a couple of guys that don't want to move. Can we petition the state to put in a 15 minute parking sign?

Superintendent. Hillman: The town can establish the area, but you petition the state for the actual signs.

Councilman Fleckenstein: We can't enforce it unless there's a sign there. The Sheriff would enforce it. I would like to get started on this and do whatever we need to do.

Public Comment for Meeting:

Councilman Baker: For our meetings I would like to suggest that the public comments at the beginning of the meeting is anything on the agenda. Public comments for whatever else should be done at the end of the meeting with the 3 minute limit. I'm tired of sitting here listening to 20 minutes or longer of the same thing at every single meeting. Our first public comment period during our meeting should be anything on the agenda. Anything not on the agenda, do it at the end. That way if people don't want to stay and listen they can get up and leave and still have heard the items that were on the agenda.

Hillman: The law says that you don't have to allow them to speak at all.

Fleckenstein: Whatever we do here should be on the website with the rules and regulations of what you're allowed to do.

Executive Session:

Councilman Fleckenstein made a motion at 10:15 am to go into Executive Session. Motion was seconded by Councilman Baker. The board returned from Executive Session at 10:40 am. Motions to close was made by Councilman Baker and seconded by Councilman White.

RESULT:	REPORT ISSUED
----------------	----------------------
