



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

Gail Zachary

Monday, April 9, 2012

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on April 9, 2012 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert Wiepert	Town of Porter	Supervisor	Present	
Thomas Baia	Town of Porter	Deputy Supervisor	Present	
Larry White	Town of Porter	Councilman	Present	
Jeff Baker	Town of Porter	Councilman	Present	
Joe Fleckenstein	Town of Porter	Councilman	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Susan Driscoll	Town of Porter	R. P. Appr Tech	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Dave Britton	Town of Porter	Engineer	Present	
Bernie Rotella	Town of Porter	Grant Writer	Present	
Mike Dowd	Town of Porter	Attorney	Absent	
Roy Rogers	Town of Porter	Code Enforcement Officer	Absent	

II. Public Hearing

1. Report 2012-66

Public Hearing - Local Law

The Town of Porter will hold a Public Hearing on Monday, April 9th, at the Porter Town Hall, 3265 Creek Road at 7:00 p.m. concerning a local law to require meter pits for a water hook-up of over 300'.

Local Law No. 2 - 2012

“A local law amending Town of Porter Local Law No. 2 of 1969 relating to service line installations in Town of Porter Water Districts by **adding** section 2.1© and **amending** section 2.20 (b.)”

Section One: Article II, Section 2.1(C) is hereby added to Local Law No. 2 of 1969:

“(c) No permit shall be issued for the installation, repair or replacement of any water supply until the work proposed, and the materials to be used for such work, has been approved by the Town Water Department. The type of materials used for the installation, repair or replacement of any water supply will be determined by the Water Department, as approved, time by time, by resolution of the Town Board.”

Section Two: Article II, Section 2.20 (b) hereby amends Section 2.20 (b) of Local Law of 1969:

“(b) Where the service line extension on a customer’s property is more than three-hundred (300)

feet from the nearest public road or highway right-of-way to the point where the service enters the building improvement, the meter will be located in an approved housing within ten (10) feet of such road or highway right-of-way.”

RESULT:	REPORT ISSUED
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2. Resolution 2012-52

Close the Public Hearing

Resolution to close the public hearing

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

3. Resolution 2012-48

Amend Local Law

Resolution to amend L .L. #3-1969 changing the regulations for the installation of meter pits.

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

III. Reports/Resolutions

1. Report 2012-52

Public Comments

There were no questions or comments from the public.

RESULT: REPORT ISSUED

2. Resolution 2012-44

Minutes Approval

Approve the minutes of the regular Town Board meeting, March 12, 2012.

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

3. Resolution 2012-45

Payment of Audited Vouchers

Approve the vouchers, as audited.

TOWN OF PORTER

WARRANT: POST AUDIT - MAR, 2012 3/31/12

FUND	01		35,704.12
FUND	02		8,044.50
FUND	04		69.85
FUND	06		431.52
FUND	07		1,383.98
FUND	28		1,475.00
FUND	33		110.84
TOTAL			47,219.81

VOUCHER 'S 16565 THRU 16585

WARRANT: # 4 APRIL, 2012 4/9/12

FUND	01		35,486.89
FUND	02		37,947.76
FUND	04		42,796.86
FUND	06		26,868.16
FUND	07		2,709.92
FUND	10		924.02
TOTAL			146,733.61

VOUCHER 'S 16586 THRU 16666

Total	193,953.42
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry White, Councilman
SECONDER:	Joe Fleckenstein, Councilman
AYES:	Wiepert, Baia, White, Baker, Fleckenstein

4. Report 2012-53

Town Clerk

March 2012 Revenue

Water: \$22,862.37

Sewer: 5,867.49

Licenses and Fees: 579.35

Town Wide Tire Day:

Saturday, April 28, 2012 @ Youngstown Village Hall (Red Brick School), 240 Lockport Street from 8:00 a.m. until 2:00 p.m.. Tires with rims accepted. Town of Porter and Village of Youngstown residents only.

RESULT:	REPORT ISSUED
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5. Report 2012-51

Supervisor's Report

- Supervisor's Monthly Report for March, 2012 was distributed to all Town Board members.
- Resolution to accept the Supervisor's Monthly Report for March, 2012.
- February Sales Tax \$82,628.52 (up\$5,122.42 over last year).
- Franchise fee for 2011 is \$55,188.47.

- Resolution authorizing the Ransomville Fire Company #1 to use town highway equipment at their Summer Beer Bash on July 28, 2012.
- Resolution awarding the Solar Panel installations to O'Connell Electric.
- Resolution to declare surplus equipment
- Resolution authorizing the Supervisor to sign the 2012 Sewer Agreement with the Lewiston Sewer Treatment Plant.

The Town of Porter franchise agreement with Time Warner Cable will expire on September 8, 2013. While this is about 18 months away, it is right around the corner when we will be asking for changes to the basic agreement. I have provided a copy of our current franchise agreement to Councilmen Tom Baia and Joe Fleckenstein for their review. (They are the cable-TV committee) I also have furnished Town Attorney Mike Dowd a copy so he can advise on legal matters. Please report back to the Town Board with any recommendations for changes.

RESULT:	REPORT ISSUED
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6. Resolution 2012-46

Acceptance of Supervisor's Report

Resolution to approve the March 2012 Supervisor's Report.

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

7. Resolution 2012-49

Use of Highway Equipment

Resolution authorizing the Ransomville Fire Company to use highway department equipment at their Summer Beer Bash on July 28, 2012.

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

8. **Resolution 2012-53**

Solar Panels - Town Hall

RESOLUTION

Whereas, the Town of Porter has solicited proposals for the erection of Solar Photovoltaic Energy System located at the Town of Porter Town Hall identified as NYSERDA ARRA RFP 10 #376, agreement # 19503; and

Whereas, the Town has received, open and reviewed proposals in response to this solicitation; and

Whereas, the Town has determined that the proposal of O'Connell Electric in the amount of \$ 87,490.00 is the lowest responsible proposal to provide the labor, material and services for the construction of the Solar Photovoltaic Energy System; and

Whereas, the Town desires to benefit from funding made available to it by grant from NYSERDA to pay the cost of the construction of Solar Photovoltaic Energy System; and

Whereas, NYSERDA has imposed certain time restrictions for the completion of the work described in NYSERDA ARRA RFP 10 #376 which, if not complied with, may result in the loss of all or a portion of such funding ;and

Whereas NYSERDA has further required that the Town of Porter affirmatively acknowledge the Town of Porter's understanding and acceptance of terms of said time restrictions; and

Whereas; the Town of Porter desires to award the contract described in NYSERDA ARRA RFP 10 #376 to O'Connell Electric and to comply with all requirements of NYSERDA necessary to receive grant funding for the completion of this contract, it is hereby

Resolved, that the Town Supervisor of the Town of Porter, after consultation with the Attorney for the Town and Town Engineer, is authorized to provide NYSERDA with a written representation that the Town of Porter is aware the time limitations and terms for the completion of work in accordance with NYSERDA ARRA RFP 10 #376, and it is further

Resolved, that the Town Supervisor shall then await confirmation from NYSERDA that the representations of the Town are an accurate and complete representation of the terms of imposed by NYSERDA; and it is further

Resolved, that the Town Supervisor of the Town of Porter, upon receiving the confirmation from NYSERDA as described in the preceding paragraph, is then authorized to execute a contract on behalf of the Town of Porter with O'Connell Electric for the performance of the work described in NYSERDA ARRA RFP 10 #376.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Larry White, Councilman
SECONDER:	Thomas Baia, Deputy Supervisor
AYES:	Mert Wiepert, Thomas Baia, Larry White, Jeff Baker
ABSTAIN:	Joe Fleckenstein

9. **Resolution 2012-54**

Solar Panels - DPW

RESOLUTION

Whereas, the Town of Porter has solicited proposals for the erection of Solar Photovoltaic Energy System located at the Town of Porter Town Highway Garage identified as NYSERDA ARRA RFP 10 #377, Agreement # 19496; and

Whereas, the Town has received, open and reviewed proposals in response to this solicitation; and

Whereas, the Town has determined that the proposal of O'Connell Electric in the amount of \$99,200.00 is the lowest responsible proposal to provide the labor, material and services for the construction of the Solar Photovoltaic Energy System; and

Whereas, the Town desires to benefit from funding made available to it by grant from NYSERDA to pay the cost of the construction of Solar Photovoltaic Energy System; and

Whereas, NYSERDA has imposed certain time restrictions for the completion of the work described in NYSERDA ARRA RFP 10 #377 which, if not complied with, may result in the loss of all or a portion of such funding ;and

Whereas NYSERDA has further required that the Town of Porter affirmatively acknowledge the Town of Porter's understanding and acceptance of terms of said time restrictions; and

Whereas; the Town of Porter desires to award the contract described in NYSERDA ARRA RFP 10 #377 to O'Connell Electric and to comply with all requirements of NYSERDA necessary to receive grant funding for the completion of this contract, it is hereby

Resolved, that the Town Supervisor of the Town of Porter, after consultation with the Attorney for the Town and Town Engineer, is authorized to provide NYSERDA with a written representation that the Town of Porter is aware the time limitations and terms for the completion of work in accordance with NYSERDA ARRA RFP 10 #377, and it is further

Resolved, that the Town Supervisor shall then await confirmation from NYSERDA that the representations of the Town are an accurate and complete representation of the terms of imposed by NYSERDA; and it is further

Resolved, that the Town Supervisor of the Town of Porter, upon receiving the confirmation from NYSERDA as described in the preceding paragraph, is then authorized to execute a contract on behalf of the Town of Porter with O'Connell Electric for the performance of the work described in NYSERDA ARRA RFP 10 #377.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Thomas Baia, Deputy Supervisor
SECONDER:	Larry White, Councilman
AYES:	Mert Wiepert, Thomas Baia, Larry White, Jeff Baker
ABSTAIN:	Joe Fleckenstein

10. Resolution 2012-55

Surplus Equipment

The following items are declared surplus:

- 2- Cub Cadet Zero turn mowers without ROPS (PESH Non compliant)
- 1- Toro Groundsmaster 120 Front Mount Mower (Junk)
- 3- Furnaces
- 1- Konica 2330 analog copier
- 1- 34" x 60" lawn trailer
- 1- Gas grill
- Various extra monitors and keyboards not being used by the recreation department.
- Hitachi 7500 VA video camera
- Polaroid camera 600 one step
- Polaroid camera 660 auto-focus
- VivitarSeries camera

The Cub cadet zero turn mowers should be sold at auction. The balance of the items can be sold for a price approved by the Supervisor or taken to the junk yard and sold as scrap.

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

11. Resolution 2012-56**2012 Sewer Agreement**

Resolution authorizing the supervisor to sign the 2012 Sewer Agreement with the Town of Lewiston sewer treatment plant.

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

12. Report 2012-54**Supervisor's Assistant****March, 2012**

Completed processing all March 2012 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for March 2012 and distributed it to the Supervisor & Town Board members.

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Continued maintaining the town web page.

Worked on Founders' Day celebration

Processed bi-weekly payroll for certification by civil service. Payroll was certified.

Need resolution to attend 12th Annual Town Finance School in Rochester May 9-11, 2012.

Need resolution for the following budget transfer:

01-5010.0002	Hwy Supt. Equipment	\$770.00
01-1990.0004	Contingency	(770.00)

RESULT:	REPORT ISSUED
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13. Resolution 2012-60**Finance School Training**

Resolution authorizing Bookkeeper Norm Ault to attend the NYS Association of Towns 12th Annual Town Finance Schools, May 9-11, 2012, in Rochester, New York.

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

14. Resolution 2012-50**Budget Adjustment**

Resolution authorizing the following budget adjustment:

01-5010.0002	Hwy Supt. Equipment	\$770.00
01-1990.0004	Contingency	(770.00)

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

15. Report 2012-55**Assessor**

Barbara J. Oaks, Acting Assessor

March 2012

1. Completed monthly field inspections for verification of sales and completion of all building projects.
2. Processed monthly sales transfers and splits.
3. Auditors from state comptrollers office audited our Star exemptions looking for "double dippers"--those with more than one Star exemption across the state
4. Received notification from the state that we are now required to have proof of income from farmers claiming the agricultural exemption
5. Sent out letters concerning above-requesting proof of income.
6. Currently processing and updating all exemption applications.
7. Continuing to update current computer files with 2012 information to ready for tentative roll.
8. Continuing to train Susan in all aspects of assessing

RESULT:	REPORT ISSUED
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16. Report 2012-56

Tax Collector

March Report

Paid Supervisor Wiepert the sum of \$22.56. This amount was interest earned on Tax Collector's account from February 23-March 21, 2012.

As of April 4, 2012 Town Tax Collector's account has the sum of \$539,669.49. This represents all payments and penalties collected to date. Final remittance to the Niagara County Treasurer will be made on/or April 14, 2012.

RESULT:	REPORT ISSUED
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17. Report 2012-57

Justice

**JUSTICE
FINES 2012**

01-1000.2610

**GROSS
REVENUE**

DISTRIBUTION

**NET
REVENUE**

JANUARY	6,080.00	(4,347.50)	1,732.50
FEBRUARY	7,530.00	(5,027.50)	2,502.50
MARCH			0.00
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
	<u>13,610.00</u>	<u>(9,375.00)</u>	<u>4,235.00</u>

RESULT:	REPORT ISSUED
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18. Report 2012-58

Highway

4/9/2012

Department of Public Works Monthly Report for March 2012

Highway Department:

1. Completed brush pickup due to wind storm. Regular scheduled brush pickup will begin on Monday April 16th. Brush pickup schedule will be published in the Sentinel and on the town web site.
2. Received 665 tons of Caliber salt mix. This constitutes 70% of our contract commitment for the season as required by the state OGS.
3. We are continuing our sign replacement program.
4. We completed repairs to a guardrail on Braley Road.
5. We have started mowing cemeteries and lift stations due to good weather.

Drainage Department:

1. I met with a resident regarding drainage improvements south of Dansworth Road in Youngstown Estates. The project effects several properties. The residents have signed the appropriate petition and the contractor has started the project.

Water and Sewer Department:

1. Completed monthly meter reading.
2. We are continuing GPS collection of water and sewer assets for the GIS System.
3. We are compiling the Annual Water Quality Report . It will be published later this month for public review.
4. I would like permission for 6 employees to attend the WNYWWC educational seminar in Lockport May 2nd. Registration is \$20.00 per man total of \$120.00. The course gives 5 DOH credit hours towards Class D Operator license renewal.

Garage Overhead Door Quotes:

1. A discrepancy has been found in the quotes submitted for the project. The apparent low quote was not actually the lowest quote submitted. I have discussed the situation with the town attorney He has recommended the board rescind the award from the last meeting and instructed me to seek new quotes for the work.

RESULT:	REPORT ISSUED
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19. Resolution 2012-57**Rescind Award**

Resolution rescinding the award of the contract to R & R Door in the amount of \$4,850.00 and authorizing the Highway Superintendent to go out for new bids.

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

20. Resolution 2012-58**Attend WNYWWC**

Resolution authorizing 6 employees to attend the WNYWWC in Lockport, NY, on May 2nd at a total cost of \$120.00.

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

21. Report 2012-59

Building Inspector/Code Enforcement Officer

Town of Porter March Permits						
<u>DOC #</u>	<u>Date</u>	<u>Owner</u>	<u>Type</u>	<u>Location</u>	<u>Valuation</u>	<u>Amount</u>
006-12	3/2	Daniel Dipofi	Sin Fmly	3749 River Rd	600,000	2,075
007-12	3/19	Howard F Records	Addition	1788 Balmer Rd	1,500	50
008-12	3/19	Daniel Wyno	Addition	1536 Yngstwn-Wilson	9,000	100
009-12	3/21	Paul Ziuko	Deck	3742 Dickersonville	6,000	25
010-12	3/28	Waldemar Nowacki	Addition	2051 Lake Rd	5,400	50
011-12	3/30	Lacivita Revocable Living Trust	Alteration	377 Riverview Dr	25,000	50
					646,900	2,350
					2,906,100	7,258

BUILDING DEPARTMENT REPORT: Month March 2012

- Building permits issued as per the report.
- Periodic progress inspections on ongoing construction projects throughout the Town.
- Prepared materials for the Planning Board and Zoning Board of Appeals.
- Attended Planning Board meeting.
- Pursued numerous Zoning code violations and issued to the Supervisor "Complaints Report" for the month of March 2012.
- Court appearance regarding ongoing violations.

RESULT:	REPORT ISSUED
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22. Report 2012-60**Engineer****Engineering (February)**

For the month of Month:

- CRA completed one site drainage review
- Attended Planning Board and Town Board Meetings
- Town NYSERDA Energy Project
 - ✓ Advertise for construction of Solar PV Systems 3/09/2012
 - ✓ Bid opening 3/22/2012 (9:00 am)
 - ✓ Request for Time Extension submitted to NYSERDA grant administrator (Aug 1, 2012)
 - Award pending NYSERDA approval of time extension

Engineering Support (future)

Porter Pump Station Upgrades: Pump station needs assessment.

Cast iron pipe waterline replacement project: prepared conceptual drawings and cost estimate to replace the balance of the 6-inch cast iron pipe in the system and restore condition of 12 inch along River Road. Estimate and drawings have been submitted to the Town Board, Scott Hillman, and Rotella Grant Management. Next Step is to proceed with SEQR determination and preliminary design.

Hydraulic Water Model: Developed and submitted a scope of work and engineering estimate (10k) to prepare a town-wide water model for purposes of capital planning and determining the need/ sizing of a new water tank(s).

Water Tank rehabilitation: Developed a budgetary cost estimate to replace the existing water tank in Ransomville. The estimate was based upon replacement in kind. Water tank literature and estimate have been submitted to the Town Board, Scott Hillman, and Rotella Grant Management.

RESULT:	REPORT ISSUED
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23. Report 2012-61

Grant Writer

Projects we are currently working on:

- POTL Greenway Project was not needed to be resubmitted on March 20th since the original application was voted consistent in July 2010. Since the project was voted consistent with the Greenway Commission, we can apply directly to the sponsor (Niagara County AD Hoc) Worked with Clyde Burmaster (and Tom Burgasser) to develop a revised budget for the Niagara County Ad Hoc Committee consisting of:
 - \$98,000 in playground Equipment
 - \$40,000 in Pavilion
 - \$12,000 in Greenway Signage
 - TOTAL \$150,000
- NYS DOS Coastal Resources (through the CFA) will open May 1, 2012 and we have discussed the POTL Shoreline Stabilization Project with Renee Parson Regional Manager of Coastal Resources We will use the information from the Recreational Master Plan for a budget estimate (approx \$250,000) This is 50% matching Grant.
- Traffic sign: Will be submitted Safe Route to School grant program as soon as the grant application. Budget \$12,000 (Materials & Labor and Programming). A resolution be requested at the next Town Meeting

CFA May 1st, 2012 Project Submissions will include:

- Planning Grant: Porter Infrastructure Waterline Replacement Project
- Planning Grant: for the INI

RESULT:	REPORT ISSUED
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24. Report 2012-62

Attorney

Nothing to report

RESULT:	REPORT ISSUED
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