



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

Gail Zachary

Monday, May 13, 2013

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on May 13, 2013 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	Absent	
Joe Fleckenstein	Town of Porter	Councilman	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Dave Britton	Town of Porter	Engineer	Present	
Kathy Zasucha	Town of Porter	Recreation Director	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Susan Driscoll	Town of Porter	Assessor	Absent	

II. Public Comments

1. Report 2013-83

Public Comments

Norm Swann, from Brampton Road, asked the board members to approach State officials to see what could be done about increasing the percentage rate, of 6%, from CWM gate receipts. He feels that, for too long, the school systems and the towns have not received enough revenue. Attorney Dowd that legislation needs to change. The law, right now, is specific to this facility. Councilman Baia said, "Let's look into it."

Ernest Lavigueur, East Avenue, proposed that the Town look into the proprietary rules of the potential new Town website before a contract is signed, as the type of support offered is important.

Niagara County Legislator, David Godfrey, came before the town board to request their support for a study of what Time Warner Cable really has covered in Porter. Niagara County Legislator, Clyde Burmaster was also in attendance. Mr. Godfrey and Mr. Burmaster, along with several other legislators in Orleans County and several internet technicians, have formed the Niagara Orleans Regional Alliance (NORA) to assess the Time Warner situation, their lack of coverage and to bring in competition for high-speed broadband. Currently there is a provider in the Southern Tier and a provider in Rochester; both are very anxious to help Niagara and Orleans with their internet/communication needs. The Alliance will share their knowledge, provide materials, draw up an RFP and negotiate for us should we decide to continue with this project. "We can do this for you." \$3,500 to \$4,800, approximately, would be needed to create the inventory, plus the IT person (Evan Tufis) would graph the results for an RFP which would be

presented to potential providers.

. "Mr. Godfrey explained that having total internet access throughout any community can only draw more businesses and residents (jobs, new homes, etc.). Organizations, such as B.O.C.E.S., local Farm Bureau, NYS Farm Bureau, Nioga Library System, to name a few, have written letters of support.

Councilman Fleckenstein made the motion to start this initiative, not to exceed \$4,800.00. Councilman Baia seconded. Wiepert - aye; Fleckenstein - aye; White - aye; Baia - aye. Motion was carried.

RESULT:	REPORT ISSUED
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III. Reports/Resolutions

1. Resolution 2013-51

Minutes Approval

Resolution to approve the minutes of the April 08, 2013 regular meeting of the Porter Town Board.

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

2. Resolution 2013-52

Audited Vouchers

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

TOWN OF PORTER

WARRANT:	POST AUDIT - APR, 2013	4/30/13
FUND	01	23,543.52
FUND	02	14,123.13
FUND	04	151.45
FUND	06	28,415.19
FUND	07	1,966.81
FUND	33	22.72
TOTAL		<u>68,222.82</u>

VOUCHER 'S 18115 THRU 18139

WARRANT: # 5 MAY, 2013 5/13/13

FUND	01	18,008.54
FUND	02	58,129.07
FUND	03	899.72
FUND	04	8,683.33
FUND	06	7,501.80
FUND	07	56,988.70
FUND	10	851.31
FUND	33	484.99
TOTAL		<u>151,547.46</u>

VOUCHER 'S 18140 THRU 18250

TOTAL 219,770.28

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

3. Report 2013-84

Town Clerk

April 2013 Revenue

Water \$34,599.85

Sewer \$18,463.05

Licenses and Fees \$ 885.42

RESULT:	REPORT ISSUED
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4. Report 2013-85

Supervisor's Report

- Supervisor's Monthly Report for April, 2013 was distributed to all Town Board

members.

- Resolution to accept the Supervisor's Monthly Report for April, 2013
- March Sales Tax: \$148,745.66. The total for March, 2013, is up \$45,059.78 from 2012.
- Resolution to set a public hearing concerning a town wide parking ordinance.
- Resolution to repair Balmer Road water tank.

RESULT:	REPORT ISSUED
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5. Resolution 2013-53

Acceptance of Supervisor's Report

Approve the April 2013 Supervisor's Report

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

6. Resolution 2013-55

Parking Ordinance

A resolution was made to set a Public Hearing on June 10th at 7:00 pm in the Porter Town Hall concerning a parking ordinance, to control parking in the Hamlet of Ransomville. Attorney Dowd suggested this could be adopted to allow the Board to make changes by resolution rather than an amendment to a local law. He'll check into this.

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

7. Resolution 2013-56

Emergency Water Tank Repair

A hole has been found on the Balmer Road water tank. Under guideline 6 (b) (emergency) of the Town's procurement policy the repair is being made and will be funded from the water reserve account. Amstar of WNY, Inc. has been directed to complete the project starting Monday, May 13, 2013, not to exceed \$9,900.00. It has been completed as of Monday afternoon.

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

8. Report 2013-86

Bookkeeper

Bookkeeper's Monthly Report - **April, 2013**

Completed processing all April, 2013 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for April, 2013, 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.

I have been looking into upgrading the Town of Porter website. Susan and I have contacted three companies, all of which use a Content Management System, to set up and update web pages. Our current webpage was put into operation in July 2006. This new system would not use the software program "Dream Weaver" which is only located on my computer, but is web based, and can be updated by any authorized employee. To convert to the new and improved web page will cost \$3,600.00. This is a fixed cost. We received three bids as follows:

Newbird Design	\$3,600.00
ProServe Solutions, LLC	\$4,420.00
360 PSG.com	\$6,600.00

Susan and I were both impressed with the Newbird presentation, and feel they should be given the opportunity to upgrade our web page. You have been given a copy of the Newbird Design proposal.

RESULT:	REPORT ISSUED
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9. Resolution 2013-54**Website Upgrade**

Resolution to hire Newbird Design to upgrade the Town of Porter website at the fixed amount of \$3,600.00, and authorize the Supervisor to sign all necessary paperwork.

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

10. Report 2013-87**Recreation**

The Recreation Committee recommends the hiring of Amanda Shackelford for the position of part-time Story Hour Assistant at the budgeted annual salary of \$4273.00 (to be pro-rated).

Resumes for the Summer Recreation positions are due May 23, 2013.

Recreation Director, Kathy Zasucha, reported that sign up for the summer program will be June 26 and 27, from 10 a.m. until 3:00 p.m. at the Stevenson Elementary Gym.

The summer program will run from July 1 until August 8, 2013 at Stevenson Elementary School.

RESULT:	REPORT ISSUED
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11. Resolution 2013-57**Recreation Leader P/T**

Resolution to hire Amanda Shackelford as a Recreation Leader P/T (for the Story Hour program) beginning on May 14, 2013 at an annual salary of \$4,273.00 (to be prorated).

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

12. Report 2013-88**Assessor**

**TOWN OF PORTER
ASSESSOR'S OFFICE
MONTHLY REPORT - APRIL 2013**

**Date: 1 May 2013
To: Town Board
c.t.: Town Clerk
From: Susan Driscoll**

Entire month spent processing data for completion of 2013 tentative assessment roll.

RESULT:	REPORT ISSUED
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13. Report 2013-89**Building Inspector/Code Enforcement Officer**

BUILDING DEPARTMENT REPORT: Month April 2013

- 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.
- Pursued Zoning code violations and issued to the Supervisor "Complaints Report" for the month of April 2013.
- Reviewed Town Codification portfolio.
- Prepared bid package for reroofing of Town Hall.

Bldg Permits

Town of Porter

#	Date	Owner	Type	Location	Valuation	Amount
018-13	4/9	Gerald Stevens	Pole Barn	3692 Creek Rd	8,500	50
019-13	4/9	Thomas Schulz	Shed	1456 Lockport Rd	3,400	25
020-13	4/18	Steven Sabey	Porch	3460 Creek Rd	1,600	25
021-13	4/18	Clark Gatehouse	Porch	3228 Creek Rd	2,500	25
023-13	4/19	Ruth Kennedy	Ramp	3580 Ransomville Rd	288	25
024-13	4/19	Frank Stipkovits	Deck	692 Blairville Rd	6,000	25
Month of April					22,288	175
Year to Date					308,938	800

Mr. Rogers added that he has been working with the Town attorney preparing bid specs for a new roof on the Porter Town Hall.

RESULT: REPORT ISSUED

14. Report 2013-90

Justice Revenue

JUSTICE FINES 2013

01-1000.2610

	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
JANUARY	4,515.00	(2,415.00)	2,100.00
FEBRUARY	3,860.00	(1,670.00)	2,190.00
MARCH	4,807.00	(3,437.50)	1,369.50
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
	13,182.00	(7,522.50)	5,659.50

RESULT:	REPORT ISSUED
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15. Report 2013-91

Highway

Department of Public Works

Monthly Report for April 2013

Highway Department:

1. Completed a town wide brush pickup. Regular scheduled pickup started Monday May 6 and will continue until Wednesday November 6th. The brush pickup rules and schedule are posted on the Town of Porter web site.
2. Started first round roadside mowing.
3. Working on painting and maintenance of winter equipment.
4. Completed mowing of POTL 4 times. Bryk Plumbing has completed the water system turn on along with opening the restrooms for the season.

Drainage Department:

1. Mowing of off road ditches will start this week.
2. I have been contacted by several residents regarding drainage issues, Councilman Fleckenstein and I will be visiting those properties to see what if any improvements can be made.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Continuing with the hydrant numbering tag program.
3. Carrier Controls has completed the annual calibration of the sewer flow meters.
4. A leak has been discovered in the Balmer Road Water Tank. I have contacted a tank painting and repair service to make repairs.

Respectfully submitted,

Scott B. Hillman

Superintendent of Highways

RESULT:	REPORT ISSUED
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16. Report 2013-92**Engineer**

Engineer Britton was asked about the status of the water model. A work session needs to be set.

RESULT:	REPORT ISSUED
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17. Report 2013-93**Attorney**

Attorney Dowd is still dealing with New York State regarding the definition of a recreation program vs. a camp curriculum.

Mr. Dowd also gave a brief update on the Town of Lewiston's land purchase for a sports facility and the financing thereof.

He reported that the Village of Youngstown has made their last sewer payment and he has not heard from the Village's attorney regarding the expiring contract. The Board discussed having another meeting with the Village, and perhaps creating an Ad Hoc committee to resolve this situation; also, that Highway/Water Superintendent Hillman should definitely be involved.

RESULT:	REPORT ISSUED
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18. Report 2013-94**Grant Writer****Grants Status Report:****Projects we are currently working on:**

- POTL Greenway Project has been approved and we are waiting for our award letter from Niagara County. WE are tentatively schedule to present to the Host Community on June 4th noon at the NCIDA.

- Traffic sign was AWARDED to DOT for Safe Routes to School contract has been received by the Buffalo DOT and we should have a executed contract in 60 days. We can NOT start any work till after we received our signed contract.
- Broadband Connection Grant (see details at the end of this report). This grant should open with the CFA this summer.
- Senior Van Assistance: Spoken with the new director of the Niagara County Dept. of Aging Ken Genewick and awaiting a response for other sources. (Requests have been sent to our legislators for any possible remaining member items)
- CFA will open in June and we will submit a new LWRP and POTL improvements through NYS Coastal Resources.

GRANT TITLE: Connect NY Broadband Grant Program.

PURPOSE: Extend broadband internet to Underserved communities

COSTS MAY INCLUDE: The Connect Broadband Grant Program will fund projects which will acquire and install broadband equipment to expand last-mile services to unserved and underserved areas using existing networks, as well as deploying new infrastructure where applicable.

DEADLINE TBA

MAXIMUM AMOUNT up to \$25 million

APPLICATION FORM Consolidated Funding Application

REQUIREMENTS: requires matching funds equal to 20% of the total project cost.

ELIGIBILITY:

An Unserved area is defined as an area where broadband service is not available from a wireline or wireless facilities-based provider offering service at advertised speeds equal or higher than **6 Mbps download and 1.5 Mbps upload**.

Underserved area is defined as an area where 50% or more of the households have no broadband service from wireline or wireless facilities-based providers offering service at advertised speeds equal or higher than **6 Mbps download and 1.5 Mbps upload**.

PRIORITY: Applications for broadband funding must propose to serve areas which are identified as being unserved or underserved, according to the NYS Broadband Map:
<http://www.broadbandmap.ny.gov/>.

RESULT: REPORT ISSUED

19. Report 2013-95**Correspondence**

A letter was received from Michael Nicolls, C & S Engineers , Inc., Transportation engineer, stating there would be bridge reconstruction on Youngstown-Wilson Road, over Six Mile Creek. It will take place in April of 2014. A detour map is available in the Town Hall foyer.

RESULT:	REPORT ISSUED
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20. Report 2013-97**Calendar of Events**

Monday, May 27, 2013

Town Offices CLOSED - Memorial Day Observance

Tuesday, May 28, 2013

Grievance Day 3 - 5 pm & 6 - 8pm - Town Hall

Thursday, June 06, 2013

Planning Board Meeting - 7:00 PM @ Town Hall

Monday, June 10, 2013

Town Board Meeting - 7:00 PM @ Town Hall

RESULT:	REPORT ISSUED
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21. Report 2013-96**Town Board Comments**

Councilman White read a brief report from the most recent Porter-On-The-Lake Committee meeting. He covered several topics:

- June 29 is *Summerfest*. Wendy Shaw, committee member, is organizing event parking.
- Councilman White talked about the purchase of a sonic deterrent that would keep birds out of the park pavilion. Councilman Fleckenstein suggested a spray that he uses which works well.
- Kathy Zasucha, Recreation Director, reported there is a meeting at POTL with a *Game Time* rep, May 15, to discuss what playground equipment is needed.
- Councilman White said there is a committee meeting May 14.

Ernest Lavigueur, from East Avenue, asked if there was money available, or through a grant, for some sort of emergency phone at the park. He also suggested that seasonal employees be used to help with the NORA project, counting wires; antennas, etc., rather than the more expensive, full time employees.

Niagara County Legislator Clyde Burmaster reported that, according to his meeting with New York State Senator Gillibrand, she is promoting the Greater Niagara Region as one of the top international tourist designations.

Councilman Baia made an announcement, encouraging the community to attend the Memorial Day ceremony at Fort Niagara at 11:00 a.m.

With no further business to discuss, Councilman Baia made the motion, with Councilman Fleckenstein seconding, to adjourn the regular meeting of the Porter Town Board at 8:25p.m.

Gail Zachary
Porter Town Clerk

RESULT:	REPORT ISSUED
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