



Town of Porter

3265 Creek Road
Youngstown, NY 14174

Town Board Meeting

TownofPorter.Net

~ Minutes ~

Gail Zachary

Monday, December 10, 2012

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on December 10, 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	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Dave Britton	Town of Porter	Engineer	Present	
Susan Driscoll	Town of Porter	R.P. Appraiser Tech	Present	
Bernie Rotella	Town of Porter	Grantwriter	Present	

II. Public Comments

III. Reports/Resolutions

1. Report 2012-183

Public Comments

Mr. Basile, from the Lake Road/Harrison Beach area, asked whether there was any progress removing the shed from the right-of-way in his neighborhood. There is also a rock garden allegedly in that same right-of-way. Code Enforcer/Building Inspector Rogers can have these structures removed if they are indeed blocking egress and ingress of the neighbors. It was explained that the Town cannot interfere on private property unless there is a safety/danger issue. Apparently fire trucks and ambulances *can* get through.

Attorney Dowd suggested the homeowners look at their deeds to see what rights they may have and/or "...Force their rights and take those people to court" to compel them to unblock the right-of-way. He said the homeowners could create a special district but this might become expensive.

Mike Mahar, CWM Representative, said the draft permit is out and open for comment by the public. There will be two DEC informational hearings, on January 14, 2013; one at 5:00 p.m. and one at 7:00 p.m. at the Lew-Port School.

RESULT:	REPORT ISSUED
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2. **Resolution 2012-120**

Minutes Approval

Approve the minutes of the regular Town Board meeting, on November 13, 2012, and of the work session, November 19, 2012.

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

3. **Resolution 2012-121**

Audited Vouchers

Approve the vouchers, as audited by the Town Board.

TOWN OF PORTER

WARRANT: POST AUDIT - NOV, 2012 11/30/12

FUND	01	1,917.73
FUND	02	
FUND	04	33.43
FUND	06	99.90
FUND	07	595.39
FUND	33	30.48
TOTAL		<u>2,676.93</u>

VOUCHER 'S 17515 THRU 17527

WARRANT: # 12 DECEMBER, 2012 12/10/12

FUND	01	13,761.55
FUND	02	30,699.40
FUND	04	9,297.13
FUND	06	2,331.02
FUND	07	460.79
FUND	10	941.06
FUND	33	
TOTAL		<u>57,490.95</u>

VOUCHER 'S 17528 THRU 17592

TOTAL 60,167.88

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

4. Report 2012-184

Town Clerk

November 2012 Revenue

Water \$ 29,528.89

Sewer \$ 26,796.40

Licenses and Fees \$ 688.04

I received notification that Lisa Hastings, our Court Clerk, has completed the 2012 8th Judicial District All Court Clerk Training in Buffalo on November 16, 2012. She has also very successfully passed the Criminal Justice Access Test on November 27, 2012.

I also received the report that Wayne D. Pollow, newly elected justice, has completed his basic certification course, "Taking the Bench."

RESULT:	REPORT ISSUED
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5. Resolution 2012-123

Water Refund

Resolution to allow the Town Clerk to issue a water refund to the former owner of 361 Glengrove in the amount of \$101.56. This is as a result of the prior owner's over payment.

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

6. Report 2012-185**Supervisor**

- Supervisor's Monthly Report for November, 2012 was distributed to all Town Board members.
- Resolution to accept the Supervisor's Monthly Report for November, 2012.
- October Sales Tax \$91,338.51. Up from 2011, \$40,634.20 year to date.
- Balance of the 2012 Mortgage Tax for the town of porter is \$43,361.20.
- Received a plaque from the Niagara Hospice Half Marathon for our continuing support

The Ransomville "Lighting of the Wreaths" committee thanked the Town for its support and are already working on another success next year.

RESULT:	REPORT ISSUED
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7. Resolution 2012-122**Acceptance of Supervisor's Report**

The Supervisor's Report for November 2012 is approved.

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

8. Report 2012-186**Bookkeeper**

 Bookkeeper's Monthly Report - November, 2012

Completed processing all November 2012 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for November 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.

Working on recycling program

Working on Year End and the Organizational Meeting

Need a resolution setting the Year End Town Board meeting for Thursday, December 27, 2012 at 3:00 PM, and the 2013 Town Board Organizational Meeting for January 2, 2013 at 3:00 PM. Both meetings to be held at the Porter Town Hall.

RESULT:	REPORT ISSUED
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9. Resolution 2012-126

Set Meetings

Need a resolution setting the Year End Town Board meeting for Thursday, December 27, 2012 at 3:00 PM, and the 2013 Town Board Organizational Meeting for January 2, 2013 at 3:00 PM. Both meetings to be held at the Porter Town Hall.

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

10. Report 2012-197

Recreation

Per the Porter Recreation Commission recommendation, Councilman Fleckenstein moved to reappoint George Mayer to the Commission. His term will be from January 01, 2013 until December 31, 2019. Councilman White seconded. Motion was carried unanimously.

RESULT:	REPORT ISSUED
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11. Report 2012-187**Assessor**

November 2012
Assessor's Office

1. Completed monthly field inspections for verifications of sales and completion of all building projects
2. Processed monthly sales transfers and splits
3. Attended November NCAA meeting
4. Attended Village of Youngstown 29 November 2012 Board meeting
5. Working on settling several legal problems concerning property transfers
6. Continuing to update information for Planning Board on landlocked parcels
7. Sent out Agricultural Assessment renewal applications for the 2013 roll.
8. Sent out Star Enhanced notification of income verification program denials for 2013 roll
9. Recorded Star Enhanced income verification program acceptance for 2013 roll.
10. Conducted interviews and made candidate selection for part time clerk.

Sue was given congratulatory applause for becoming a United States Citizen. She was sworn in on December 06, 2012.

RESULT:	REPORT ISSUED
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12. Resolution 2012-125**Appointment**

Resolution authorizing the appointment of Margaret Ann Given as a clerk P/T @ \$11.88 per hour for the assessor & Building Inspector/Code Enforcement Officer.

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

13. Report 2012-188

Building Inspector/Code Enforcement Officer

November 2012			Permits		
<u>No</u>	<u>Date</u>	<u>Owner</u>	<u>Type</u>	<u>Location</u>	
100-12	11/5	Stephen Pacia	Demo	2525 Lake Rd	-
					25.00
101-12	11/19	Paulette Wright	Demo	1637 Lake Rd	-
					25.00
102-12	11/26	Donna Berczynski	Add	2428 Y-W Rd	
					50.00
					6,500
			Nov Total		6,500
					100.00
			Y-T-D Total		4,375,247
					12,589.75

BUILDING DEPARTMENT REPORT: Month November 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 and ZBA meeting.
- Pursued Zoning code violations and issued to the Supervisor "Complaints Report" for the month of November 2012.
- Continued to review Town Codification portfolio

Mr. Rogers was asked the status of a vacant house on Orchard Drive where there was an open door to the basement which was filled with water. He will check on this by the end of the week.

RESULT: REPORT ISSUED

14. Report 2012-189

Justice Court

**JUSTICE
FINES 2012**

01-1000.2610

	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
JANUARY	6,080.00	(4,347.50)	1,732.50
FEBRUARY	7,530.00	(5,027.50)	2,502.50
MARCH	4,717.50	(2,182.50)	2,535.00
APRIL	3,915.00	(1,870.00)	2,045.00
MAY	6,340.00	(1,705.00)	4,635.00
JUNE	4,950.00	(1,790.00)	3,160.00
JULY	6,042.50	(2,747.50)	3,295.00
AUGUST	5,727.50	(2,112.50)	3,615.00
SEPTEMBER	4,260.00	(1,310.00)	2,950.00
OCTOBER	7,471.50	(2,180.00)	5,291.50
NOVEMBER			0.00
DECEMBER			0.00
	<u>57,034.00</u>	<u>(25,272.50)</u>	<u>31,761.50</u>

Need a resolution authorizing the appointment of Thomas J. Burley to the position of Court Attendant at the rate of \$11.17 per hour. He will be replacing T.J. Lisman, who will be leaving at the end of the year.

RESULT:	REPORT ISSUED
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15. Resolution 2012-124

Appointment

Resolution appointing Thomas J. Burley as Court Attendant @ \$11.17 per hour. He is replacing T.J. Lisman who is leaving at the end of Justice Holmes term.

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

16. Report 2012-190

Highway

Department of Public Works

Monthly Report for November 2012

Highway Department:

1. Called out to plow and salt 1 time.
2. Completed installation of Banners and Wreaths in Ransomville.
3. Completed marking of all snow plow routes.
4. Reminder that the Winter Parking Ordinance is in effect from December 1st till April 1st.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed 2 water service installations.
3. Repaired a water main break on Howard Dr.

Respectfully submitted,

Scott B. Hillman
Superintendent of Highways

RESULT:	REPORT ISSUED
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17. Report 2012-191

Engineer

Engineering Report
December 2012

Engineering

For the month of November:

- CRA completed two site drainage reviews
- Attended Town Board Meeting

Engineering Support (future)

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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18. Report 2012-192

Attorney

Attorney Dowd has met with Code Enforcement Officer, Roy Rogers, Town Clerk, Gail Zachary and Deputy Town Clerk, Barbara DuBell, to clean up some laws that are on the books that are ambiguous, in preparation for a codification book which General Code will publish.

Mr. Dowd had a conversation with a Modern Disposal representative suggesting a small truck might be appropriate for some neighborhood pickups.

RESULT:	REPORT ISSUED
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19. Report 2012-193

Grantwriter

Projects we are currently working on:

- NYS DOS Coastal Resources (through the CFA) was submitted July 16th. The LWRP no news on awards as of today.
- POTL Greenway Project was submitted to the AD HOC committee with a budget for the Niagara County Ad Hoc Committee. Still waiting for meeting date..
- Traffic sign was submitted to DOT for Safe Routes to School and we should get notified before the end of the month.
- Attended NYS Archives training seminar for the storage room grant. Will work with the Town Clerk the application is due February 1st.

RESULT:	REPORT ISSUED
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20. Report 2012-195

Calendar of Events

New Recycling Program Begins

***** Thursday, December 06, 2012 for

Creek Road and areas **WEST of Creek Road**, and

All of LAKE ROAD

***** Thursday, December 13, 2012 for

All other areas (**EAST of Creek Road**)

Once this program begins, recycling will occur **EVERY OTHER WEEK, but**

GARBAGE PICKUP WILL REMAIN ON THE WEEKLY SCHEDULE

Town Hall Closed

Monday, December 24th

Tuesday, December 25th

Monday, December 31st - Noon

Tuesday, January 1st

End-of-Year Meeting

Thursday, December 27th @ 3:00 PM

Organizational Meeting

Wednesday, January 2nd @ 3:00 PM

Regular Town Board Meeting

- Monday, January 14, 2012 @ 7:00 p.m. - Town Hall

RESULT:	REPORT ISSUED
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21. Report 2012-196**Town Board Comments**

Councilman Baia reported that there was a great turnout at Ruth Buzzard's, Andrews Road, to rally to keep Stevenson Elementary School *OPEN*. Mr. Baia said there were probably 100-150 people there.

Wayne Pollow, newly-elected Town Justice, will be sworn into office on January 1, 2013 at 11:00 a.m. at the Porter Town Hall. **The public is invited to attend.**

The regular meeting of the Porter Town Board was adjourned at 7:55 p.m.

Gail Zachary
Town Clerk

RESULT:	REPORT ISSUED
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