



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Gail Zachary

Monday, May 9, 2011

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on May 9, 2011 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	Absent	
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	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Chris Amico	Town of Porter	Town Engineer	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Bernie Rotella	Town of Porter	Town Grant Writer	Present	
Susan Driscoll	Town of Porter	R. P. Appr Tech - Trainee	Present	

II. Public Hearing

1. Report 2011-75

Public Hearing

The Town of Porter will hold a public hearing on Monday, May 09, 2011, at the Porter Town Hall, 3265 Creek Road, Youngstown, New York, 14174, at 7:00 pm, for the purpose of hearing all interested parties to discuss the withdrawal of funds from the Highway Reserve to purchase a new 2011, or newer, Class 7 single axle truck chassis, dump body, snow plowing and salt spreader control equipment.

By Order of the Town of Porter Town Board

RESULT: REPORT ISSUED

2. Resolution 2011-64**Closure of Public Hearing**

Resolution to close the public hearing

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

3. Resolution 2011-61**Reserve Transfer**

Resolution authorizing the transfer of funds, from the reserve account to the general fund, in the amount required, for the purchase a Class 7 truck on OGS Contract; the amount required to purchase a Dump Body, Snow Plowing & Salt Spreader Control per Town specifications; a salt spreader; and radio for the truck. The total amount of the transfer should not exceed \$140,000.00.

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

III. Resolutions/Reports**1. Report 2011-62****Public Comments**

There were no comments from the audience.

RESULT: REPORT ISSUED

2. Resolution 2011-58

Minutes Approval

Resolution to approve the minutes of the regular Town Board meeting on April 11, 2011, as presented.

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

3. Resolution 2011-59

Payment of Audited Vouchers

Resolution to approve the vouchers, as audited.

TOWN OF PORTER

WARRANT: POST AUDIT - APR 2011 4/30/11

FUND 01	4,291.32
FUND 02	311.21
FUND 03	0.32
FUND 04	321.94
FUND 06	467.00
FUND 07	3,415.55
FUND 33	34.65
TOTAL	<u>8,841.99</u>

VOUCHER 'S 15254 THRU 15276

WARRANT: # 5 MAY, 2011 5/9/11

FUND 01	21,487.12
FUND 02	31,872.71
FUND 03	85.00
FUND 04	9,445.77
FUND 06	1,937.93
FUND 07	45,574.54
FUND 10	811.10
FUND 33	32.48
TOTAL	<u>111,246.65</u>

VOUCHER 'S 15277 THRU 15357
120,088.64

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

4. Report 2011-63

Town Clerk

April 2011 Revenue:

Clerk Fees: \$ 880.10
Water Collections \$34,175.99
Sewer Collections \$14,639.72
S.P.C.A. Dog Contacts

Received notice from the New York State Office of Real Property that Kenneth Grulich has completed his Board of Assessment Review training course. May 24, 2011 is Grievance Day.

RESULT: REPORT ISSUED

5. Report 2011-64**Supervisor**

1. Supervisor's Monthly Report for April, 2011 was distributed to all Town Board members.
2. March Sales Tax \$103,521.24. This amount included the population adjustment for January and February. We are down \$2,766.68 for 2011.
3. Safe Boating Week Proclamation
4. Resolution to accept the Supervisor's Monthly Report for April, 2011.
5. Justice Court Records
6. Town Hall HVAC Project
7. Town Hall landscaping
8. Town parking lot sealing

RESULT: REPORT ISSUED

6. Resolution 2011-65**Safe Boating Proclamation**

Safe Boating Proclamation 2011

Whereas, on average, 700 people die each year in boating-related accidents in the United States, approximately 70% of these are fatalities caused by drowning; and,

Whereas, the vast majority of these accidents are caused by human error, or poor judgment, and not by the boat, equipment or environmental factors; and

Whereas, a significant number of boaters who lose their lives by

drowning each year would be alive today had they worn their life jackets; and,

Whereas, today's life jackets are more comfortable, more attractive and more wearable than styles of years past, and deserve a fresh look by today's boating public;

Therefore the Town of Porter does hereby support the goals of the North American Safe Boating Campaign and we join in supporting the Coast Guard and Coast Guard Auxiliary in their efforts to have all boaters and their passengers wear their life jackets while on the waters of Western New York, and proclaim May 21 - 27, 2011 as **National Safe Boating Week**, and the start of the year-round effort to promote safe boating.

In Witness Thereof, I urge all those who boat to "Wear It" and to practice safe boating habits.

Given under my signature and the seal of the Town of Porter this Ninth day of May, 2011.

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

7. Resolution 2011-60

Acceptance of Supervisor's Report

Resolution to accept the April 2011 Supervisor's Report.

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

8. Resolution 2011-66

Justice Court Records/Dockets Audit

Resolution to acknowledge receipt of the Town of Porter's Town Justice Court records and that the dockets have been examined and audited by Brown and Company, LLP, Certified Public Accountants, for the year ending December 31, 2010. As required by law, after approval by the Porter Town Board, the audit will be sent to the New York State Unified Court System.

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

9. Resolution 2011-63

Town Hall HVAC Project

The Town of Porter issued a RFQ to update the HVAC system in the Town Hall. The request contained Five (5) items. Replace in-kind five furnace system; Replace in-kind high efficiency five furnace system; develop a four furnace system; develop a four furnace high efficiency system; and Ductwork Insulation.

TOWN HALL	Item A-1	Item A-2	Item A-3	Item A-4	Item A-5
H V A C PROJECT					
Steve's Heating	22,600	26,600	0	0	800

D W C Mechanical	28,907	30,900	33,858	37,412	9,148
H.W. Bryk & Sons	21,340	24,940	25,170	26,940	11,980
A-1	In-Kind Five-Furnace System				
A-2	High Efficiency Five Furnace System				
A-3	In-Kind Four Furnace System				
A-4	High Efficiency Four Furnace System				
A-5	Ductwork Insulation				

The bids were received and reviewed by the building committee and they submitted the following recommendation for the Town Board consideration.

The building committee recommends going with Item A-2, and awarding the contract to H.W. Bryk & Sons to replace five high efficiency furnaces and A/C units for a total cost of \$24,940.00. The Town will receive through NYSERDA, \$2,500 for the furnaces and \$2,375.00 in rebates for the A/C systems. This makes the net total cost to the Town of \$20,065.00.

Resolution authorizing the Supervisor to enter into contract with H.W. Bryk and Sons following the building committee recommendation and to sign all necessary paperwork.

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

10. Resolution 2011-67

Landscaping - Town Hall

Resolution to hire Bloom's Relax Landscaping, Inc to maintain all landscaping at the Town Hall except lawn mowing for the year 2011.

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

11. Resolution 2011-68

Blacktop and Striping of Town Hall Parking Lot

Resolution authorizing the Supervisor to have John Militello Sealcoating, Niagara Falls, to fill cracks with liquid crack filler and to seal the parking lot, followed by re-painting all striping.

Sealing and striping - \$1600.00
Filling of cracks - \$ 750.00

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

12. Report 2011-65

Supervisor's Assistant

Bookkeeper's Monthly Report - April 2011

- Completed processing all April 2011 Vouchers and Journal Entries.
- Prepared Supervisor's Monthly Report for April 2011 and distributed it to the Supervisor and Town Board members.
- Completed Bi-weekly and Monthly payrolls.
- Completed Check registers for all check payments.
- Continued maintenance on the Web Page, www.townofporter.net
- Continuing to work with Town Clerk on the Minute Traq program.
- Continued working on the new Assetrax program for fixed assets.

RESULT:	REPORT ISSUED
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13. Report 2011-76

Tax Collector

RE: TOWN/COUNTY TAX COLLECTIONS FOR 2011

Paid to Supervisor Wiepert the sum of \$5,521.75. This amount included the following:

Penalties collected in March	\$5,118.55
Return of petty cash	100.00
Interest earned from 3/22-4/21/2011	35.20
\$1.00 unpaid's returned to County	268.00

Paid to County Treasurer on April 12, 2011 the sum of \$674,950.13, as the final remittance to the County.

The following figures reflect the final results of my collection for the 2011 Town/County Tax Roll in and for the Town of Porter:

Paid to Supervisor	1,186,481.47
Paid to County in February	2,500,000.00
Collected by County Treasurer (Utilities, County Owned)	103,192.95
April remittance due County	675,218.13
Total Collected	4,464,892.55
Total Uncollected (268bills)	406,366.09
	4,871,258.64
ADJUSTMENTS-CORRECTED BILLS	
Time Warner-No town tax	399.54
Youngstown Assoc-Assessment change	2,474.32
Holmes- School Re-levy	688.69
Lakeshore Land-Assessment change	714.28
Total Warrant	4,875,535.47
April remittance	675,218.13
\$1.00 mailing surcharge (unpaid)	- 268.00
Paid to County Treasurer	674,590.13

Total of \$ 187.56 interest was credited this year to this account.

Total of \$7,034.00 penalties was collected this year. This amount includes \$60.00 for three returned check at \$20.00 each. There is \$40.00 still to be collected for two returned checks.

Town Tax Collector's account now reflects a balance of \$22.46--\$2.00 to keep the account open and \$20.46 checks for overpayments by homeowners that still have not been cashed.

RESULT: REPORT ISSUED

14. Report 2011-68

Assessor

RE: April 2011

1. Completed monthly inspections for verification of sales and completion of all building projects.
2. Processed monthly sales transfers and splits.
3. Continued to track new sales to help determine time trends, valuations and equalization rates.
4. Attended April meeting of NCAA in Somerset. Topics included Ag exemptions, legislation and new rules for processing STAR, and filing of tentative roll.
5. Finished processing and updating all data for 2011 tentative roll.
6. Handed in finished tentative roll to county -received hard copies .
7. Updated on-line website with tentative roll.
8. Sent out all "change of assessment" notices to those receiving a new assessment.
9. Continuing to train Susan in all aspects of assessing.

RESULT: REPORT ISSUED

15. Report 2011-67

Highway

Department of Public Works
Monthly Report for April 2011

Highway Department:

1. Completed scheduled Brush pickup (probably will continue all this week).
2. Due to the high winds on 4/29 we will be doing additional town wide brush pickups. The Town of Pendleton is supplying their chipper and crew to assist our crew.
3. We are working on cleaning and painting plows and spreaders.
4. Provided assistance to the Village of Lewiston with trucks and roller for their paving project.

Drainage Department:

1. We are waiting on the weather to start our seasonal mowing program.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Installed 41 Orion water meters.

Class 7 Truck:

Chassis: I recommend the purchase of a new 2012 International 7400 Series Chassis off the NYS OGS Contract from Regional International.

Contract price	\$75,452.48
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Dump Body and Snow Equipment:

We received 2 bids Valley Fabrication and Equipment -	\$61,663.00
Viking/Cives	- \$57,300.00

I recommend the low bid be accepted.

Insertable Salt Spreader:

We received 2 quotes for a new spreader: George & Swede	\$6,500.00
Chemung Supply	\$6,775.00

I recommend the low bid be accepted.

Two-way radio- Narrow banded to meet new FCC Regulation 1/1/2012 NYSOGS Contract item.

\$600.00

Budget for purchase of New Class 7 Truck	\$147,000.00
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Total cost complete	\$139,852.48
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Damage to the Salt Storage Structure due to wind storm:

We lost some shingles off the structure in the wind storm [Insurance company has been contacted]. I will be contacting a roofing contractor to estimate the damage and cost of repairs.

I would like permission to solicit quotes to supply a fabric roof equipment storage structure. This item is included in this year’s budget.

This request has been withdrawn, as Code Enforcement Officer Rogers stated the structure would be in violation of the New York State Building Code. Storage of vehicles is not permitted in this type of building.

Respectfully submitted,

Scott B. Hillman
Superintendent of Highways

RESULT: REPORT ISSUED

16. Resolution 2011-69

Adjustment

Re: Account Adjustments for the month of April

The following adjustments were made to water/sewer accounts this month.

Account #	Name	Address	Amount	Service
20-0668.01	Pilato	3633 Hillview	- \$376.19	Sewer
20-0668.01	“	“	- \$230.24	Water

Reason: Wrong meter head installed on meter, caused miscalculation of usage

20-0680.01	Notte	446 Riverview Dr.	-\$5.03	Sewer
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Reason: late fee reversal, bill was not late

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

17. Resolution 2011-54

Purchase Truck Chassis

Resolution authorizing the purchase of a 2011 or Newer Class 7 Single Axel Truck Chassis through New York State contract in the amount of \$75,452.48; snow plow and dump body from Viking in the amount of \$57,300.00; the acceptance of the low bid from George & Swede for the salt spreader for \$6,500.00 and the purchase of a new 2-way radio narrow band for the truck in the amount of \$600.00.

HISTORY:

04/11/11	Board	TABLED
Next: 05/09/11		

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

18. Resolution 2011-62

Bid Acceptance

Received two bid packages for the purchase of a Dump Body, Snow Plowing & Salt Spreader Control.

Valley Fabrication	\$61,120.00 with an option for \$543.00.	Total package	\$61,663.00
Viking	\$55,500.00 with an option for \$1,800.00	Total package	\$57,300.00

Resolution authorizing the contract be awarded to Viking in the amount of \$57,300.00..

RESULT: WITHDRAWN

19. Resolution 2011-70

Insertable Salt Spreader

Resolution authorizing the Highway Superintendent to purchase from George & Swede, a new Insertable Salt Spreader for \$6,500.00.

RESULT: WITHDRAWN

20. Resolution 2011-71

Two/Way Radio - Narrow Band

Resolution authorizing the Highway Superintendent to purchase a new two-way radio; narrow band, for the new truck in a amount of \$600.00.

RESULT: WITHDRAWN

21. Resolution 2011-72

Fabric Roof Equipment Storage Structure

Resolution authorizing the Highway Superintendent to solicit quotes to supply a fabric roof storage structure to house heavy equipment. The budgeted amount in \$28,000.00

RESULT: WITHDRAWN

22. Report 2011-66

Building Inspector/Code Enforcement Officer

<u>Doc.</u>	<u>Date</u>	<u>Town of Porter Permits Owner</u>	<u>Type</u>	<u>Property Location</u>	<u>Valuation</u>	<u>Amount</u>	
April							
009-11	4/1/2011	Kelly Heppner	Fence	3865 Ransomville Rd	2,500	25	
011-11	4/4/2011	William Richardson	Deck	507 Lake Rd	2,500	25	
012-11	4/8/2011	David Quarantillo	Garage	3452 East Ave	8,000	50	
013-11	4/29/2011	Edward M Kozey	Fence	420 Andre Pl	0	25	
014-11	4/29/2011	Daniel Bristol	Solar Panels	2449 Lake Rd	34,000	50	
					<u>April</u>	<u>47,000</u>	<u>175</u>
					<u>YTD</u>	<u>1,059,800</u>	<u>1,775</u>

BUILDING DEPARTMENT REPORT: Month April 2011

- 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 Town Board meeting.
- Pursued numerous Zoning code violations and issued to the Supervisor "Complaints Report" for the month of April 2011.
- Attended training for storm water and flood plain administrators.
- Participated in ISO Building Code Effective Questionnaire and Audit.

Certificate of Occupancy:

001-11

Frank C. Lagreca

1045 Youngstown-Wilson Rd

46.00-1-37.2

RESULT: REPORT ISSUED

23. Report 2011-69**Engineer****Engineering Report**

Update - May 3, 2011

1. Engineering Support Services

2324 Youngstown-Lockport Road (drainage investigation): recommendations for possible drainage relief discussed with the Highway Department. Additional topographic survey work / grades to be completed by the Highway Department.

BOARD ACTION REQUESTED - none**2. Engineering Support Services**

Town Hall HVAC system rehabilitation: CRA prepared bid packages and advertised for quotes to replace the HVAC system. Quotes received at Town Hall on Monday May 2, 2011.

BOARD ACTION REQUESTED - consider award

- 3. 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.

BOARD ACTION REQUESTED - Consider proceeding with SEQR and design (in part or entire concept) to obtain shovel ready status

- 4. 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).

BOARD ACTION REQUESTED - Consider authorization to proceed

- 5. 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

24. Report 2011-70

Attorney

none

RESULT: REPORT ISSUED

25. Report 2011-71

Grant Writer

Grants Status Report:

Greenway Master Plan Project (2009):

Wendel to schedule a kick off meeting. Will work directly with the committee for schedule of activities and direction. Quarterly report submitted to Greenway

CBDG: Met with CDBG Coordinator to review project and budget. After further review of the LMI, the Town did not meet the criteria of the grant. Researching other sources for this project.

NYSERDA: We have met with Stephanie Simon (NYSERDA approved consultant) on the furnace replacement. An application will be submitted for an approx \$4, 850 grant/incentive.

Emergency Generator: We are researching a grant source through SEMO (State Emergency Management Organization) for a portable generator. We will report as soon as we find a source of grant funding.

New York State Governor's Traffic Safety Committee: Application for the Solar Power Caution will be submitted for three signals.

Councilman Fleckenstein asked the status of the waterline replacement grant. Mr.

Rotella stated that, according to the census track, the Town did not meet the requirements.

RESULT: REPORT ISSUED

26. Report 2011-72

Porter-On-The-Lake

No Porter-on-the-Lake Committee meeting was held in April 2011.

Bob Reese did, however, report that shingles were blown off some of the structures there and the claim has been submitted to the insurance company along with the highway's.

Councilman Baker made a motion, and Joe Fleckenstein seconded, to give the Porter-On-The-Lake committee \$2500.00 for expenses. All councilmen were in favor.

RESULT: REPORT ISSUED

27. Report 2011-77

Correspondance- Recreation/Yngstn Fire Co./Regional Recycling

A letter was received from the Town of Porter Recreation Commission requesting the Town Board revisit the starting salary for new-hires for the summer recreation program.

* Supervisor Wiepert made a motion to increase the first-time summer recreation directors to \$8.00 per hour.

No one seconded that motion, so the starting salary for new-hires is \$7.25.

The Town of Porter Town Board has been requested to attend the next meeting of the Youngstown Volunteer Fire Company , on May 16, 2011 at 7:00 PM. The meeting will concern the Fire Company joining the State Retirement System.

The Town has been contacted by Regional Computer Recycling & Recovery to join in an alliance where they will drop off the recycling container, when it is full, they will pick it up and pay the Town \$0.02 per pound. There is NO cost to the Town.

* Councilman Baker made the motion, with Larry White seconding, to meet with Regional Computer Recycling and Recovery.

It was mentioned that a permit is needed from the Department of Environmental Conservation.

RESULT:	REPORT ISSUED
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28. Report 2011-73

Calendar of Events

Thursday, May 12, 2011 @ 7:00 p.m. Hall	Planning Board - Town
Thursday, May 19, 2011 @ 7:30 p.m. Hall	Zoning Board - Town
Tuesday, May 24, 2011 3:00 p.m. until 5:00 p.m. 6:00 p.m. until 8:00 p.m. Town Hall	GRIEVANCE DAY -
Monday, May 30, 2011 Memorial Day Observed	Town Offices CLOSED
Thursday, June 09, 2011 @ 7:00 p.m. Hall	Planning Board - Town
Monday, June 13, 2011 @ 7:00 p.m. Town Hall	Town Board Meeting -

RESULT: REPORT ISSUED

29. Report 2011-74

Town Board Comments

With no further business to discuss, the regular meeting of the Town of Porter Town Board was adjourned at 8:00 p.m. with Mr. Baker making the motion and Mr. White seconding. Motion carried unanimously.

Gail Zachary

RESULT: REPORT ISSUED
