



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

Gail Zachary

Monday, July 8, 2013

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on July 8, 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	Present	
Joe Fleckenstein	Town of Porter	Councilman	Present	
Barb Dubell	Town of Porter	Deputy 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	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Susan Driscoll	Town of Porter	Assessor	Absent	
Gail Zachary	Town of Porter	Town Clerk	Absent	

II. Public Comments

1. Report 2013-140

Public Comments

No comments from the public at this time.

RESULT: REPORT ISSUED

III. Reports/Resolutions

1. Resolution 2013-70

Minutes Approval

Resolution to approve the June 10, 2013 minutes of the regular Town Board meeting.

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

2. Resolution 2013-69

Audited Vouchers

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

TOWN OF PORTER

WARRANT: POST AUDIT - JUNE, 2013 6/30/13

FUND	01	4,292.19
FUND	02	78.72
FUND	04	694.73
FUND	06	538.83
FUND	07	2,260.50
FUND	33	596.71
TOTAL		<u>8,461.68</u>

VOUCHER 'S 18333 THRU 18361

WARRANT: # 7 JULY, 2013 7/8/13

FUND	01	36,555.38
FUND	02	56,486.24
FUND	04	132,899.31
FUND	06	37,854.87
FUND	07	3,093.48
FUND	10	732.05
FUND	33	63.85
TOTAL		<u>267,685.18</u>

VOUCHER 'S 18362 THRU 18453

TOTAL 276,146.86

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

3. Report 2013-126

Town Clerk

Water	\$17,996.12
Sewer	\$ 4,427.97
Licenses and Fees	\$898.36

RESULT:	REPORT ISSUED
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4. Resolution 2013-71

Uniform Notice of Claim Certificate

Uniform Notice of Claim Resolution

Town of Porter

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;
Now therefore Be It

RESOLVED, that the Town Board of the Town of Porter, County of Niagara hereby designates the Secretary of State as the agent for the service of a notice of claim upon the Town, with any such notice of claim served upon the Secretary of State to be mailed to the Town of Porter, Porter Town Clerk, 3265 Creek Road, Youngstown, New York, 14174.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013, with copy of same to be retained as a matter of record and filed with the Town Supervisor and Town Attorney.

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

5. **Report 2013-127**

Supervisor's Report

Supervisor's Monthly Report for June, 2013 was distributed to all Town Board members.

Resolution to accept the Supervisor's Monthly Report for June, 2013

May Sales Tax: \$93,313.20. The total for May, 2013, is up \$5,417.85 from 2012.

Mortgage Tax for 1st half of 2013, \$53,293.78.

Resolution to accept roofing contract

Wilson Baseball contract.

RESULT:	REPORT ISSUED
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6. **Resolution 2013-68**

Acceptance of Supervisor's Report

Resolution to accept the Supervisor's Monthly Report.

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

7. **Resolution 2013-72**

Award of Town Hall Roof Bid

Building Inspector Rogers and Town Attorney Dowd reviewed the bids received for re-roofing the town hall. It is recommended the bid be awarded to Tuscarora Roofing for a bid total of \$54,200.00 plus a

contingency of \$1.57 per square foot, to replace roof deck as approved by the building inspector. Budgeted amount of \$50,000.00 to be increased to \$60,000.00 for the contingencies.

The second bid received from Thompson Roofing was \$88,700.00.

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

8. Resolution 2013-77

Wilson Youth Baseball Contract

Authorization for Supervisor to sign the 2013 Wilson Youth Baseball Contract in the amount of \$750.00. This increases the amount approved at the 2013 Organizational meeting.

Councilman Fleckenstein asked how much money Wilson contributes to the Town of Porter Recreation Program. Kathy Zasucha, Rec Director answered that they contribute nothing. Councilmen Fleckenstein responded, "I don't agree with sending \$750.00 to Wilson when we don't get any money from them for their kids coming to our rec program. We're sending them \$750.00 for our kids to play baseball and they're not sending us anything - it should be a wash. We take their kids, they take our kids."

Supervisor Weipert asked what the Board wanted to do. A decision was made to table the resolution. A motion was made by Councilman Fleckenstein to table the resolution, and seconded by Councilman Tom Baia.

RESULT:	TABLED [UNANIMOUS]	Next: 7/15/2013 7:00 PM
MOVER:	Joe Fleckenstein, Councilman	
SECONDER:	Larry White, Councilman	
AYES:	Wiepert, Baia, White, Baker, Fleckenstein	

9. Report 2013-128

Bookkeeper

Bookkeeper's Monthly Report - June, 2013

Completed processing all June, 2013 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for June, 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.

Working on updated web page.

Budget Adjustment:

04-5112.0002	Improvements (Chips)	\$12,875.03
04-1000-3501	Consolidated Highway (Chips)	(12,875.03)
32-9901.0009	Trans to other funds	\$10,000.00
01-1620.0002	Building Equipment	10,000.00
01-1000.5031	Interfund Transfer	(10,000.00)

RESULT:	REPORT ISSUED
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10. Resolution 2013-73

Budget Adjustment

Resolution authorizing the following Budget Adjustment:

04-5112.0002	Improvements (Chips)	\$12,875.03
01-1000-3501	Consolidated Hwy (Chips)	(12,875.03)
32-9901.0009	Trans to other Funds	\$10,000.00
01-1620.0002	Building Equipment	10,000.00
01-1000.5031	Trans to other funds	(10,000.00)

This resolution will also increase the Highway Superintendent's authority to expend \$409,053.03. This is an increase from \$ 396,178.00 previously authorized..

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

11. Report 2013-129

Recreation

Kathy Zasucha, Recreation Director, reported that a total of 385 children are registered in the program; 71 in Group A, 1st and 2nd grade, 84 in Group B, 3rd and 4th grade, 103 in the 5th and 6th grade and 127 in the 7th, 8th and 9th grade group. They're averaging 208 children per day. On the first day of recreation, a total of 218 children attended.

RESULT: REPORT ISSUED

12. Report 2013-130

Assessor

1. Finalized 2013 roll
2. Attended Sub-division analysis training in Cheektowaga
3. Completed Assessor Orientation with the Niagara County Director of Real Property Services in Lockport
4. Began processing deed transfers on 2014 roll

RESULT: REPORT ISSUED

13. Report 2013-131

Building Inspector/Code Enforcement Officer

BUILDING DEPARTMENT REPORT: Month June 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 June 2013.
- Reviewed several portions of the Town Codification portfolio.
- Attended bid opening and reviewed bids for roof replacement at Town Hall.

June 2013		TOWN OF PORTER			MONTHLY PERMITS	
No.	Date	Owner	Type	Location	Value	Amt.
045-13	6/14	S Sweatman	Porch	923 Lake	3,500	25
046-13	6/5	J Crum	I G P	355 Brentwood	32,000	50
047-13	6/7	J Zapp	Deck	2284 Lkpt Rd	1,250	25

048-13	6/11	J Muoio	Shed	370 Riverview	4,000	235
049-13	6/21	C Boos	S.F.R.	3933 Calkins	190,000	300
051-13	6/13	Town of Porter	F.W.	3025 Dietz Rd	0	0
052-13	6/17	L Wilson	Porch	3851 Ransomville Rd	15,000	25
053-13	6/25	J Kern	P Barn	3008 Ransomville Rd	1,500	50
056-13	6/28	S&K Auto	F.W.	2401 Braley	0	50
057-13	6/28	S&K Auto	F.W.	2401 Braley	0	50
JUNE TOTALS					247,500	1,100
Y.T.D. Totals					987,688	3,476

Code Enforcement Officer Rogers is now required by the State of New York to issue firework permits. So far this year he has issued one for the Town and two for the Ransomville Speedway.

Councilman Fleckenstein had questions about the pond owned by Michael Oliverio, 3135 Ransomville Road. CEO Rogers stated that the Soil & Water Evaluation has been sent to the DEC and Mr. Oliverio in now in compliance with all the necessary requirements.

RESULT: REPORT ISSUED

14. Report 2013-132

Justice Revenue			
JUSTICE FINES 2013	01-1000.2610		
	GROSS REVENUE	DISTRIBUTION	NET REVENUE
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	3,990.00	(1,795.00)	2,195.00
MAY	3,507.50	(1,252.50)	2,255.00
JUNE			0.00
JULY			0.00

AUGUST		0.00
SEPTEMBER		0.00
OCTOBER		0.00
NOVEMBER		0.00
DECEMBER		0.00
	20,679.50	(10,570.00)
		10,109.50

Court Attendant P/T Thomas Burley was recently killed in a motorcycle accident. The Justice Court would like to appoint Nathaniel Meigs as his replacement.

RESULT:	REPORT ISSUED
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15. Resolution 2013-76

Court Officer Appointment

Resolution to appoint Nathaniel Meigs to the position of part time Court Office for the Town of Porter Justice Court at an hourly rate of \$12.00.

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

16. Report 2013-133

Highway

Department of Public Works

Monthly Report for June 2013

Highway Department:

1. Completed monthly brush pickup.
2. Completed 2 additional rounds of roadside mowing.
3. Completed 1st round of road striping.

4. Provided assistance to Town of Cambria with trucks hauling blacktop for a resurfacing project.

Drainage Department:

1. Continuing drainage mowing program weather permitting.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed repair of a water main break on Parker Road.

Porter On The Lake:

1. Mowed park 9 times.
2. Provided Generator and electrical hookup for Summer Fest Celebration.
3. Completed restoration of areas trenched for electrical repairs last fall.
4. Proposal for new tractor for park mowing: I solicited pricing under NJPA Contract for a new tractor for the park. The vendor supplied trade-in pricing for the 3 tractors and 2 mowers at the park. I have provided the quotation from the vendor indicating trade-in values and 2 purchasing options.

Respectfully submitted,

Scott B. Hillman

Superintendent of Highways

RESULT: REPORT ISSUED

17. Resolution 2013-74

Water/Sewer Adjustments

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

Account #	Amount	Service
10-0310	-287.53	Water
Reason: Meter installed in wrong pit.		
30-0110	-1.58	Water
Reason: Per Town Clerk		
30-0485	-1.58	Water

Reason: Per Town Clerk

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

18. Report 2013-134

Engineer

We have completed a preliminary water tank assessment as it pertains to the construction of a new water tank at the existing Balmer Road Site.

Preliminary sizing of the water tank was specific to Balmer Road tank site and is based upon water meter and pressure readings provided by Niagara County Water District.

The following presents a summary of hydraulic conditions that establishes the tank height and diameter, along with budget cost estimates for various new tanks as well as cost to rehabilitate the existing tanks.

NEW TANK : 650,000 gallons

High water = 135' Low Water = 120" Minimum Water = 90"

NOTE:

- Storage requirements based upon ten State Standards (560,000 gpd (use) + 90,000 gpd fire flow + zero gpd for growth factor)
- New Elevated water Tank Quotes based upon the above parameters (**includes foundation; Site work excluded):

Type:

Composite - \$1,830,000

Waterspheroid - \$1,680,000

Hydropillar - \$1,730,000

AquaStore - \$1,750,000

For budget purposes, add 200K for site work, contingency, legal, engineering, and administration

Water tank quotes provided by CBI and AquaStore.

Cost to restore the existing elevated water storage tanks is currently estimated at **\$850,000**.

(150,000 gal Ransomville + 50,000 gal Balmer)

** Includes interior tank painting and replacement of the altitude valve for the Ransomville elevated water Tank.

With further discussion needed, Supervisor Wiepert scheduled a Work Session for Monday the 15th of July, 2013 at 7:00 p.m.

RESULT:	REPORT ISSUED
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19. Report 2013-135

Attorney

S P C A Contract problems, and possible remedies.

RESULT:	REPORT ISSUED
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20. Resolution 2013-79

Lake Road Easement/Ries

At a regular meeting of the Town of Porter held on the 8th day of July, 2013, a motion was a duly made and seconded that;

WHEREAS, Richard Ries is the owner of real property located on the south side of Lake Road identified by tax map #: 33.00-1-91.1 and;

WHEREAS, the Town of Porter Highway Superintendent and Town Engineer have determined that it is not in the Town's interest to maintain such easements and rights of access and;

WHEREAS, Richard Ries has requested that such easements and rights of access be relinquished to him as the owner of the property, and;

WHEREAS, THE Town has determined that such easements and rights of access have no value, and;

IT IS HEREBY RESOLVED, that the Town of Porter hereby relinquishes its ownership, right or entitlement to said easements and rights of access, and;

IT IS FURTHER RESOLVED, that the Town Supervisor is authorized to execute any documents necessary to evidence such relinquishment which may be recorded in the office of the Niagara County Clerk.

THIS RESOLUTION IS SUBJECT TO PERMISSIVE REFERENDUM.

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

21. Report 2013-136

Grant Writer

Grants Status Report:

Projects we are currently working on:

- POTL Greenway Project has been approved by the Host Committee and awaiting contracts.
- 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 soon. We can NOT start any work till after we received our signed contract.
- Senior Van Assistance & Generator is being process through the USDA
- CFA is open in June and we will submit:
 - A new LWRP and POTL improvements through NYS Coastal Resources.
 - Broadband expansion project

RESULT:	REPORT ISSUED
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22. Report 2013-137

Correspondance

report

RESULT:	REPORT ISSUED
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23. Report 2013-138

Calendar of Events

Thursday, July 18, 2013	Zoning Board of Appeals - 7:00 PM @ Town Hall
Monday, August 1, 2013	Planning Board - 7:00 PM @ Town Hall
Monday, August 12, 2013	Town Board Meeting - 7:00 PM @ Town Hall

RESULT:	REPORT ISSUED
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24. Report 2013-139

Town Board Comments

Rusty Tower stated that there are two address signs on the driveway behind him. He had someone come out to his home and they couldn't figure out where his address was. Code Enforcement Officer Rogers will take a look.

Councilman Baia stated that the Robert Moses Parkway has not been mowed all summer long., it looks terrible. Several people have come up to him complaining about the grass. He would like to have the Town of Porter send a letter to the State DOT asking them to mow the grass. A letter will be sent to the State DOT requesting that the grass along the Robert Moses Parkway be mowed.

Councilman Baker wanted to thank Highway Superintendent Hillman for helping out at the Summerfest on Friday and again on Sunday. Several comments were made on how nice the park looked. Baker also wanted to thank the sponsors that helped put on this event and the numerous volunteers that showed up to help out that day.

With nothing further before the Board, the meeting was adjourned @ 8:00 p.m.

Barbara DuBell
Deputy Town Clerk

RESULT:	REPORT ISSUED
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