



Town of Porter

Work Session

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Barb Dubell
716-745-3730

Monday, September 29, 2014

8:00 AM

Town Hall Auditorium

I. Call to Order

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	
Barb Dubell	Town of Porter	Town Clerk	Present	
Kara Hibbard	Town of Porter	Deputy Town Clerk	Absent	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	

II. Reports/Resolutions

1. Report 2014-190

2015 Tentative Budget Presentation

Town Clerk, Barb DuBell, presented the 2015 Tentative Budget to the Town Board members.

Councilman Fleckenstein asked Highway Superintendent Hillman if he felt that the ditches are getting mowed 100% of the time, every year. Hillman said that it was determined by the weather. Fleckenstein commented that there are a lot of ditches that aren't mowed, we could use one of the part-time guys as a backup. Something to think about for the budget, having \$3,000 or \$4,000 just for that purpose.

RESULT: REPORT ISSUED

2. Report 2014-191

Harrison Lane

Attorney Dowd received an Environmental Assessment form prepared by CRA that consists of a series of questions marked yes or no. We are the lead agency as well as the applicant. We have to make a declaration that there are no adverse effects.

RESULT:	REPORT ISSUED
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3. **Resolution 2014-103**

Resolution to Finance of Serial Bond for Harrison Lane

Resolution for Issuance of Serial Bonds to Finance the Cost of Road Improvements for Harrison Lane

BOND RESOLUTION, DATED SEPTEMBER 29, 2014, AUTHORIZING THE ISSUANCE OF \$190,000.00 SERIAL BONDS OF THE TOWN OF PORTER, IN THE COUNTY OF NIAGARA, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE COST OF ROAD IMPROVEMENTS FOR HARRISON LANE:

WHEREAS, Harrison Lane Road Improvement Area hereinafter described, is a road improvement area of the Town of Porter in the County of Niagara, duly established by the Town Board of said Town and, as such, proposes to construct and maintain a roadway in accordance with Article 12 of the Town Law of New York, and the purpose, hereinafter described, is a special improvement authorized by said Article 12:

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Porter, in the County of Niagara, as follows:

Section 1. The Town of Porter, in the County of Niagara, shall issue its serial bonds of the aggregate principal amount of \$190,000.00 pursuant to the Local Finance Law of New York, in order to finance the specific purpose hereinafter described.

Section 2. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction of road improvements in the Harrison Lane Road Improvement Area of said Town, consisting of the construction of road pavement, and including the acquisition of necessary rights-of-way and easements in accordance with and at the locations stated in the map and plan referred to in the order establishing said District, adopted by the Town Board of said Town on September 8, 2014, establishing said District pursuant to Article 12 of the Town Law of New York.

Section 3. The Town of Porter Town Board, having been designated lead agency pursuant to Article 8 of the New York State Environmental Law, has been determined that no adverse Environmental impacts exist related to the project.

Section 4. It is hereby stated that (a) the maximum cost of said purpose as estimated by the Town Board is \$190,000.00 and (b) no money has heretofore been authorized to be applied to the payment of the costs of said purpose, and (c) the Town Board plans to finance the Town's cost of said purpose entirely from funds raised from the issuance of such Serial Bonds, and (d) the costs of such improvement is to be paid by assessments upon benefited real property in an area less than the area of said Town.

Section 5. It is hereby determined that said purpose is an object or purpose described in Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is

fifteen (15) years. The final redemption date of the bonds to be issued will not extend beyond October 31, 2029.

Section 6. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

Section 7. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the Serial Bonds authorized by this resolution and the renewal of said notes and the power to prescribe the terms, form and contents of said Serial Bonds, and said Bond Anticipation Notes, and the power to sell and deliver said Serial Bonds and any Bond Anticipation Notes issued in anticipation of the issuance of such bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any Serial Bonds issued pursuant to this resolution and any Bond Anticipation Notes issued in anticipation of the issuance of said Serial Bonds, and the Town Clerk is hereby authorized to affix the corporate seal of said Town to any of said Serial Bonds or any Bond Anticipation Notes and to attest such seal. Each interest coupon representing interest payable on such Serial Bonds shall be authenticated by the facsimile signature of the Town Supervisor.

Section 8. This resolution shall be published in full by the Town Clerk of said Town, together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in the Niagara Gazette, a newspaper published in the City of Niagara Falls, and having a general circulation in said Town. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money or the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or if said obligations are authorized in violation of the Constitution of New York.

Section 9. This resolution shall take effect immediately upon its adoption.

Adopted	Merton Wiepert	Aye
	Thomas Baia	Aye
	Joseph Fleckenstein	Aye
	Lawrence White	Aye

Dated: September 29, 2014

Barbara DuBell, Town Clerk

SEAL

"The resolution published herewith has been adopted on the 29th day of September, 2014, and the validity of the obligations authorized by such resolution may be hereafter contested only if such

obligations were authorized for an object or purpose for which the Town of Porter is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

Barbara Dubell, Town Clerk

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

4. Resolution 2014-104

Resolution to Invest Funds in Bond Anticipation Notes Harrison Lane

Resolution Authorizing Supervisor to Invest Temporary Funds of the Town in Bond Anticipation Notes Authorized for Harrison Lane Road Improvement Area

At a duly constituted meeting of the Town Board of the Town of Porter, New York held at the Town Hall on the 29th day of September, 2014 at which a quorum was present and upon the resolution of the Board it was found that:

Whereas the Town of Porter Town Board has previously established the Harrison Lane Road Improvement District directing that certain improvements in said District be constructed upon the required funds being made available or provided in accordance with certain plans now on file in the office Town Clerk of the said town; and

Whereas, it is desirable to meet the obligations of said district for the costs associated with such improvements; and

Whereas, monies to be awarded by grants and permanent financing may be obtained upon completion of said improvements; and

Whereas, the Town Board believes it to be reasonable and prudent to invest reserve funds of the Town in the Harrison Lane Road Improvement District in the form of properly inscribed Bond Anticipation Notes as permitted pursuant to New York State Finance Law Section 23.00 b-1;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Porter, in the County of Niagara, that the Town Supervisor is hereby authorized and directed to execute all necessary documents and instruments required for the purpose of investing allowable reserve funds in Bond Anticipation Notes issued by the Harrison Lane Road Improvement Area; and it is further

RESOLVED, by the Town Board of the Town of Porter, in the County of Niagara, that the Town Supervisor is hereby authorized and directed to execute all necessary documents and instruments necessary to issue Bond Anticipation Notes on behalf of the Harrison Road Improvement Area as authorized by bond resolution dated September 29, 2014 and as further permitted by law.

Adopted	Merton Wiepert	Aye
	Thomas Baia	Aye
	Joseph Fleckenstein	Aye
	Lawrence White	Aye

Barbara DuBell
Town Clerk

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

5. Report 2014-192

Village of Youngstown

Attorney Dowd informed the board of the current status concerning the Village of Youngstown:

Sent the Village a water bill, charged everyone the 10% surcharge. The village refused to pay. Wanted to know what the 10% surcharge was for, putting a water tank up, everyone has to pay it's not a problem. Wanted some back-up, Norm sent the correspondence of all the backup.

Are they going to pay back what they owe plus the penalty we charged? I don't know.

The village board understood that it needed to pay and that it was for the water tank but they wanted some clarification as to why the tank was so big. Informed them that we have taken two out of commission, so we are servicing everyone with one big tank.

The said that it was OK and that they would pay that, but didn't say that they would pay the late charges and we haven't got the check yet.

We sent them a letter very detailed and explaining what they owe and why.

They responded that we think the dollar amount should be this, they would pay 54% of it, but they didn't offer to pay the 54% of the number they picked. They said please understand that we have been paying these additional funds for several years.

There is ongoing communication between Attorney Dowd and Attorney Caserta. Nothing has been resolved at this time.

RESULT: REPORT ISSUED

6. Report 2014-193

Planning & Zoning Boards

The board discussed the idea of combining the Zoning and Planning Boards together. Recently two Planning Board members announced their retirement at the end of this year, Thomas Oddy and George Spira .

We are required by law to have a Zoning Board. If we were to combine the two boards, that would leave seven members with an alternate. It was suggested that they could run the first part of the meeting as Planning and the remaining half as Zoning, it would be consecutive. You could designate the Zoning Board to handle all Planning Board matters. Zoning doesn't meet very much, they only meet on demand but there is always something going on with the Planning Board.

Attorney Dowd will check to see if this is something that can be done.

RESULT: REPORT ISSUED

7. Report 2014-194

CWM - Engineers

CWM has submitted their application for site plans. The deadline for getting comments into the DEC Environmental Impact Statement is October 20th. Our comments should be limited to those matters of local concern related to site plan operation.

The state has already done a draft for the environmental statement. After the draft, anybody can write comments to it then they're attached to the draft and responded to.

We have to have a town board comment section based on our site plan requirements, then we get CRA to analyze it so they can recommend any additional comments we might want to make.

Attorney Dowd will call Engineer Battaglia and if he isn't available, Dowd will hire a neutral engineer for the CWM expansion review. We want a middle of the road guy who will look at all sides

RESULT: REPORT ISSUED

8. Resolution 2014-105**Resolution to Hire Engineer to Review CWM Expansion**

Resolution to allow Attorney Dowd to hire a neutral Engineer to review the CWM expansion.

Motion was made by Councilman Baia and seconded by Councilman White. All were in agreement, motion carried.

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

9. Report 2014-195**Reserve Five Year Plan**

The board discussed the best use of the money in reserve. There is a surplus of approximately 1 million dollars that needs to be used over the next 5 years.

Attorney Dowd: We need to have something in the budget this year; the comptroller is going to look at it.

Councilman Fleckenstein: Spend it on something that we're going to get value out of, new equipment for the highway garage, a building to house the highway equipment so that it will be out of the weather. The courtroom needs secure windows and a jail area to hold prisoners who are brought to court.

Superintendent Hillman: The highway garage roof replacement, highway equipment, more staff. Will make a schedule showing highway equipment that will need to be replaced in the next 5 years.

Supervisor Wiepert: Come up with some ideas and submit with the budget.

RESULT:	REPORT ISSUED
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10. Report 2014-196**Back-Up**

The board discussed options for a backup for Norm Ault when he's on vacation or out sick, someone who can do bookkeeping. Kara Hibbard and Lisa Hastings were both suggested as both have bookkeeping experience. Lisa has done the job in the past and has had experience with the payroll. No decision was made.

The board also discussed what to do in the assessor's office to make sure there is

someone covering the office at all times to assist the public. There was discussion about hiring another part-time person to help in the assessor's office and with the building inspector.

Councilman Fleckenstein: Something needs to be done across the aisle. There needs to be more careful planning when the assessor is going to be out of the office for vacations or training classes. No decision was made at this time.

RESULT:	REPORT ISSUED
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11. Report 2014-197

Emergency Exit

The board reviewed options that would provide emergency exits for Youngstown Estates and Collingwood Estates. Currently both developments only have one way in and out. If there was emergency that blocked the entrance, the residents of both developments would be unable to enter or exit. There is a right of way called the North-South Road that goes out the back of Riverview Drive in Youngstown Estates and connects with Blairville Road that could be used if stone was put down and gates were put across. It would be opened for use when deemed necessary. Superintendent Hillman was asked to research the cost of stone for the right of way.

Collingwood Estates development does not have any easement they could use and the closest road is the Robert Moses which is a state road. Any proposed exit road across the back of Collingwood Estates would cut across several pieces of private property. More discussion is needed for an exit road in Collingwood Estates.

With no further business to discuss a motion to adjourn was made by Councilman Fleckenstein and seconded by Councilman White. Meeting was adjourned at 9:30 AM.

RESULT:	REPORT ISSUED
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