



# Town of Porter

## Work Session

~ Minutes ~

3265 Creek Road  
Youngstown, NY 14174

[TownofPorter.Net](http://TownofPorter.Net)

Barb Dubell  
716-745-3730

Monday, February 2, 2015

8:00 AM

Town Hall Auditorium

### I. Call to Order

8:00 AM Meeting called to order on February 2, 2015 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert Wiepert	Town of Porter	Supervisor	Late	8:27 AM
Thomas Baia	Town of Porter	Deputy Supervisor	Present	
Larry White	Town of Porter	Councilman	Present	
Jeff Baker	Town of Porter	Councilman	Late	8:34 AM
Joe Fleckenstein	Town of Porter	Councilman	Present	
Barb Dubell	Town of Porter	Town Clerk	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Mike Dowd	Town of Porter	Attorney	Late	8:35 AM

### II. Resolutions/Reports

#### 1. Resolution 2015-25

#### Voucher Approval

Resolution to approve the following vouchers for payment:

## TOWN OF PORTER

WARRANT: # 1-A      JANUARY, 2015      1/30/15

FUND	01	22,669.81
FUND	02	12,796.61
FUND	04	38,649.49
FUND	06	17,273.27
FUND	07	2,463.34
FUND	20	281,078.00
FUND	21	167,710.00

TOTAL      542,640.52

VOUCHER 'S      20490      THRU      20540

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

## 2. Resolution 2015-26

### Budget Adjustments - 2014

Resolution to approve the following budget adjustments for 2014:

01	1410	0001	TOWN CLERK		(35.00)
01	1410	0004		35.00	
01	5010	0004	HWY SUPT	85.00	
01	5132	0004	DPW	320.00	
01	1990	0004	CONTIGENCY		(405.00)
01	9045	0008	HEALTH REIM	1,520.00	
01	9060	0008	HOSP		(1,520.00)
02	3620	0004	SAFETY INS	1,300.00	
02	8540	0004	DRAINAGE	1,925.00	
02	1990	0004	CONTINGENCY		(3,225.00)
04	5130	0004	MACHINERY	2,875.00	
04	9030	0008	SOCIAL SECURITY	80.00	
04	9060	0008	HOSP	610.00	
04	5110	0004	GENERAL REPAIRS		(3,565.00)

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

## 3. Report 2015-20

### 2015 Water/Sewer Rates

Town sewer district used 30,880,000 gallons of water in 2014. To raise the Porter rate from \$5.10 to \$6.00 would generate about \$27,792.00 to go toward the annual payment to the Lewiston Sewer Treatment Plant and town BAN. The Village and the Fort are both billed by us separately for the payment to the LSTP.

Councilman Fleckenstein: We're asking our customers to pay a higher fee for something we let go. I don't agree with it, to raise rates to cover our problems. Under our current agreement we were going along fine until Youngstown stopped paying.

We have to do something, we can't keep doing this and expect the residents to pay the bill, it's wrong. Right now we're raising our rates because Youngstown isn't paying their bill, it's been 2 years. At the October 20, 2014 Work Session we made a resolution to: **File legal papers against the Village of Youngstown for the non-payment of monies owed for the Sewer Use Contract that was amended on July 8, 1996** and to date, nothing has happened.

**Motion was made to start a second lawsuit to get payment for the water bill monies that are owed. Councilman Fleckenstein made the motion, Councilman White seconded, the motion carried.**

**Attorney Dowd will start the paperwork on both lawsuits.**

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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#### 4. Report 2015-21

#### Updates

##### Items to update the Town Board:

1. AED Training: A Certified Youngstown Volunteer Fire Company member will train employees to operate the AED (Automatic Electronic defibrillator).
2. Electronic Recycling: Do not have a contract with Sunking yet. Supervisor Wiepert called the county, they're working on it.
3. Water Tower: The utility services company that did the repair on the Balmer Road tank last year, did an inspection of both water towers, just a visual inspection. They're in the business of resurrecting and maintaining. The engineer came in and went over what he had prepared on Balmer Road. Would like to have them sign a contract to do the repairs and then a maintenance contract for 10 years. Have Roger Linder, Utility Services Group, come to a work session to go over pros and cons. Superintendent Hillman will set it up.
4. Generator: Cambria Fire Company is having their Fire Convention on July 23<sup>rd</sup> to July 26<sup>th</sup>. They want to borrow our generator.
5. Aqua Store Tank: There is a seminar at the Aqua Store plant for anyone that wants to go. They want to know if anyone is interested in attending.
6. Youngstown Fire Lawsuit: In September 2013, a resident had an altercation with one of the Youngstown Volunteer Fireman. We've been sued, our insurance carrier has picked up the defense, their contract requires them to defend us but if it turns out it's not a covered item they won't pay the claim, if there is one. The insurance company is picking up the expense.
7. Cambria Fire Request: They have a convention July 23<sup>rd</sup> - 26<sup>th</sup>, they want to borrow the generator from Porter for electrical setup.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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5. Resolution 2015-27

**Hot Box Agreement**

Resolution to authorize the adoption of the "Hot Box" contract and also authorize the Supervisor to sign all required paperwork. The amount authorized is \$11,000.00. The agreement has been reviewed by the Town Attorney.

The Towns of Porter/Wilson/ Royalton have expressed an interest in jointly purchasing the following equipment for their mutual use:

The Falcon Asphalt Recycler & Hot Box is currently available through the NJPA Contract #113912-FRM.

Contract price with freight \$32,625.00. Each town would contribute \$11,000.00 for the purchase.

The Town of Royalton Attorney will draw up an agreement to be signed by all three towns regarding joint ownership, insurance and term for maintenance and use of the piece of equipment.

The agreement will be provided to each town for legal review by their lawyer.

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

6. Resolution 2015-28

**KI-PO Settlement**

Councilman Fleckenstein:

We made a motion on this and it carried. I don't think we should be talking about it. There is a drain line that has to be there because, if not, we have a problem all the way down to Larry Neumann's house. It's a drain line that was inadequate, that was 13x29 all the way across. What happened was before they put that parking lot in there, it would back-up. It seemed like that water would dissipate over that land, there was a hole. Well, that's not right either; you're dumping all that water on somebody's property. Now you want someone to build up their property and modify their property, now you have a water problem. So it is our responsibility, you have a line that goes from there all the way to Rt. 93 that drains thru there and there's no easement. The town should have an easement.

Superintendent Hillman:

If we don't have a permanent easement and we go in there to work on it for some reason, we're on private property, and that's violation of the state. All we want is a permanent easement for maintenance so we can go on there to flush the culvert or do whatever needs to be done. We're getting the survey done first, and then once that's done we'll write up the paperwork for the easement for all three properties. KI-PO has provided us with a copy of their survey so the surveyor can make a copy of it. They were cooperative and they understand what's going on, that they're going to have to grant us a permanent easement. Once that's done, we can pay KI-PO.

7. Resolution 2015-29

**Association of Towns Delegate**

Resolution to appoint Pam Parker as the towns official delegate to the Association of Towns meeting.

With no further business to discuss, the work session adjourned at 9:05 AM.

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