



Town of Porter

Year End Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Barb Dubell
716-745-3730

Tuesday, December 29, 2015

3:00 PM

Town Hall Auditorium

I. Call to Order

3:00 PM Meeting called to order on December 29, 2015 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert Wiepert	Town of Porter	Supervisor	Present	
Larry White	Town of Porter	Deputy Supervisor	Absent	
Thomas Baia	Town of Porter	Councilman	Present	
Jeff Baker	Town of Porter	Councilman	Present	
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	

II. Reports

1. Report 2015-214

Welcome

Supervisor Wiepert:

Welcome.

I would like to welcome you here this afternoon; this is our year end meeting for the year 2015. Today is budget adjustment and payment of late bills from the last board meeting. It's been quite a year, we've had a lot of issues. We haven't solved them all yet but we're working on trying to solve them.

RESULT: REPORT ISSUED

III. Resolutions

1. Resolution 2015-112

Authorization to Spend 2016 Highway Funds

Resolution authorizing Highway Superintendent Scott Hillman, to spend \$398,840.00 for general repairs

in 2016 to the Town of Porter highways.

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

2. Resolution 2015-113

Audited Vouchers

Authorization to pay the following Vouchers:

TOWN OF PORTER

WARRANT: Year-End	DECEMBER, 2015	12/29/15
FUND 01	9,933.74	
FUND 02	1,701.78	
FUND 04	18,748.40	
FUND 06	1,451.48	
FUND 07	3,100.57	
FUND 36	937.50	
TOTAL	<u>35,873.47</u>	
VOUCHER 'S	21702	THRU 21759

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

3. Resolution 2015-114

Budget Adjustments

2015 Budget Adjustments

01-1220.0002	Supervisor Equipment	800.00
01-1990.0004	Contingency	(800.00)

01-1330.0004	Tax Collector Contractual	300.00	
01-1330.0002	Tax Collector Equipment	(300.00)	
01-1420.0004	Attorney	225.00	
01-1990.0004	Contingency		(225.00)
01-5132.0002	Garage Equipment	3,896.00	
01-5132.0004	Garage Contractual		(3,896.00)
02-1910.0004	Unallocated Insurance	3,021.00	
02-1990.0004	Contingency		(3,021.00)
02-8010.0001	Zoning Personal Serv	35.00	
02-8010.0004	Zoning Contractual		(35.00)
02-8020.0001	Planning Personal Serv	77.00	
02-8020.0004	Planning Contractual		(77.00)
02-8540.0004	Drainage Contractual	9,395.00	
02-8540.0001	Drainage Personal Serv		(1,643.00)
02-1990.0004	Contingency		(7,752.00)
06-8310.0004	Administration Contractual	1,000.00	
06-8340.0004	Transmission Contractual		(1,000.00)

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

4. Resolution 2015-115

Transfer to Reserve

Year-End
Transfers

01-9901.0009	Transfer to Other Funds	5,000.00	
01-0889.0000	Reserve Misc - Park		(5,000.00)
02-7310.0001	Youth Programs - Personal	1,677.00	
02-7310.0004	Youth Programs - Contractual	545.00	
02-0887.0000	Reserve - Recreation		(2,222.00)
02-8160.0004	Modern - Contractual	8,000.00	
02-0878.0000	Reserve		(8,000.00)
04-9901.0009	Transfer to Highway Reserve	100,000.00	
04-0878.0000	Highway Reserve		(100,000.00)
06-0200.0000	Cash	32,000.00	

06-0231.0000 Reserve (32,000.00)

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

5. **Resolution 2015-116**

Harrison Lane Financing

Resolution authorizing the issuance of the following two bonds concerning the Harrison Lane Road Project.

Statutory Installment Bond	United States of America \$51,687.50
State of New York, County of Niagara	
Town of Porter Harrison Lane Road Improvement Area	

"Highway Serial Bond - Land Acquisition"

The Harrison Lane Road Improvement Area, in the County of Niagara, a Highway Improvement Area of the State of New York, hereby acknowledges itself indebted and for value received promises to pay to bearer the principal sum of Fifty One Thousand Six Hundred and Eighty Seven and 50/100 (\$51,687.50) in thirty (30) annual installments of \$2,307.84 representing principal and interest calculated annually at an interest rate of two per cent (2.00%) on the First day of January in the years 2016 to 2045 and in each year from the date of this bond until it matures. Interest will not be paid on any installment of principal, or of interest, after the due date thereof. Both the installments of principal of and the interest on this bond will be paid to the bearer of this bond in lawful money of the United States at the office of The Town of Porter, 3265 Creek Road, Youngstown, New York 14174.

This bond is a statutory installment bond, the principal sum of which cannot exceed One Million Dollars (\$1,000,000) unless it is issued and sold to the United States of America or any agency thereof, and is issued pursuant to section 62.10 of the Local Finance Law and pursuant to a bond resolution entitled "Resolution Authorizing Supervisor to Invest Funds of the Town in Serial Bonds Authorized for Harrison Lane Road Improvement Area", duly adopted by the Town Board of the Town Porter on behalf of such Harrison Lane Road Improvement Area on the 29th day of September, 2014. This bond may not be converted into a coupon bond.

The faith and credit of such Harrison Lane Road Improvement Area are hereby irrevocably pledged for the punctual payment of the installments of principal of and the interest on this bond according to its terms.

Town Clerk and to be dated as of the 31st day of December, 2015.

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

6. Resolution 2015-117

Sewer Fund Shortfall

Resolution

COMMENTS - Current Meeting:

There was much discussion between Town Attorney Dowd and the board members regarding different options on how to deal with the Village. The Village currently owes the town over \$225,000 dollars for sewer.

Attorney Dowd spoke with Village Attorney Caserta recently, they are both finishing up their discovery. They agreed that they would try to get this in front of judge as soon as that's done.

Councilman Fleckenstein: We need to make a new contract starting March 2014. The village wants to go backwards 10 years. Why, if they made a contract three (3) years ago, can they dispute the contract that was that was made 10 years ago?

Dowd: The village is not paying us because they think that the town is going to owe them money. We suggested to them, by letter, that if we could just get paid the full amount thru 2014, we would work with them on what's going forward and try to compromise on what they owe in 2014.

They're collecting this money and they've got a bank growing, so that if they do get hammered by us, they pay us back but in the meantime, we're short money.

We said you owe us \$80,000, they said I'll give you \$27,000 because we're only paying you for our proportioned share of the actual bills plus, they want to pay for ½ hour for our manpower day.

They had prior boards that passed budgets and it was at that point that they should have re-visited this.

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

7. Resolution 2015-118**Telephone System**

Resolution

COMMENTS - Current Meeting:

Attorney Dowd: The contract had an early termination clause. We've corresponded with them and said that you've sold us a product that was defective; we don't want to pay you. Broadview wants the town to pay an early termination fee of \$4,799.50 (down from \$9,599.00). Dowd has asked them to come down to \$2,750.00 and hasn't heard back from them. If it comes down to \$2,750 versus getting sued, we should probably eat it as a practical matter. If you can't get them to move, just let them sue us. There is no threat that they're going to shut off the service that we continue to have, because they do the service for the lift stations. We can refuse to pay it and maybe they never sue us.

They are out their labor, but they are looking for \$10,000. They got their system back.

I doubt very much that they will come down to the \$2,700 that I suggested. See how far they're willing to go.

Councilman Fleckenstein: Did a stop work order for McCabe go out today?

Supervisor Wiepert: Yes.

N. Ault: Planning Board secretary, we put an ad in the paper. We've had one response so far. What salary did you want? Pam's salary was \$4,800 p/y. She had over 20 years of experience.

Supervisor Wiepert: We figured about \$300 per month.

Dowd: Pam did a lot; she had to be here to take and prepared the minutes. To get the applications anytime someone comes in to sub-divide a lot she has to deal with them. With CWM there will be a lot of meetings, public hearings. Pam used the recorder and shorthand and still had trouble keeping up.

Procurement Policy: After much discussion between the board members, Attorney Dowd suggested an hourly rate for jobs that will be assigned during the year, jobs that won't exceed \$10,000 for a single job. If it's estimated the job will exceed that, then we put the job out to bid.

Peddling/Soliciting: It was brought up that there have been people going around town knocking on doors, soliciting. The town doesn't have any law regarding peddling and soliciting. There is currently no requirement to get a permit. The only thing that has been done in the past is they are "supposed to" come into the Town Clerks office where we make a copy of their driver's license, get the license plate number and the make of the car and ask what it is they are trying to sell/collect. The Village of Youngstown addresses this in their code Section #141-4. Merchants, dealers and hucksters and Section #141-5. Canvassers and solicitors.

The board will review the policies other municipalities have in place regarding this matter.

RESULT:	TABLED [UNANIMOUS]	Next: 1/11/2016 7:00 PM
MOVER:	Jeff Baker, Joe Fleckenstein	
AYES:	Mert Wiepert, Thomas Baia, Jeff Baker, Joe Fleckenstein	
ABSENT:	Larry White	
