



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

~ Minutes ~

Barb Dubell
716-745-3730

Monday, April 11, 2016

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on April 11, 2016 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	Present	
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	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Bernie Rotella	Town of Porter	Grant Writer	Present	
Sue Driscoll	Town of Porter	Assessor	Present	

II. Public Comments

1. Report 2016-72

Public Comments

report

RESULT: REPORT ISSUED

III. Reports /Resolutions

1. Resolution 2016-45

Minutes Approval

Resolution to approve the minutes of the February 8, 2016 regular meeting of the Porter Town Board and the minutes of the February 25th work session.

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

2. Resolution 2016-46

Audited Vouchers

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

TOWN OF PORTER

WARRANT: POST AUDIT - FEB, 2016 2/29/16

FUND	01	33,345.00
FUND	02	4,378.53
FUND	04	7,617.40
FUND	06	2,453.11
FUND	07	2,017.34
FUND	28	
FUND	36	
TOTAL		<u>49,811.38</u>

VOUCHER 'S 21940 THRU 21965

WARRANT: # 3 MARCH, 2016 3/14/16

FUND	01	38,140.92
FUND	02	47,824.47
FUND	04	53,104.19
FUND	06	3,444.70
FUND	07	1,667.46
FUND	10	874.59
FUND	12	6,450.00
TOTAL		<u>151,506.33</u>

VOUCHER 'S 21966 THRU 22063

TOTAL 201,317.71

TOWN OF PORTER

WARRANT: POST AUDIT - MAR, 2016 3/31/16

The Town of Porter Highway Garage will be hosting a **FREE RABIES CLINIC** on April 9th from 9:00 to 11:00 am.

March 2016

Water	\$27,343.96
Sewer	\$ 6,278.07
Clerks Fees	\$ 625.98

RESULT:	REPORT ISSUED
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4. Report 2016-71

Supervisor's Report

Supervisor's Monthly Report for February, 2016 was distributed to all Town Board members.

Resolution to accept the Supervisor's Monthly Report for February, 2016.

January Sales Tax: \$105,446.21. The Town is down \$2,618.08 from January 2015.

Resolution to replace two man doors.

Resolution to paint the court room, vestibule and, hallways in the Town Hall.

Supervisor's Monthly Report for March, 2016 was distributed to all Town Board members.

Resolution to accept the Supervisor's Monthly Report for March, 2016.

February Sales Tax: \$87,306.56. The Town is down \$623.64 from February 2015.

Establish the Supervisor's Agriculture Advisory Committee

RESULT:	REPORT ISSUED
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5. Resolution 2016-47**Supervisor's Report**

Resolution to accept the Supervisors report for February 2016, and March 2016..

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

6. Resolution 2016-48**Painting Town Hall Hallways and Courtroom**

Resolution authorizing Ridge View Painting & Cleaning Services to fix all imperfections in walls in the Court Room, Vestibule and Halls, and apply 2 coats of eggshell paint in the above areas for \$4,554.00. The bid includes the paint, caulking all windows and doors, where needed and apply 2 coats of semigloss to all windows and doors in the above area.

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

7. Resolution 2016-52**Replace Man Doors**

Resolution authorizing the replacement of 2 man doors. Town Hall Garage and Justice outside doors, by Vaughn Door Center, Inc. in the amount of \$1,622.00.

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

8. Resolution 2016-49**Establish Supervisor's Agriculture Advisory Committee**

Resolution to establish a Supervisor's Agriculture Advisory Committee. The members being: Jeff Baker, Duffy Johnston, Peter Jeffrey, Roy Rogers, Merton Wiepert, and Mike Dowd.

COMMENTS - Current Meeting:

This resolution was put on hold for further discussion.

RESULT:	WITHDRAWN
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9. Report 2016-58**Bookkeeper****Bookkeeper's Monthly Report - February, 2016**

Completed processing all February, 2016 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for February, 2016, and distributed it to the Supervisor & Town Board members.

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Finished up with 2015 year-end audit.

Finished up with Town Insurance renewal.

Bookkeeper's Monthly Report - March, 2016

Completed processing all March, 2016 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for March, 2016, and distributed it to the Supervisor & Town Board members.

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Completed bi-weekly & monthly payroll certification with Civil Service.

Completed 2015 year entries from the Auditor and issued December 31, 2015 audited report.

RESULT:	REPORT ISSUED
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10. Report 2016-59

Recreation

RE: February Recreation Report

- Story Hour continues at the Youngstown Library on Tuesdays and the Ransomville Library on Wednesdays.
- The next Saturday Story Hour Program will be on Saturday, March 12th at 10:00am at the Ransomville Library.
- Tai Chi continues on Tuesday mornings at 9:30am and Yoga continues on Wednesday evenings at 6:30pm in the Cora Gushee Room, 2nd floor of the Youngstown Village Center.
- Kids Karate will be offered on the 1st Saturday of each month from 10:00-11:00am, at the Youngstown Village Center Gym. The next class will be on April 2, 2016. This is a non-testing, non-contact exercise program.
- The Easter Egg Hunt will be held on Saturday, March 19th at 11:00am at Stevenson Elementary.
- We are currently working on our 2016 NYS/Niagara County Youth Bureau Grant Application.
- Our next meeting will be Monday, April 4, 2016 at 7:00pm.

March Recreation Report

There is no report for March.

RESULT:	REPORT ISSUED
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11. Report 2016-60

Tax Collector

RE: 2016 TOWN/COUNTY COLLECTIONS

Paid Supervisor Wiepert \$2,009.92 penalties collected in February.

A payment of \$2,900,000.00 was made to the Niagara County Treasurer on February 12, 2016 as initial settlement of County monies owed per 2016 Warrant.

In accordance with New York State Law #987, I have sent a second notice to 320 homeowners that the taxes on their property have not been paid.

The Tax Collector's account has \$ 311,387.73 as of March 9, 2016. This represents all payments collected to date.

Respectfully yours,

Sally A. Hogan, Collector

April 5, 2016

RE: 2016 TOWN/COUNTY COLLECTIONS

As of April 5, 2016 Town Tax Collector's account has the sum of \$598,592.20.

This represents all payments and penalties collected to date. Final remittance to the County Treasurer will be made on/or before April 13, 2016.

Respectfully yours,

Sally A. Hogan, Collector
Town of Porter

RESULT:	REPORT ISSUED
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12. Report 2016-61

Assessor

ASSESSOR'S REPORT

February 2016

- Processed January deed transfers
- Prepared and sent quarterly sales transmittal to Albany
- Agreed pre decisional collaboration statistics with the State
- Finalized the process of gathering exemption applications for 2016 roll
- Met with property owner for informal discussion on assessed value

- Continued processing building permits for 2016 roll

March 2016

- Closed acceptance of 2016 exemption applications on March 1
- Began inputting exemption data for 2016 roll
- Continued processing building permits for 2016 roll
- Numerous field inspections to verify problem data
- Participated in annual meeting with Wendel to discuss Porter’s upcoming GIS needs

RESULT:	REPORT ISSUED
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13. Report 2016-62

Justice

JUSTICE FINES 2016

01-1000.2610

	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
JANUARY	3,524.00	(1,229.00)	2,295.00
FEBRUARY	4,429.50	(2,224.50)	2,205.00
MARCH			0.00
APRIL			0.00
MAY			0.00
JUNE			0.00
JULY			0.00
AUGUST			0.00
SEPTEMBER			0.00
OCTOBER			0.00
NOVEMBER			0.00
DECEMBER			0.00

7,953.50 (3,453.50) 4,500.00

RESULT: REPORT ISSUED

14. Report 2016-57

Building Inspector/Code Enforcement Officer

FEBRUARY

TOWN OF PORTER

No.	Date	Owner	TYPE	LOCATION	VALUE	FEE
005-16	2/10	S. Kane	Deck	953 Lake	5,000	25
006-16	2/12	B Waterson.	Add.	3666 Creek	10,000	100
007-16	2/16	S Cudney	Add	3564 Ransv Rd	0	100
008-16	2/16	J Fleckenstein	Pond	2332 Balmer	0	25

		Pond -Farm Pond		MONTHLY	15,000	250
				Y-T-D	86,000	425

MARCH, 2016

TOWN OF PORTER

No.	Date	Owner	TYPE	LOCATION	VALUE	FEE
009-16	3/3	J. Kramer	Deck	2570 New Rd	4,000	25
010-16	3/3	D Tower	P.B.	1071 Y-W Rd	60,000	50
011-16	3/15	B Keil	Gar	1312 Cain Rd	3,000	50
012-16	3/15	R Nelson	Deck	3393 Creek	7,775	25
013-16	3/18	S Jones	Fence	3735 River Rd	9,000	25
014-16	3/29	UMH Melrose	S.F.R.	999 Balmer	46,000	300
015-16	3/29	UMH Melrose	S.F.R.	999 Balmer	46,000	300
016-16	3/31	UMH Melrose	S.F.R.	999 Balmer	46,000	300
017-16	3/31	UMH Melrose	S.F.R.	999 Balmer	46,000	300
		Pond -Farm Pond		MONTHLY	267,775	1,375
				Y-T-D	353,775	1,800

BUILDING DEPARTMENT REPORT - March 2016

- Building permits issued as per the report
- Periodic progress inspections on ongoing construction projects throughout the Town
- Prepared materials for and attended the Planning and Zoning meetings

- Pursued Zoning code violations and issued the Supervisor 'Complaints Report' for the month of March 2016
- Reviewed CWM application for site plan review

RESULT:	REPORT ISSUED
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15. Report 2016-63**Highway****Monthly Report for February 2016****Highway Department:**

1. Called out to plow and salt 11 times.
2. Received 500 tons of pre-mixed salt.
3. We continue to work on summer equipment maintenance as the weather permits.

Drainage Department:

1. We have completed repairs to the boom mower tractor.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed repairs to a water service leak on Creek Rd.
3. Received the results of this quarters Stage 2 DPB testing. No issues were detected.
4. I would like to thank the board for allowing us to attend the WNYWWC training seminar on February 10th.

Legislative Advocacy Day:

It appears that a substantial increase in funding may be approved in this years state budget. I have distributed information to all board members for their review. We will know more after the budget is adopted in early April. I would like to thank the board for allowing me to attend.

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Monthly Report for March 2016**Highway Department:**

1. Called out to plow and salt 3 times.
2. Removed a tree leaning into the ROW on Riverview Drive.
3. Repaired plow damage to yards and picked up obstruction markers.
4. Conducted an inspection of 9 Large Diameter Culverts in anticipation of future replacement.

5. I would like board approval to attend this year's Cornell Local Roads School for Highway Superintendents on June 5 - 8 in Ithaca.

Drainage Department:

1. Continuing work on mowing equipment.

Water and Sewer Department:

1. Completed monthly meter reading
2. Completed repairs to the flow meter display at Lakeshore 1 Lift Station.
3. I would like permission to send 6 employees to the WNYWWC Water Training Seminar in Newfane on May 4th. The cost of the school is \$90.00.

Respectfully submitted,

Scott B. Hillman
Superintendent of Highways

Received an e-mail from state parks on proposed fishing access to Four Mile Creek adjacent to the Lakeshore 2 lift station. They have come out with plans that involve modification of the fencing around the lakeshore lift station and the installation of several parking spots, repaving and a walking path to the creek bank. They hope to start construction in June. I sent a copy of the e-mail to the town attorney for his review.

The decision to allow State Parks to proceed with the modification was tabled until next Town board meeting.

Attorney Dowd will look at it so he can make it contingent upon us determining if it's state or town property.

RESULT:	REPORT ISSUED
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16. Resolution 2016-53

Laundering Contract

Resolution to award Doritex Corporation the Laundering Services Contract.

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

17. Resolution 2016-50**Attend Cornell Local Roads School**

Resolution authorizing Scott Hillman to attend the Cornell Local roads School in Ithaca, NY on June 5-8.

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

18. Resolution 2016-51**WNYWWC - School**

Resolution authorizing 6 employees to attend the WNYWWC Water Training in Newfane on May 4th, the cost is \$90.00 for all six.

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

19. Report 2016-64**Engineer****Engineering Report****March 2016****General Engineering Support**

- Attended work session on February 25.

- Provided 2 cost estimates for property owner to connect to existing sewer on Creek Road for the Lakeshore Sewer District.

April 2016

General Engineering Support

- Provided 2 cost estimates for property owner to connect to existing sewer on Creek Road for the Lakeshore Sewer District.
- Completed drainage review for minor subdivision at 2381 Youngstown Lockport Road.

RESULT:	REPORT ISSUED
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20. Report 2016-65

Attorney

Attorney Dowd: Got a call from a resident asking about the status of a sewer station. He mentioned that they might get counsel involved if things don't get moving along.

RESULT:	REPORT ISSUED
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21. Resolution 2016-54

Soil Removal

Resolution authorizing Michael McCabe to remove surplus soil left after digging a pond on his property at 2384 Lake Road.

Supervisor Wiepert: I'd like to get that "tabled" again because there are some questions we have on the lawsuit/court case.

Councilman Fleckenstein: We can't entertain a soil removal until the property is rectified and it's a very long process that has to be done. Until that pond is so called legal we can't deal with it, so we're going to have to table it for another month.

Code Enforcement Officer Rogers: There are two avenues that they are going on, one is a variance before the zoning board of appeals and the second path is the determination of a farm and a farm pond which would then give them a permit status. It's due to the zoning board in two weeks it's on their agenda for the next meeting.

RESULT:	TABLED [UNANIMOUS]	Next: 5/9/2016 7:00 PM
MOVER:	Jeff Baker, Councilman	
SECONDER:	Joe Fleckenstein, Councilman	
AYES:	Wiepert, White, Baia, Baker, Fleckenstein	

22. Resolution 2016-55

Resolution to Rescind Local Law 2014-71

Resolution to rescind Local Law 2014-71, Sales and Service of Garden/Farm equipment.

Motion was made by Councilman Fleckenstein to rescind Local Law 2014-71 and go back to the 2010 zoning law that would require a Special Use Permit. Have the Planning Board go over that for the specifications on what that Special Use Permit would entail.

Seconded by Councilman Baker.

The foregoing motion was duly put to a vote on roll call, which resulted as follows: AYES: 5, NAYS: 0. Motion passes.

Councilman Fleckenstein: What this does, this law allows farm and garden repair in agricultural zones with just a site plan review. I want to return it to the last law that we had, that had a site plan review and a special use permit. And with a special use permit it will also have provisions if there of any limitations that would go with a farm and garden repair center. It goes back to the Planning Board for them to write out any specifications on what the special use permit would entail. The town board would vote on it when it was all done.

Attorney Dowd; Right now we have a resolution to rescind a change in the law that was made two years ago that would allow sales and service of farm and garden equipment. The current law would be amended to allow that activity instead of rescinding the local and to add to the current zoning manual that that type of activity would be permitted. In addition to a site plan it would require a special use permit and that provisions be put in the current code so that you would put in things like number of employees, hours of operation, amount of size and type of equipment that can be brought out there. So that it's geared toward home occupation. To put in very specific provisions to control it so that stays what it is intended to be, a small family type operation. To put in specific regulations so that it can't be misinterpreted, so you can't turn it into a full blown commercial operation.

You have to have it on your desk 5 business days before your next meeting so you can review it. A Public Hearing will be held.

The Planning Board is going to provide input on what the changes would be to this amendment to the local law and if it's adopted then that would be the criteria that the Zoning Board of Appeals would implement. They will take care of what the guidelines will be and they will be fairly strict.

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

23. Report 2016-66

Grant Writer

February 2016

Grants Status Report: Projects we are currently working on:

- **NYS Archives:** The applications are open and working with Clerk's office and Court Office to submit a ECMS system. Will review the project with NYS Archives to see if we can submit a shared service (Clerk & court)

The Town of Porter is requesting \$26,467 from the Local Government Records Management Improvement Fund to implement a document conversion and access project that will drastically enhance its electronic records management program. In the last decade several of the Town's primary municipal departments located in Town Hall, including the offices of the Clerk, Assessor, Building Inspector, and Court, have digitized thousands of permanent and archival records to ensure their long-term preservation, increase efficiency of access and retrieval in processing municipal demands, as well as reducing the burden of storing such large volumes of paper records. While of the Town's records management goals have been realized through these prior projects, the access and retrieval of digital records continues to be a timely and inefficient process due to the lack of an electronic content management system (ECMS). The Town of Porter therefore requests funding assistance for the following:

1. Select a vendor to install an ECMS (Electronic Content Management System) and convert approximately 61,500 digital images (TIFF Files) into full-text searchable PDFs for migration into the Town's server to improve the Town's record retrieval efficiency. The Town will purchase from the vendor five (5) concurrent use licenses to enable secure, simultaneous access to electronic records across multiple Town Hall departments. Vendor will provide training of staff and input on developing standard operating procedures.
2. Purchase scanning equipment to be centralized in Town Hall. The selected Vendor will integrate the scanning equipment with the ECMs and Town server for day-forward scanning/indexing by multiple departments.

This project will provide Town staff the ability to electronically access records simultaneously that will save vast amounts of time in the search and retrieval of these records. Departments will be more self-sufficient and will no longer need to rely on the Town Clerks to locate and retrieve records upon request.

- **Greenway:** Still need to complete the POTL project: Need to complete the construction; signage. We should schedule a meeting to review this project. Project Pending.

- **LWRP:** Two proposals have been received and we have interviewed one vendor so far. A second interview is scheduled for Wednesday the 10th. Committee with discuss and make recommendations to the Town Board. Committee members include, Kathy Zasucha Chairwoman, Tony Collard, Wendy (HWY), Dottie Riordan (Village) and Bernie Rotella. Town Board to review findings and approval vendor selection

March 2016

Grants Status Report: Projects we are currently working on:

- **NYS Archives:** The application was submitted for the Clerk's office and Court Office for ECMS system. Will review the project with NYS Archives to see if we can submit a shared service (Clerk & court) If awarded, this project will provide Town staff the ability to electronically access records simultaneously that will save vast amounts of time in the search and retrieval of these records. Departments will be more self-sufficient and will no longer need to rely on the Town Clerks to locate and retrieve records upon request.
- **DOT: SRTS;** Traffic Beacon disposition needs to be discussed.
- **Greenway:** Still need to complete the POTL project: Need to complete the construction; signage. We should schedule a meeting to review this project. Project Pending.
- **LWRP:** Two proposals have been received and we have interviewed one vendor so far. A second interview is scheduled for Wednesday the 10th. Committee with discuss and make recommendations to the Town Board. Committee members include, Kathy Zasucha Chairwoman, Tony Collard, Wendy (HWY), Dottie Riordan (Village) and Bernie Rotella. Town Board to review findings and approval vendor selection.

Greenway project we have approximately \$89,900 dollars left in that fund. Approximately \$8,000 to \$10,000 dollars of that has to be used for signs. Any other things that we need for POTL we should get moving forward on it.

We did conduct our final interview with the vendor for a consultant for the LWRP. Out of the two they were both very competitive as far as price goes. One firm had a lot more experience with developing those types of plans and the committee recommended that we give it to WWS Planning which is Wendy Salvoite. She has done more than 10 LWRP's. Based on the committees recommendation we would like to hire WWS Planning and move forward with the LWRP. The towns investment will be less than \$28,000.

When we originally submitted this we did get a resolution that it would be the appropriate thing to do. The town does have waterfront, we should have an LWRP in place. Every community that is on the Niagara River up to Lake Erie, with the exception of us, has an LWRP. I would recommend that we do that.

**Motion to hire WWS Planning as the consultant for the LWRP was made by Councilman White. Seconded by Councilman Fleckenstein.
Roll call vote: 5 Ayes, 0 Nays. Motion passed.**

RESULT:	REPORT ISSUED
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24. Report 2016-67**Correspondance**

report

RESULT:	REPORT ISSUED
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25. Report 2016-68**Calendar of Events**

Zoning Board Meeting	Thursday, April 21 st	Town Hall - 7:30 PM
Planning Board Meeting	Thursday, May 5 th	Town Hall - 7:00 PM
Town Board Meeting	Monday, May 9 th	Town Hall - 7:00 PM

RESULT:	REPORT ISSUED
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26. Report 2016-69**Town Board Comments**

The Town has implemented a No Solicitation Law. There will be no solicitation in the town. Highway Superintendent Hillman will get some signs to post around town. We will have a Public Hearing. Attorney Dowd will put it together. The Village of Youngstown has their own regulations.

Lisa Hastings, Recreation: Saturday, May 14, Niagara Hospice is having their 3rd Annual Grand Fondo Bike Ride thru a lot of Niagara County. The half-way point of the 62 mile bike ride is right out front and they have asked to have another rest stop for the bikers. They put up a tent right outside. The board has no objections.

Bill Dean: March 4th, 2016, Mike McCabe's attorney filed a notice of appeal with our zoning board of appeals, it was done because Bldg. Insp. Rogers was intending to take McCabe to court in Lewiston to deal with 2 separate issues. This case might not be heard for months; I called the Lewiston court and was told by the District Attorney that would likely be the case. He said that this was a local government issue.

It's on the Zoning Board of Appeals agenda. They haven't heard it yet.

The regular meeting of the Porter Town Board was adjourned at 8:19 PM. Motion to adjourn was made by Councilman Baia and seconded by Councilman White.

RESULT:	REPORT ISSUED
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