

VILLAGE BOARD MEETING –SEPTEMBER 13, 2012

Mayor Reynolds called the meeting to order at 7:05 p.m. with the Pledge of Allegiance. Also present were Deputy Mayor Suitor, Trustees Adamson, Lockhart and VanDeusen, Attorney Caserta, DPW Superintendent Muller, Building Inspector Stevens, Border Patrol Agents Chris Griffiths and Raul Tamayo, Bob Lannon of CRA Engineering and several residents. Mayor Reynolds asked all in attendance to silence their cell phones and then turned the floor over to Border Patrol Agent Griffiths.

Agent Griffiths introduced his partner, Agent Tamayo who provided informational pamphlets and took photos during the presentation. Agent Griffiths gave a brief history of his service with the Border Patrol in Texas and New York with 15 years as a supervisor. He explained that Customs agents are stationed at border entries and Border Patrol agents are in the field often using information provided by the public who often see things they may not. The Agency now has rapid deployment with the help of other local Police agencies. Agent Griffiths advised anyone needing the Border Patrol and does not have the 800 number; to call 911 and ask to be connected to them. Sharing information with Canadian Intel has proven helpful and has avoided problems of threats before they happen. The Border Patrol boat is in the water all year long. Most other boats are not when the cold weather approaches and if the public notices suspicious boat traffic, they should contact the Patrol. It takes only 1-5 minutes for a boat to cross sections of the Niagara River and gorge area. Currently, there are 35 known terrorist cells in Toronto and because of this hot bed, the Boarder Patrol wants to be called if anything out of the ordinary happens or is viewed. Their boat mostly patrols the Niagara River and only one mile into Lake Ontario, after which the Coast Guard patrols. This equates to approximately 73 miles of water coverage by the Boarder Patrol. A brief question and answer period took place at the end of the half hour presentation. Mayor Reynolds thanked Agents Griffiths and Tamayo for the informative talk.

The Mayor then asked for public comment. Ann Johnston of the Lewiston Porter Alumni Association announced their upcoming Gala at the Seneca Casino in Niagara Falls on Saturday, October 6, 2012 which raises funds for scholarships to deserving Lew-Port seniors. Tickets are available by calling the Alumni. She also asked the Board to consider purchasing an ad in their ad booklet.

Crystal Stevens of Lockport St. presented information in regard to keeping chickens in the Village. This has become a popular topic in many municipalities with ordinances adopted to accommodate hens, limited to 4-5 per household and no roosters are permitted. Mrs. Stevens stated there are regulations on coops and where they must be kept. Chickens return to the coop before dusk. She also stated the Village code is not clear as to keeping chickens. A hand-out was given to the Board for review. Trustee VanDeusen asked about the size of the coop and humane issues involved. Mrs. Stevens stated the hens are there for producing eggs and the process is not inhumane. Some municipalities allow slaughter of the birds for consumption but it must be done out of public sight. Trustee VanDeusen stated the information will be helpful in the Board's decision. Mayor Reynolds stated the current code would have to be changed to allow housing of chickens, a public hearing must first be held and a local law would have to be passed. The Mayor stated the Board will review the information presented.

Building Inspector Stevens submitted his monthly report for August. Three building permits were completed for work valued at \$626,125. and \$580. in fees collected. One driveway permit was also issued. Mr. Stevens stated he received a call from Bob Reese regarding the portable docks and the South Dock.

Police Chief Salada was absent but submitted his monthly report. 209 patrol hours were worked, 1,064 miles were logged, 38 Village calls, 15 Town of Porter calls, 17 calls outside the Village, 32 UTT's were issued, 6 parking tickets were issued and 12 arrests were made.

DPW Superintendent Muller submitted his August report with 2 hours of overtime worked and garbage tonnage of 68.26. He asked to do a leak detection / inspection which

is done as a regular maintenance item. Superintendent Muller explained that the vendor does the detection work at night and discusses what he finds in the morning with the Superintendent. Mr. Muller reported water consumption delivered from the County lines is down but water consumption has increased on the Town of Porter lines. Trustee Lockhart asked that a detection price quote be obtained. The Board then approved the request.

Attorney Caserta stated he would address items as they come up.

The minutes of the August 9 and August 21, 2012 Board meetings were approved by motion of Trustee Adamson, seconded by Deputy Mayor Sutor and carried.

CORRESPONDENCE

1. Utility taxes received from TWC Digital Phone-\$89.48, AT&T Communications-\$4.06, Granite Telephone-\$1.37 and Vonage-\$6.61. Sales tax received for July 2012 up \$1,978.48 from same time period last year. So noted.
2. Niagara County Water District gallonage report for July 31-August 31, 2012-consumption down 92,287 gallons per day for the same time period last year. So noted.
3. Alzheimer's Association of Western New York will host their annual Walk to End Alzheimers on Saturday, September 29, 2012 at Artpark. Registration opens at 9:00 a.m. and the walk starts at 10:00 a.m. So noted.
4. New York State Sheriff's Assoc. in conjunction with the Niagara Co. Sheriff's Office is sponsoring the Yellow Dot Program which allows motorists to signify with a yellow dot placed on their car window that a medical history form is in their glove box in the event of an accident. The program can also be used at home. Information and yellow dots may be picked up on the table outside the Village Office or by contacting the Sheriff's website. So noted. Information was also placed on the desk for those attending the Board meeting.
5. Notice from Niagara County Manager regarding the development of an emergency radio system upgrade. So noted. Mayor Reynolds reported the project has begun using the continued environmental process.
6. The Hospice Dash 5K Run/Walk and the Mighty Niagara Half Marathon is scheduled for Saturday, September 22, 2012 starting at 9:00 a.m. at Artpark in Lewiston. For more information call Niagara Hospice at 280-0728. So noted.

AGENDA

1. The Abstract of Audited Vouchers for period ending August 31, 2012-General Fund-\$157,536.07, Water Fund-\$4,013.05, Sewer Fund-\$1,281.19, Trust Agency-\$1,582.64 and for the period ending September 13, 2012-General Fund-\$32,136.24, Water Fund-\$17,965.26, Sewer Fund-\$692.73 and Trust Agency-\$300.51 were approved by motion of Deputy Mayor Sutor, seconded by Trustee VanDeusen and carried.
2. Inquiries have been made regarding housing chickens in the Village for egg production. (no roosters) (Tabled from August 9, 2012 Board meeting.) This item was addressed earlier in the public portion of the meeting.
3. Project authorization request by resident to house a falcon mew (small shed) in her backyard. Student, Devon Gildner of Wingate Place explained her request which would come under the same issue as #2 above and also addressed during the public portion of the meeting. Trustee VanDeusen stated Ms. Gildner has presented good information for the Board to review. Trustee Lockhart confirmed that Ms. Gildner's project would be inspected and under the direction of the DEC. She stated it would be. Attorney Caserta stated it is up to the Board to decide how far they wish to

extend the required local law. A discussion took place regarding the time frame required to develop a local law, hold a public hearing, pass a law and catch the falcon. A possible and realistic date to hold a public hearing may be October 11, 2012.

4. Authorization for Mayor Reynolds to sign annual renewal agreement with RCR Yachts to store approximately 6 boats at North Dock area from November 12, 2012 – May 15, 2013 was made by motion of Deputy Mayor Sutor, seconded by Trustee Lockhart and carried.
5. Trustee Adamson motioned to approve the CRA (Conestoga-Rover & Assoc.) engineering services proposal and authorization for Mayor Reynolds to sign the same. Seconded by Trustee VanDeusen and carried.
6. Attorney Caserta explained that Verizon has a proposal for equipment installation on the Village water tower. He suggested the Board have Bob Lannon of CRA Engineering review the proposal and check the integrity of the water tower. Mr. Lannon stated the water tower should be inspected as Verizon wants to add 12 new antennas to the catwalk area. Deputy Mayor Sutor added that the old equipment would be removed before adding the new. It was agreed to have the water tower inspected at Verizon's cost. Mr. Lannon will contact Verizon's engineer in regard to the Board requesting an inspection.
7. WiFi update and decision. Deputy Mayor Sutor stated the current equipment is too old, not worth repairing and should be removed. He did advise that the Village consider some type of wireless equipment but research needs to be done before proceeding. Superintendent Muller was advised to keep and store the equipment once it is removed.
8. Deputy Mayor Sutor motioned to accept the notification and request authorizing Ed Wojcik of the Ontario House to renew his New York State liquor license. Seconded by Trustee Adamson and carried.
9. The adoption of the Workplace Violence Prevention Program Policy as required by New York State was approved by motion of Trustee Lockhart, seconded by Trustee VanDeusen and carried. Also, employee training for workplace violence prevention will be held on Wednesday, September 19, 2012 at 9:00 a.m. in the Board Room. So noted.
10. Authorization for Clerk to transfer \$63,245.26 from Water Fund owed to the Sewer Fund for water/sewer collections during the period of June 1-August 31, 2012 was made by motion of Trustee Adamson, seconded by Trustee Lockhart and carried.
11. Request from Library to address air conditioning in the upstairs meeting room. (Tabled at the August 9, 2012 Board meeting.) Mayor Reynolds has discussed with DPW Superintendent Muller, the Library's suggestion to tie into the existing upstairs air conditioning system. Mr. Muller advised that it would not be feasible and suggested a free standing air conditioning unit as was used by the Youngstown Nursery School during their use of the room. The Mayor will speak to the Library regarding the request.
12. Review of building permit fee schedule for large construction projects. (Tabled at the August 9, 2012 Board meeting.) The fee schedule for work over \$50,000. will be prepared and ready for the Board to review for decision at the September 27, 2012 Board meeting per Trustee Lockhart's request.
13. Authorization for Clerk and Deputy to attend Niagara County Municipal Clerks meeting on Thursday, September 27, 2012 was given by motion of Trustee VanDeusen, seconded by Deputy Mayor Sutor and carried.
14. Solicitor / vendors permits. Suggestion to collection a portion or all of the permit

fee at the time of application. This may eliminate those solicitors / vendors that never return for the permit. It would also defray the cost incurred to have the Youngstown Police Department perform applicant background checks. Trustee Lockhart motioned to collect the permit fee at the time of application which would be non-refundable. The motion was seconded by Trustee Adamson and carried.

15. Request by two Elliott St. residents to have the "no parking" signs directly across from their homes removed. Superintendent Muller explained the parking situation and what precipitated the signs to initially be installed. Ruts and mud were problems as well as trouble with mowing the area. Mayor Reynolds stated there was a reason why the previous Mayor had the signs installed and stated no action will be taken on the Elliott St. residents' request.

16. The next Board meeting is scheduled for September 27, 2012 at 7:00 p.m. So noted.

Superintendent Muller asked the Board about youth swimming in the river where no swimming signs are posted at the dock. Attorney Caserta read the section of the Village Code Book stated swimming is prohibited at the dock area but not in the river. A brief discussion then took place regarding parking at the dock area. The Board will review the parking matter for possible parking revisions.

OLD BUSINESS

Building Inspector Stevens stated he and Attorney Caserta met with Mr. Sahota regarding his Village property. Attorney Caserta discussed the temporary fence located around a dug out foundation and that Building Inspector Stevens wants it to be filled in for safety reasons. Mr. Sahota, the new owner of the property which had belonged to Mr. Finkbeiner, stated he purchased the property at the Niagara County auction where the auctioneer didn't disclose the hole which had been dug. Mr. Sahota proposed installing new 2' x 4' boards to cover the hole and continued use of a fence to cover the hole to avoid the expense of filling the hole and thus saving the current foundation. Trustee Adamson stated such covering was used by Mr. Sahota last year and was intended to be used as a temporary fix only. Trustee Adamson stated the Village had begun litigation against the previous owner when it was learned that the property was going into foreclosure. He added that Mr. Sahota should protect himself as well as the Village by making a permanent fix to this safety problem. Mr. Sahota stated he had purchased the property to develop but the economy has changed and no homes are being built now. Trustee VanDeusen stated she and the previous Building Inspector had met with Mr. Sahota after he had purchased the property and time was given to complete a temporary fix with the agreement that a permanent fix would be made. A time extension was given and Trustee VanDeusen stated it is time to now make a permanent fix. Mayor Reynolds stated the 2' x 4's suggested would still be exposed to the weather and would deteriorate, continuing the danger. Trustee Adamson stated that infrastructure must be completed before the building of the home and that because of safety issues, the hole needs to be filled or taken down. Mr. Sahota asked if the Village would pay a portion of the work expense. Trustee Adamson stated it is not the Village taxpayer's responsibility to cover such costs. Trustee Adamson went on to say he has purchased properties and that it is his responsibility to check what he is purchasing. Another gentleman accompanying Mr. Sahota and having the same last name asked why the previous owner was given a building permit without first installing the infrastructure. Attorney Caserta responded that it was to be a build on speculation and that there was a different Board and Building Inspector at the time. Mr. Caserta added that the County did the sale and that he has received phone calls inquiring about such foreclosure sale properties prior auctions. If he had no information, Mr. Caserta stated he would give the inquiring party the telephone numbers where information could be obtained. Mr. Caserta stated he contacted Mr. Sahota once he learned who purchased the property at auction. Trustee Adamson recommended a thirty day time limit for Mr. Sahota to resolve the safety problem and before another winter sets in. Mr. Sahota asked what steps should now be taken. Attorney Caserta advised that a house could not be built until the infrastructure is built but for now, the hole must be filled and dug out when building would commence. Trustee Adamson then motioned that Mr. Sahota be given thirty days from this day

(September 13, 2012) to resolve the safety issue of the hole to the satisfaction of the Building Inspector. The motion was seconded by Trustee VanDeusen and carried.

NEW BUSINESS

No new business discussed.

REPORTS

Trustee VanDeusen reported speaking to the tenant at 90 Lake St. who was feeding wild animals, alerting her of the peanut allergy concerns of children in that area. Trustee Adamson stated he has received an email stating food continues to be put out for animals and several residents at 90 Lake St. are placing the food.

Trustee Lockhart reported he recently reviewed the water tower records. He also reported speaking with Norm Ault of the Town of Porter regarding the billing of sewer charges and advised the Board there are 4-5 separate special districts in the Town but all are billed at the same rate.

Trustee Adamson reported a portion of road on Route 93 going west has pot holes which are deep and getting worse. Also, Main St. at Brennan's Restaurant has rain gathering in a recessed area. Trustee Lockhart, liaison for the Department of Public Works will discuss the matter with Superintendent Muller and State and County authorities will be contacted. Trustee Adamson has received a list of 9 names missing from the Veteran's monument at Vets Park. The list will be forwarded to the Historical Society who maintains the information. Trustee Adamson asked if there has been any update regarding the LED sign grant. Mayor Reynolds stated he has spoken with grant writer Bernie Rotella, the grant has been approved but has been advised there is a State backlog in getting the checks out to the recipients.

Trustee VanDeusen stated a good job was done in the recent cutting of trees. She asked what step is next. Trustee Lockhart reported he has talked to the Village arborist and a list will be prepared regarding Village trees.

With no further business, Trustee Adamson motioned to adjourn the meeting, seconded by Trustee VanDeusen and carried. The Board meeting ended at 8:58 p.m.

Mayor Reynolds announced the Board would enter into Executive Session to discuss personnel matters. Executive Session began at 9:00 p.m. and ended at 9:40 p.m.

Respectfully submitted,

Barbara J. Castilon
Clerk Treasurer

