

TOWN BOARD MEETING

May 30, 2024

6:00 PM

**PRESENT:** Supervisor S. Broderick; Councilmembers J. Jacoby, R. Morreale, J. Myers and S. Waechter; Atty. A. Bax; Finance Director J. Agnello; Bld. Insp. T. Masters; WPCC Chief Opt. J. Ritter; Highway Superintendent M. Zahno; Crew Chief J. Dell; Recreation Dir. T. Smith; Police Chief Previte; Eng. R. Lannon; Sr. Center Coordinator M. Olick; 21 Residents, 1 Press and Clerk D. Garfinkel

**EXCUSED:** Deputy Supervisor Conrad

Supervisor opened the meeting with the Pledge of Allegiance and a moment of Silent Reflection

### AGENDA APPROVAL

Agenda Additions: Broderick – Upper Mountain Fire Company - John Malinchock

**Morreale MOVED to approve the Agenda as amended, Seconded by Jacoby and Carried 5 – 0.**

### RESIDENT STATEMENTS

Murnyack, John – Ridge Road – Murnyack attended the Zoning Board of Appeals meeting where the applicant requested an increase in the property density at President’s Park. Developer Massaro attended this meeting and is in agreement with the increase. The reason Murnyack believes Massaro was there was because he wants to do the same thing across the street from his house.

Murnyack suggested to Massaro, to attend a Town Board meeting and ask about changing the code.

Where is the Town with the Code review? Broderick said it is still being worked on and looked at.

### DEPARTMENT HEAD STATEMENTS

Town Clerk Garfinkel thanked the Garden Club for the beautiful flowers planted at Town Hall.

WPCC Chief Ritter – The Treatment Plant has received the much-anticipated Vacuum Truck. This will be used for cleaning out drains.

Sr. Center Coordinator M. Olick – The Center held a luncheon for all the volunteers today, to celebrate them, for helping at the Center.

Work was done at the Center on the sidewalk cracks, stone repair and the tripping hazards by the Town Highway Dept. It looks great.

Broderick thanked Olick for replacing the Center’s tattered flag before Memorial Day.

Recreation Director Tim Smith

Baseball season has started. Smith thank Highway Supt. Zahno for the great job done at the fields. Corn-hole league has started and is successful. Yoga is on Saturdays and Pickle Ball on Mondays.

Broderick said the fields Smith was referencing are at Veteran's Park in Youngstown. Lewiston, in cooperation with Youngstown cleaned them up. Towns of Porter and Lewiston and Village of Youngstown worked together and purchased dirt to get the job done.

APPROVAL OF MINUTES Town Board Work Session – May 13, 2024

**Morreale MOVED to approve the meeting minutes of May 13, 2024, Seconded by Myers and Carried 4 – 0.** 1 abstention – Waechter

AUDIT PAYMENT

**Morreale MOVED to approve the Regular Abstract of Claims – 23-00141 and 24-01161 thru 24-01359 and recommends payment in the amount of \$947,518.75, Plus a Post Audit of \$26,444.13, Seconded by Waechter and Carried 5 – 0.**

NEW BUSINESS - Residents / Public Correspondence

John Malinchock – President of Upper Mountain Fire Co. – Malinchock is asking the Town Board for assistance in passing a Resolution that would allow the Fire Company to collect a reimbursement fee for ambulance services.

Last year, New York State passed legislation to allow Fire Companies to be reimbursed. The fees would be collected through a billing agency and assessed through the insurance company. The Fire Co. would bill the insurance company and they would then accept the payment. This will help off-set the cost at the dept. There are a few Fire Companies already doing this.

Malinchock has forwarded a document to Attorney Bax for his review. Once reviewed, it can be discussed at the June 24<sup>th</sup> Board meeting.

This resolution would be for the area serviced by Upper Mountain Fire Company only.

SUPERVISOR BRODERICK

Legal

I & I Fee – Add to Town Fee Schedule / PIP Application

When a development is built, the applicant pays a fee to Town for the cost of Inflow and Infiltration. These fees are not in the Town Fee Schedule.

Lannon is asking the I & I Fee be added to the PIP Application and the Municipal Fee Schedule. This fee is set from time to time by the Town Board.

Ritter is requesting the fee be set at \$100/per gallon/per minute.

**Jacoby MOVED to establish an I & I Fee of \$100/per gallon/per minute, to be put on the PIP Application and the Municipal Fee Schedule, Seconded by Waechter and Carried 5 – 0.**

Finance

Director Agnello has been working on a Non-Corporate Resolution regarding the Money Wire and Position Transfers. This was forwarded to the Attorney for review. Bax did not realize it was for tonight's agenda and apologized.

Bax asked if this can wait until the next meeting. Agnello said yes.

Agnello request the following Budget Revision

Transfer \$307 from Recreation Contractual – A00-7310-0400-0000 to Recreation Equipment – A00-7310-0200-0000, to cover the purchase of a large flat grill for recreation events.

**Morreale MOVED to approve as presented, Seconded by Myers and Carried 5 – 0.**

COUNCILMAN JACOBY

Many of Jacoby's neighbors are very happy with the stripping job done on Lower River Road.

COUNCILMAN MORREALE

The Planning Board reviewed Modern Landfill's Site Plan Application for a litter fence to be placed along Porter Center Road. They have declared a Type 2 Action and recommend no further SEQRA review. A revised Site Plan was reviewed at the Planning Board's May 16, 2024 meeting and was recommended for approval.

**Morreale MOVED to approve the Site Plan for Modern Landfill litter fence to be placed along Porter Center Road, Seconded by Jacoby and Carried 5 – 0.**

The Planning Board reviewed a Site Plan from The Broadway Group, 2803 Saunders Settlement Road SBL 118.20-1-5/ 118.20-1-6 – Dollar General

The Planning Board recommends approval of the Site Plan with three conditions:

1. Applicant must secure a Dept. of Transportation Work Permit for roadwork to be performed on Saunders Settlement Road. Planning Board recommends said condition be placed on the Town Board's approval.

DeAnna Hyche, Development Coordinator at Broadway Group was present to update the Board. An email was received from Dept. of Transportation stating they could move to Stage Three.

2. Applicant must submit revised Site Plan drawings prior to presentation to the Town Board which shall include a triple-wide dumpster area to accommodate roll-containers to enclose garbage and recyclables in the dumpster area.

Hyche did submit these drawings.

3. Applicant must submit revised Site Plan drawings prior to presentation to the Town Board which shall amend the Landscaping Plan such that the premises shall be kept neat and orderly and in compliance with all provisions of Chapter 346 of the Town Code.

Hyche did submit these drawings.

**Morreale MOVED to accept a Negative Declaration for SEQRA, Seconded by Jacoby and Carried 5 – 0.**

**Morreale MOVED to approve the Site Plan noting that all three (3) Planning Board conditions have already been met, Seconded by Jacoby and Carried 5 – 0.**

COUNCILMAN MYERS – Nothing to report

COUNCILWOMAN WAECHTER

Seasonal Hires – Recreation Dept.

**Wachter MOVED to approve the following Recreation Dept. Summer Hires: Recreational Leader at \$15.00/hour - Feistel, Owen and Jenosheck, Julian, Seconded by Morreale and Carried 5 - 0**

RESIDENTS STATEMENTS – No one wished to speak

**Morreale MOVED to adjourn, Seconded by Wachter and Carried 5 – 0.** (6:40 pm)

Transcribed and respectfully submitted by:

Donna R. Garfinkel, Town Clerk