



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Gail Zachary

Monday, February 8, 2010

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on February 8, 2010 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Joe Fleckenstein	Town of Porter	Councilman	Present	
Mert Wiepert	Town of Porter	Supervisor	Present	
Thomas Baia	Town of Porter	Deputy Supervisor	Present	
Jeff Baker	Town of Porter	Councilman	Present	
Larry White	Town of Porter	Councilman	Present	
Barbara DuBell	Town of Porter	Deputy Town Clerk	Present	
Dave Britton	Town of Porter	Engineer	Present	
Gail Zachary	Town of Porter	Town Clerk	Absent	
Mike Dowd	Town of Porter	Attorney	Present	
Norm Ault	Town of Porter	Bookkeeper	Absent	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Susan Driscoll	Town of Porter	R. P. Appr Tech - Trainee	Present	

II. Public Portion

1. Report 2010-14

Public Comments

A resident of River Road questioned the town purchase of Porter-on-the Lake as a park. He felt that, "business is not the object of government; it competes with private business."

Thomas Szarszewski, Lockport Road, Youngstown, presented a petition signed by all the surrounding property owners to have the creek between Route 93 and Braley Road cleaned out. He has photographs of recent flooding that resulted in trees and other debris falling into the creek.

Supervisor Wiepert recommended a drainage committee look into the matter and to present a five-year drainage plan. Councilmen Joe Fleckenstein and Jeff Baker, as well as Highway Superintendent, Scott Hillman, will get cost estimates and see whether the State or a private contractor should do the cleanup.

RESULT:	REPORT ISSUED
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III. Minutes Approval

1. Resolution 2010-32

Minutes Approval

Resolution to approve the January 11, 2010 minutes of the regular meeting of the Porter Town Board and the minutes of the January 25, 2010 Town Board Work Session..

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

IV. Reports/Resolutions

1. Resolution 2010-33

Audited Vouchers

Resolution to approve the vouchers, as audited.

TOWN OF PORTER

WARRANT: # 2

FEBRUARY, 2010

2/8/10

FUND	01	85,973.08
FUND	02	16,328.78
FUND	04	5,847.77
FUND	06	1,533.48
FUND	07	55,920.27
FUND	20	253,498.00
FUND	21	153,450.00
FUND	28	32,877.69
FUND	33	5,257.92

TOTAL		<u>610,686.99</u>
VOUCHER 'S	13469	THRU 13525

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

2. Report 2010-15

Town Clerk

January 2010 Clerk's Revenue

Water	\$	31,991.21
Sewer	\$	14781.57
Licenses and Fees	\$	345.69
S.P.C.A. contacts		21

The Town received a refund of dog licensing monies, in the amount of \$663.35, from the Niagara County Treasurer's Office. This represents surplus revenue that is then apportioned to every municipality in the county.

Received a copy of an application for liquor license renewal from Ken and Diane Eckert, owners of Ray's Tavern.

A letter was received from Town of Porter Justice Clerk, Lisa Hastings, that, in accordance with the Justice Court Act and Town Law, the financial records and court dockets of the Town of Porter Justice Court office for the year 2009 are available to be examined by the Town Board.

RESULT:	REPORT ISSUED
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3. Report 2010-16**Supervisor's Report**

- Supervisor's Monthly Report for January 2010 was distributed to all Town Board members. The unaudited Supervisor's Report for December 31, 2009 was distributed to all Town Board members
- December Sales Tax \$104,686.67. The Town is up \$15,446.65 for 2009.
- Resolution to accept the Supervisor's Reports for January 2010, and December 2009.
- I would like the drainage committee (Councilmen Baker & Fleckenstein) along with Highway Superintendent Scott Hillman to review the drainage in the Town of Porter and establish a schedule (a 5 year or 10 year plan) to maintain the drainage in the Town. Also, please get prices if the Town decides to hire private contractors to complete the work.

RESULT:	REPORT ISSUED
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4. Resolution 2010-40**Drainage Committee**

Resolution to create a drainage committee (Councilmen Baker and Fleckenstein, and Highway Superintendent Hillman) to review the Town's drainage and to establish a five-year plan for drainage maintenance.

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

5. Resolution 2010-34**Supervisor's Report**

Resolution to accept Supervisor Wiepert's December 2009 final unaudited report and

the January 2010 report.

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

6. Report 2010-17

Supervisor's Assistant

1. Completed processing all January 2010 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for January 2010 and the December 2009 "unaudited" and distributed it to the Supervisor and Town Board members.
3. Completed Bi-weekly and Monthly payrolls.
4. Completed Check registers for all check payments.
5. Continued maintenance on the Web Page, www.townofporter.net
6. Continuing to work with Town Clerk on the Minute Traq program.
7. Continuing with Suzanne Raby's training
8. Updated Civil Service on new 2010 salaries.
9. Continued working on year end audit .

RESULT:	REPORT ISSUED
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7. Report 2010-18

Assessor

From: Barbara J. Oaks, Acting Assessor

RE: January 2010

- Completed monthly inspections for verification of sales and completion of all building projects.
- Processed monthly sales transfers and splits.
- Hosted monthly NCAA meeting. Topics included statewide budget cuts, concessions

included in property transfers, elimination of three-man board of assessors in Somerset.

- Analyzed current tax roll keeping all codes up to date.
- Revised RPS Software to keep all systems up to date.
- Letters sent to homeowners as reminders to reapply for annual exemptions
- Continued to accept and process exemption applications.
- Updated address and owner info for current tax bills
- Working with state on final equalization rate.
- Continued to train Susan in all aspects of assessing.

RESULT: REPORT ISSUED

8. Report 2010-19

Tax Collector

RE: 2010 TOWN/COUNTY COLLECTIONS

Paid Supervisor Wiepert the amount of \$990,640.41 in settlement as per warrant the Town's share of the 2010 Town/County taxes. Paid Supervisor Wiepert the amount of \$14.72 interest earned on Tax Collector's account thru January 25, 2010.

A payment of \$2,500,000.00 will be made to the County Treasurer before February 15, 2010 as partial settlement of County monies owed per 2010 warrant.

The Tax collector's account has \$2,761,812.33 as of February 3, 2010. This represents all payments collected to date.

Of the 3489 tax bills owed-we collected payment on 2841 from January 7 to February 3, 2010.

I have finished the process of mailing over 950 tax receipts to the homeowners who have an escrow account pay their tax bills.

Respectfully yours,

Sally A. Hogan, Collector

Town of Porter

RESULT: REPORT ISSUED

9. Report 2010-20

Highway

2/8/2010

Department of Public Works
Monthly Report for January 2010

Highway Department:

1. Called out to plow and salt 8 times.
2. Received 600 tons of Caliber Salt mix.
3. Completed brush trimming along shoulders of Dietz Road using the boom mower.
4. Removed Christmas wreaths in Ransomville.

Drainage Department:

1. Checked for flooding conditions during the recent warmer weather.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Cleared snow from fire hydrants in drifted areas.
3. Continued the installation of off road hydrant markers along Lake Road.

Resolutions:

1. I would like permission to attend Legislative Advocacy Day in Albany on March 9th and 10th.
2. I would like permission to send the Class D water operators to training seminars on Water Service O&M and Meter Technology in Corfu on March 17th and Line and Leak Detection in Batavia on April 15th.
The seminars are being put on by the New York Rural Water Association. The Corfu seminar would cost \$60.00 The Batavia seminar cost would be \$52.00.

This would give each operator 10.0 hrs towards their Class D certification renewal.

Respectfully submitted,

Scott B. Hillman

RESULT:	REPORT ISSUED
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10. Resolution 2010-37

D.P.W. Travel

Resolution authorizing Highway Superintendent Scott Hillman to attend Legislative Advocacy Day in Albany on March 9th and 10th.

Furthermore: authorization to send the Class D water operators to training seminars on Water Service O&M and Meter Technology in Corfu on March 17th and Line and Leak Detection in Batavia on April 15th.

The seminars are being put on by the New York Rural Water Association. The Corfu seminar would cost \$60.00 The Batavia seminar cost would be \$52.00.

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

11. Resolution 2010-35

Water/Sewer Adjustments

Date: February 1, 2010

Re: Account Adjustments for the month of January

The following adjustments were made to water/sewer accounts this month.

<u>Account #</u>	<u>Amount</u>	<u>Service</u>
20-0027	\$13.21	Sewer
Reason: Remove late charge per Scott		

20-0177 \$17.33 Water
Reason: Meter replaced but pit is off.

Respectfully submitted,

Ramona M. Lockhart

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

12. Report 2010-21

Building Inspector/Code Enforcement Officer

There were no building permits or certificates of occupancy issued during January, 2010.

BUILDING DEPARTMENT REPORT: Month January 2010

- Building permits issued as per the report.
- Periodic progress inspections on ongoing construction projects throughout the Town.
- Prepared materials for the Planning Board and Zoning Board of Appeals.
- Attended Planning Board, Zoning Board of Appeals and Town Board meetings.
- Pursued numerous zoning code violations and issued to the Supervisor “Order of Violations Report” for the month of January, 2010.
- Continued review of draft new zoning law and subdivision regulations.
- Provided substitution for Village Inspector
- Year-end reports for Board, County, State and US Census.

RESULT:	REPORT ISSUED
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13. Report 2010-22**Historian Report - 2009 in Review**

Re: 2009 In Review

The following is a summary of my work as the Town of Porter Historian during 2009.

Attended 45 meetings including the Niagara County Municipal Historians, Niagara County Ad Hoc Historians, Porter Historical Society, and Niagara 1812 Legacy Council.

Conducted 20 interviews of veterans who served in World War II, Korea, and Vietnam. These interviews will be part of a publication with an emphasis on Korea and Vietnam.

Recorded answering 293 telephone calls, and received and responded to more than 1,100 emails.

Researched at local museums, libraries, historians' offices, Holland Land Co. Museum (Batavia), and the National Archives (College Park, MD) for information related to the Town of Porter during the Korea and Vietnam Wars, genealogy information, prisoners of war, branch camps of Fort Niagara, War of 1812, early cross roads in the Town, Holland Land Co. agreements, Lake Ontario Ordnance Works, history of churches in the Town, etc. Also researched one of the commanders of the Fort with family ties to the Town of Porter at the Army College Research Library in Carlisle, PA, for a future publication.

Worked with Niagara County Community College Technology Department to produce a program on the Town of Porter during World War II that broadcast on local cable TV for a month.

Prepared a history collection of photos, articles, and recollections of the Root-McKnight family in the Town of Porter for the Porter Historical Society.

Prepared and presented Power Point talks about the Town's history during WWII for the Porter Historical Society, Niagara County Historical Society, Historical Association of Lewiston, North Tonawanda Historical Museum, Erie County Fair, Tatler Club, Talking Leaves Bookstore, and Hamlin State Park.

Wrote several short articles. Began working on Town's bicentennial projects - historical displays at the Town Hall and design road signs for the "corners." Research and designed brochures on Oakland Cemetery. Designed web pages for the Historian's pages on the Town of Porter website and worked with Norm Ault to add information. This is a work in progress.

Contributed to the creation of the 1812 Bicentennial Map, a copy of which was placed in your mailbox, and helped to identify points of interest from Fort Niagara to Black Rock.

Did research for Ira G. Ross Aerospace Museum to locate two "Rosies" during WWII and appeared on a public broadcasting program about the history of the women and the

P-39 named "Miss Lend Lease."

A significant part of the year and my work was dedicated to completing a 269 page reference publication dated September 2009. The heart of the manual is the transcription of 4,200+ prisoners of war held at Fort Niagara including their unit, regiment, date of birth, ISN prefix, and identification of affiliation with police organization such as SS and SD. This effort was to add to the historical record of the POWs held under the command of Fort Niagara at the Fort and the fourteen branch camps.

Wrote dozens of letters to other historians and historical societies in the Western New York area with information about the history of Fort Niagara, prisoners of war, and the Town of Porter during World War II, and in reply to requests for information.

Please note that all the people who work in the Town Hall are always gracious and helpful in assisting me in a variety of ways!!

RESULT: REPORT ISSUED

14. Report 2010-23

Engineer

Monthly engineering report for January 2010

Storm System Capital Improvements

- Geotechnical evaluation completed;
- Site inspections completed as part of the investigation to develop a plan to protect Cain Road and repair the culvert crossing, headwall, and guide rail system;
- Conceptual (temporary / permanent) designs have been developed and budgetary estimates prepared;
- Preparation of technical spec and bid package for slip line pipe underway, with a March bid date scheduled.

BOARD ACTION REQUESTED - None

Annual Retainer - Drainage Reviews (CRA Project # 630645)

- CRA completed a drainage review on February 1 for a minor subdivision request from Victoria Orsi.
- CRA completed a drainage review on February 1 for a minor subdivision request from

Brett Gibson.

RESULT:	REPORT ISSUED
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15. Report 2010-24

Attorney

Nothing to report

RESULT:	REPORT ISSUED
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16. Report 2010-25

Porter-On-The-Lake

“PORTER-ON-THE-LAKE” PARK COMMITTEE MEETING

January 28, 2010

Attending:	Norm Ault	Tony Collard	Peter Diachun	Gary Meteer	Bob Reese
	Fran Boltz	Betsy Diachun	Don Larrabee	Nancy Orsi	Mert Wiepert

The 22nd general meeting of the Porter-on-the-Lake Park Committee was held at the Porter Town Hall on Thursday, January 28, 2010.

Representing the Town was Supervisor Wiepert and Bookkeeper Ault.

Chairman Reese called the meeting to order at 6:37PM. Those in attendance were referred to the Town Web site for the minutes of the previous meeting.

Supervisor Wiepert reported on the following:

1. At the 1/11/10 Town Board meeting, the following fees were approved for Pavilion rental:
 - a. Family fee - \$250
 - b. Business or Corporate fee - \$400
 - c. Not for profit (must show copy of 501-C3) fee - \$175
 Each fee includes a \$50 refundable deposit for clean-up.
2. The Town Grant Writer has a meeting scheduled in February with the Niagara County Legislature concerning grant funding for the Master Plan.

Bookkeeper Ault reported that there is \$58,000 in the park budget.

Under old business

1. There are 8 events tentatively scheduled for 2010. This includes the Porter Fest. Norm will notify them about the 2010 fees.
2. The Drainage Committee is working to improve the drainage throughout the park. The plan includes installing pipe, building a retention pond and framing it with a berm. Work is being done in stages.
3. The highway department has been cleaning the roadway on the west side of Dietz Rd.
4. Supervisor Wiepert and Bob Reese will work on researching small pavilion structures.

Under new business:

1. Fran Boltz was nominated and approved to replace Ernie Lavigueur as secretary.
2. The membership was challenged to think of ways to use the 6 lots on Dietz Rd. to financially support the park. Input was sought for the next meeting.
3. Discussion of the need for a Master Plan was held.

Chairman's Report: the applications for pavilion usage are being updated.

No meeting date was scheduled for the next meeting.

The meeting adjourned at 7:55PM.

Submitted by Fran Boltz

RESULT: REPORT ISSUED

17. Report 2010-26**Correspondance**

Received a letter from the Town of Lewiston Water Pollution Control Board scheduling a meeting for February 9, 2010 at 6:00 pm in the Admin Building Garage. The purpose of the meeting is to discuss WPCC infrastructure upgrades and improvements.

A letter was received from the Village of Youngstown concerning the Repair/Upgrades to the Veteran's Memorial in Veterans Park. The letter requests the Town pay for half (\$2,261.50) of the repairs.

Received a letter from the U.S. Customs and Border Protection requesting the opportunity to meet with town residents to present a program detailing their strategies and goals.

Highway Superintendent, Scott Hillman, received a response from the NYS DOT stating they will repeal the 120 foot parking restriction on Youngstown-Lockport Road in Ransomville, and remove the "No Parking" signs as soon as scheduling permits. They will also forward a copy of the approved "Notice of Order" from the Director of the Traffic and Safety Division in Albany, as soon as they receive it.

A copy of each letter was given to each Board member and the Town Attorney.

RESULT:	REPORT ISSUED
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18. Resolution 2010-36**Veteran's Park Memorial Repair**

Resolution authorizing the Town of Porter to pay the Village of Youngstown the sum of \$2,261.50 for half the cost to repair the Veteran's Memorial at Veteran's Park.

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

19. Report 2010-27**Calendar of Events**

Town Offices CLOSED	-	Presidents' Day, Monday, February 15 th
Zoning Board Meeting	-	7:30 p.m., Thursday, February 18th @ Town Hall
Planning Board Meeting	-	7:00 p.m., Thursday, March 4th @ Town Hall
Regular Town Board Mtg	-	7:00 p.m. Monday, March 8 th @ Town Hall

RESULT:	REPORT ISSUED
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20. Resolution 2010-38**Niagara Wind Developers**

Resolution to approve expenditure of \$450.00 to apply for grants through NYSERTA and the DEC for wind towers.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Thomas Baia, Deputy Supervisor
SECONDER:	Larry White, Councilman
AYES:	Mert Wiepert, Thomas Baia, Jeff Baker, Larry White
ABSTAIN:	Joe Fleckenstein

21. Report 2010-28

Town Board Comments

Councilman Fleckenstein reported on opportunities for the town to utilize wind towers as a source of renewable energy. Councilman Baia moved to approve the expenditure of \$450.00 to join the Climate Registry for grants through NYSERTA and the DEC. The application is due this Friday, February 12, 2010.

With no further business before the Board the meeting was adjourned at 7:40 PM

Barbara DuBell
Deputy Town Clerk

RESULT:	REPORT ISSUED
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