



# Town of Porter

## Town Board Meeting

~ Minutes ~

3265 Creek Road  
Youngstown, NY 14174

[TownofPorter.Net](http://TownofPorter.Net)

Gail Zachary

Monday, March 14, 2011

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on March 14, 2011 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

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

### II. Public Portion

#### 1. Report 2011-32

#### Public Comments

Reeve Tower, from Lake Road, asked if the Town building inspector/code enforcement officer would contact the contractor, who was working on the neighbor's land, to remove the utility flags that have been there for two years. Mr. Rogers said he would take care of it.

**RESULT: REPORT ISSUED**

**III. Reports/Resolutions**

**1. Resolution 2011-41**

**Minutes Approval**

Resolution is needed to accept the Town Board minutes of its regular meeting, on February 14, 2011.

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

**2. Resolution 2011-42**

**Payment of Audited Vouchers**

Resolution to approve the Vouchers as audited

**TOWN OF PORTER**

**WARRANT: POST AUDIT - FEB 2011 2/28/11**

<b>FUND 01</b>	5,666.31
<b>FUND 02</b>	1.40
<b>FUND 04</b>	287.28
<b>FUND 06</b>	544.48
<b>FUND 07</b>	1,556.18
<b>FUND 33</b>	1,581.32
<b>TOTAL</b>	<b><u>9,636.97</u></b>

**VOUCHER 'S 15046 THRU 15061**

**WARRANT: # 3 MARCH , 2011 3/14/11**

<b>FUND 01</b>	50,128.82
<b>FUND 02</b>	32,780.74
<b>FUND 04</b>	47,653.16
<b>FUND 06</b>	615.20
<b>FUND 07</b>	1,101.11
<b>FUND 10</b>	902.99
<b>FUND 12</b>	6,150.00
<b>FUND 28</b>	1,537.00
<b>FUND 33</b>	293.50



- Supervisor’s Monthly Report for February, 2011 was distributed to all Town Board members.
- January Sales Tax \$97,315.66. When the 2010 census figures are available in April or May, new percentages will be calculated and adjustments for all of 2011 will be made.
- Resolution to accept the Supervisor’s Monthly Report for February, 2011.
- Town Insurance - resolution
- Resolution directing the Town Attorney to write a letter to Niagara County seeking permission for the Town or its contractor to enter the property located at 2625 New Road to complete needed drainage work.

**RESULT:       REPORT ISSUED**

**5. Resolution 2011-43**

**Award of Town Insurance**

Resolution authorizing the renewal of the Town of Porter unallocated insurance with Selective Insurance company in the amount of \$35,392.84. Policy term from March 15, 2011 to March 15, 2012. This is the same premium as last year.

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

**6. Resolution 2011-44**

**Acceptance of Supervisor’s Report**

Resolution to accept the February 2011 Supervisor's Report

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

---

---

## 7. Resolution 2011-46

### Drainage Letter

As a result of not being able to contact the homeowner, a resolution was passed directing the Town Attorney to write a letter to the Niagara County Highway Superintendent requesting permission for the Town, or its contractor, to enter the property located at 2625 New Road to complete much needed drainage work.

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

---

---

## 8. Report 2011-35

### Supervisor's Assistant

Bookkeeper's Monthly Report - February 2011

---

1. Completed processing all February 2011 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for February 2011 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](http://www.townofporter.net)
6. Continuing to work with Town Clerk on the Minute Traq program.
7. Continued working on the new Assetrax program for fixed assets.
8. Finished 2010 audit with the auditors.

9. Need the following budget adjustment:

01-1620.0002	Buildings Equipment	650.00
01-1620.0004	Buildings Contractual	(650.00)

<b>RESULT:</b> <b>REPORT ISSUED</b>
-------------------------------------

**9. Resolution 2011-45**

**Budget Adjustment**

Resolution authorizing the following budget adjustment:

01-1620.0002	Buildings Equipment	650.00
01-1620.0004	Buildings Contractual	(650.00)

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

**10. Resolution 2011-47**

**Tax Collector's Report**

RE: 2011 TOWN/COUNTY COLLECTIONS

Paid Supervisor Wiepert the amount of \$2,020.61. This amount includes \$105.16 interest earned on Tax Collector's account from January 25-February 22, 2011 and \$1,915.45 penalties on tax payments collected thru February 28, 2011.

A payment of \$2,500,000.00 was made to the County Treasurer, Kyle Andrews on February 11, 2011 as partial settlement of County monies owed per 2011 warrant.

In accordance with New York State Law #987, I have sent a second notice to 433 homeowners that the taxes on their property have not been paid.

The Tax collector's account has \$447,521.57 as of March 9, 2011. This represents all payments and penalties collected to date.

Respectfully yours,

Sally A. Hogan, Collector  
Town of Porter

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mert Wiepert, Supervisor
<b>SECONDER:</b>	Thomas Baia, Deputy Supervisor
<b>AYES:</b>	Mert Wiepert, Thomas Baia, Larry White, Joe Fleckenstein
<b>ABSENT:</b>	Jeff Baker

---

## 11. Report 2011-36

### Assessor

## Monthly Report

RE: February, 2011

---

1. Completed monthly inspections for verification of sales and completion of all building projects.
2. Processed monthly sales transfers and splits.
3. Continued to track new sales to help determine time trends, valuations and equalization rates.
4. Attended February meeting of NCAA in Newfane. Discussion on income limits, reassessing and how to process new procedures from the state.
5. Working with second appraiser from state-Chuck Manganero -who will help determine level of assessment for complex commercial properties. These appraisals are state ordered when a town hasn't reassessed in 5 years or more. It is an aid to help determine level of assessment.

- 6. Processing exemption renewals.
- 7. Updated permit info-continuing field checks on progress of construction.
- 8. Continued to train Susan in all aspects of assessing.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
----------------	----------------------

**12. Report 2011-37**

**Building Inspector/Code Enforcement Officer**

During February 2011 there were no building permits or code violations issued. Councilman White asked what the criteria are for a parcel to be considered a "farm." Mr. Rogers will do some research.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
----------------	----------------------

**13. Report 2011-38**

**Highway**

3/10/11

Department of Public Works  
Monthly Report for February 2011

**Highway Department:**

- 1. Called out to plow and salt 14 times.
- 2. Continuing PM Services to summer equipment.
- 3. Cold patched pavements on several roads.

**Drainage Department:**

- 1. Continuing to monitor drainage issues due to melting snow and rains.
- 2. Working with the Drainage Committee to identify projects for the summer drainage

program

**Water and Sewer Department:**

- 1. Completed monthly meter reading.
- 2. Repaired a water main break on Walnut Lane.

Class 7 Truck bid results : We received 2 bid proposals Kenworth of Buffalo and Hunter Peterbilt. I have forwarded the packages to Attorney Dowd for his review.

CHIPS Update: We met with our area representatives in Albany last week. The Governor’s proposed budget sets CHIPS at \$363,000,000.00 which is the same as last year. They believe it will stay in the budget at that level.

Respectfully submitted,

Scott B. Hillman  
Highway Superintendent

Because both bid proposals for the trucks came in overbid, no action was taken by the Board. Mr. Hillman said that State contract research was in process. Mr. Rotella, the Town grant writer, reported that the truck is part of a reimbursable grant.

Councilman Baia, on behalf of his Collingwood Estates neighbors, thanked Superintendent Hillman for the job he and his men did, keeping the roads clean.

The Ransomville Road bridge renovation will start the beginning of June. It will be approximately a 30-day project with traffic maintained there, but weight has been reduced to 8 tons.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
----------------	----------------------

**14. Report 2011-39**

**Attorney**

none at this time

<b>RESULT:</b> <b>REPORT ISSUED</b>
-------------------------------------

---

---

**15. Report 2011-40****Engineer****Engineering Report**

Update - March 14, 2011

**1. Engineering Support Services**

- *Cast iron pipe waterline replacement project*: Sketch plans and cost estimate under development: A site walk with Scott Hillman occurred on February 15<sup>th</sup>.

<b>RESULT:</b> <b>REPORT ISSUED</b>
-------------------------------------

---

---

**16. Report 2011-45****Grant Writer****Grants Status Report:**

**Senate Appropriation:** Appropriation for infrastructure was submitted to Senator Kristen Gillibrand's office: Installation of approximately 4,000 LF of waterline along various residential areas throughout the hamlet of Ransomville \$425,000.

**Greenway Master Plan Project (2009):**

- The Committee has reviewed the four proposals for the Recreational Master Plan project from which two consultants have been chosen for presentation and interview. These presentations and interviews took place Friday, March 11<sup>th</sup>. The report will be given at the Town Board Meeting for approval.
- The Committee will request Town Board approval to award project to the chosen Consultant.
- Quarterly Report will be sent to Greenway (3/31/2011).

**NYS DEC Recycling:** The request for the highway department recycling use truck has been submitted and we are waiting for acknowledgement of this grant application. (Approximately \$145,000).

**USDA:** A meeting has been scheduled with Jim Walfrand from the USDA to review the Community Facility Grants program that can be used for construction to improve municipal facilities. We will be requesting funding for the expansion of the Courtroom facilities and supporting offices at Town Hall. A report will be submitted after this meeting.

**CDBG:** Community Development Block Grant opportunity is open and we are currently reviewing the guidelines for the CDBG for the water tower replacement or repair. (This would also include water and sewer lines as mentioned in the appropriation to Gillibrand.)

**RESULT: REPORT ISSUED**

**17. Report 2011-41**

**Porter-On-The-Lake**

**PORTER ON THE LAKE COMMITTEE MEETING  
FEBRUARY 28, 2011**

**ATTENDING:**

Fran Boltz	Don Larrabee	Bernie Rotella	Mert Wiefert
Cathy Burns	Ernie Lavigueur	Larry White	Linda White
Tony Collard	Bob Reese		

Chairman Reese called the meeting together at 6:30pm.  
The minutes from the previous meeting were approved.

**REMARKS:**

- a. **PUBLIC COMMENT** - the request was made to set-up an annual calendar with the POTL Park meeting dates.
- b. **TOWN COUNCIL** - none

**TOWN SUPERVISOR’S REPORT** - nothing to report

**TOWN BOOKKEEPER’S REPORT** - none

**TOWN GRANT WRITER** - Bernie Rotella reported on the Master Plan.

At the Sub-committee meeting held on 2/23/11, the subcommittee reviewed Proposals from Extensive Enterprises Consulting Group LLC; Hatch Mott MacDonald, Nussbaumer & Clarke, Inc, and Wendel Duchscherer Architects & Engineers

Based on the criteria in the RFP, the subcommittee selected Hatch Mott MacDonald and

Wendel Duchscherer Architects & Engineers for interviews on Friday, March 11 starting at 10:00.

All members of the subcommittee are invited to attend the interviews.

**OLD BUSINESS:**

**PORTER FEST:** Larry White reported that the Porter Fest will now be called Summer Fest. A letter went out earlier in February and there is money coming in from sponsors.

The Summer Fest is scheduled for 7/3/11, noon-7pm.

**OLD OXY DAYS:** The release of pictures is still in the hands of the attorneys.

Oxy's human resources department is in the process of contacting the Hooker retirees group.

**NEW BUSINESS:**

O'Connor's Family Greenhouse has come forward again this year to donate flowers and plant them at the Park Sign.

**CHAIRMAN'S REPORT:**

**LIGHTING** - M&M has changed a number of light fixtures but the amount of snow in the pavilion

and incorrect fixtures on hand, has prevented them from completing the project.

**DRAINAGE** - The drainage project will continue once the ground thaws. Dan Truesdale has finished trenching and we will be able to finish up the project.

The meeting ended at 6:55pm.

**THE NEXT MEETING IS TENTIVELY SCHEDULED FOR MARCH 28<sup>TH</sup> AT 6:30PM IN THE TOWN HALL.**

**RESULT:      REPORT ISSUED**

**18. Resolution 2011-48**

**Master Plan - Porter-On-The-Lake**

Resolution authorizing the Supervisor to enter into a contract for the Town of Porter with Wendel to complete a," Operational & Efficiency Feasibility Study Porter on the Lake Comprehensive Recreational Master Plan." in the amount of \$20,000.00.

The Porter-On-The-Lake committee felt that Wendel was a better choice, primarily because they have had extensive experience with parks for a longer period of time.

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

**19. Report 2011-42**

**Correspondance**

No correspondence to report for February 2011.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
----------------	----------------------

**20. Report 2011-43**

**Calendar of Events**

Zoning Board of Appeals	Thursday, March 17, 2011
Planning Board	Thursday, April 07, 2011
Town Board Meeting	Monday, April 11, 2011

<b>RESULT:</b>	<b>REPORT ISSUED</b>
----------------	----------------------

**21. Report 2011-44**

**Town Board Comments**

At 7:50 p.m., Attorney Dowd requested that the Board go into Executive Session for a contractual matter. Tom Baia made the motion while Mert Wiepert seconded. Motion

carried unanimously.

The Board returned to the regular meeting at 8:40 p.m.

With no further business to discuss, the regular meeting of the Porter Town Board was adjourned at 8:40 p.m. Councilman Baia made the motion with Mert Wiepert seconding.

Gail Zachary  
Town Clerk

<b>RESULT:</b>	<b>REPORT ISSUED</b>
----------------	----------------------

---