



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

Gail Zachary

Monday, July 12, 2010

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on July 12, 2010 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	Absent	
Jeff Baker	Town of Porter	Councilman	Present	
Joe Fleckenstein	Town of Porter	Councilman	Present	
Bernie Rotella	Town of Porter	Grant Writer	Present	
Dave Britton	Town of Porter	Engineer	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
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 Hearing

1. Report 2010-105

Local Law #1

Notice of Public Hearing on Local Law

PUBLIC NOTICE is hereby given that on the 10th day of May, 2010, Local Law No. 1 of 2010, entitled Flood Damage Prevention, was presented to the Town Board of the Town of Porter, New York. Local No. 1 of 2010, which provides for promoting public health and safety and general welfare by establishing provisions to protect against public and private damage or loss due to flood conditions in specific areas of the Town.

THEREFORE, pursuant to the statute, the Town Board of the Town of Porter will hold a public hearing on Local Law No. 1 of 2010 in the Town Hall, 3265 Creek Road, Youngstown, New York, on the 12th day July of, 2010, at 7:00 p.m., at which time all persons interested will be heard.

Dated: Youngstown, New York

July 2, 2010

Merton

Wiepert, Town Supervisor

RESULT: REPORT ISSUED

2. Resolution 2010-87

Close the Public Hearing

Resolution to close the Public Hearing concerning Town of Porter Local Law # 1 for 2010.

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

3. Resolution 2010-88

Local Law # 1

**Town of Porter
Local Law #1-2010**

Repeals Town of Porter Local Law #1-1972

**Flood Damage Prevention as authorized by the New York State Constitution,
Article IX, Section 2, and Environmental Conservation Law, Article 36**

**SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE**

1.1 FINDINGS

The Town Board of the Town of Porter finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Porter and that such damages may include: destruction or loss of private and

public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood

blight areas;

- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are

provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or **"Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or

- (ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or "100-year flood" has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
 - (2) 400 square feet or less when measured at the largest horizontal projections;
 - (3) designed to be self-propelled or permanently towable by a light duty truck;
- and

- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits

construction or use in a manner that would otherwise be prohibited by this local law.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations.

**SECTION 3.0
GENERAL PROVISIONS**

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Porter, Niagara County.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of Porter, Community Number 360510, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Number:
36063C0014E, 36063C0018E, 36063C0019E, 36063C0036E,
36063C0037E,
36063C0038E, 36063C0039E, 36063C0041E, 36063C0042E,
36063C0043E,
36063C0044E, 36063C0156E, 36063C0158E, 36063C0160E,
36063C0177E,
36063C0180E, 36063C0181E, 36063C0182E

whose effective date is September 17, 2010, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Niagara County, New York, All Jurisdictions® dated September 17, 2010.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at:

Town of Porter Town Hall
3265 Creek Road
Youngstown, New York 14174

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or

ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Porter from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Porter, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Office of the Building Inspector is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$ 100.00. In addition, the applicant shall be responsible for reimbursing the Town of Porter for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.

- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, subsection 5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 CONSTRUCTION STAGE

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a

licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7 CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special

flood hazard.

- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

SECTION 5.0 CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 ENCROACHMENTS

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the Town of Porter agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Porter for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Porter for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase

in flood levels during occurrence of the base flood, or,

(ii) the Town of Porter agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Porter for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Porter for all costs related to the final map revisions.

5.2 STANDARDS FOR ALL STRUCTURES

5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit

of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- (2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.**5.4 NON-**

RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for

meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

(1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

- (i) be on site fewer than 180 consecutive days,
- (ii) be fully licensed and ready for highway use, or
- (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- (4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).

**SECTION 6.0
VARIANCE PROCEDURE**

6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by the Town of Porter shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with

conducting search and rescue operations during periods of flooding;

(xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

- (5) Upon consideration of the factors of Section 6.I(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.I(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
- (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
- (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

Be it enacted this 12th day of July, 2010 by the Town Board of the Town of Porter

Niagara County, New York, to be effective immediately.

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

III. Public Portion**1. Report 2010-106****Public Comments**

Town of Lewiston Supervisor, Steve Reiter, and Lewiston Councilmen, Mike Marra and Al Bax, presented Supervisor Wiepert a check for \$20,000, from Greenway grant money. The Town of Lewiston had sponsored the Town of Porter's request and Mr. Reiter spoke of the cooperation that exists between the two towns.

Councilman Baia thanked Mr. Reiter for the push to keep the highway open at Joseph Davis Park.

In answer to Ted Hogan's question about a discount for the rental of the pavilion at Porter-On-The-Lake, Supervisor Wiepert stated that the same fees apply for residents of both townships at this time.

RESULT: REPORT ISSUED

IV. Minutes Approval**1. Resolution 2010-89****Minutes Approval**

Resolution to approve the June 14, 2010 Town Board minutes as presented.

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

V. Reports/Resolutions**1. Resolution 2010-83****Payment of Audited Vouchers****TOWN OF PORTER****WARRANT: POST AUDIT - JUNE 2010 6/30/10**

FUND 01	2,796.81
FUND 02	5.50
FUND 04	200.37
FUND 06	307.72
FUND 07	1,350.14
FUND 33	76.00
FUND 35	2,250.00
TOTAL	<u>6,986.54</u>

VOUCHER 'S 14047 THRU 14065**WARRANT: # 7 JULY, 2010 7/12/10**

FUND 01	30,099.89
FUND 02	41,675.29
FUND 04	78,717.16
FUND 06	44,496.10
FUND 07	12,491.79
FUND 10	709.73
FUND 33	2,647.75
TOTAL	<u>210,837.71</u>

VOUCHER 'S 14066 THRU 14171**217,824.25**

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

2. Report 2010-91**Town Clerk**

June 2010 Revenue

Water - \$32,401.31
Sewer - 4,958.93

Licenses and Fees: \$ 597.36

S.P.C.A. Contacts

RESULT: REPORT ISSUED

3. Report 2010-92

Supervisor

- Supervisor's Monthly Report for June 2010 was distributed to all Town Board members.
- May Sales Tax \$81,003.46. This is up \$3,499.92 from last May
- June Mortgage Tax distribution was \$31,766.68.
- Resolution to accept the Supervisor's Report for June 2010.
- Resolution to set a Public Hearing at 7:00 PM, Monday, August 16th at the Porter Town Hall for the purpose of hearing any and all comments on the final drafts of the new Zoning Regulations, Subdivision Regulations and Zoning Map. A copy of all three items is available on the Town of Porter Web site, the Porter Town Hall, and the libraries in Youngstown and Ransomville.
- Manhole Inspection and I. & I. Monitoring Proposal Resolution.

Bookkeeper Ault stated the sales tax is up about \$12,800.00 from last year at this time.

RESULT: REPORT ISSUED

4. Resolution 2010-84

Acceptance of Supervisor's Report

Resolution to accept the June 2010 Supervisor's Monthly Report.

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

5. Resolution 2010-70

Land Use Update Public Hearing

Resolution to hold a public hearing Monday, August 16th at 7:00 p.m. at the Town Hall, 3265 Creek Road, Youngstown, New York, 14174, for final public input on the Land Use update zoning changes; zoning book, subdivision regulations and zoning map.

HISTORY:

06/14/10 Board TABLED
 Next: 07/12/10

COMMENTS - Current Meeting:

Supervisor Wiepert said that copies of the proposed changes are on the internet, both libraries and the Porter Town Hall.

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

6. Resolution 2010-81

I&I Monitoring Proposal

Resolution authorizing the Supervisor to enter into a contract with Wendel Engineering concerning Manhole Inspection & I&I Monitoring Proposal in the amount of \$5,750.00. Use the GIS Locator for reporting purposes.

HISTORY:

06/14/10 Board TABLED
 Next: 07/12/10

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

7. Report 2010-104

Supervisor's Assistant

Bookkeeper's

Monthly Report - **June 2010**

-
1. Completed processing all June 2010 Vouchers and Journal Entries.
 2. Prepared Supervisor's Monthly Report for June 2010 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. Processed a BAN Renewal for water line improvement in the amount of \$295,000.00.
 8. Need the following resolution establishing the "Standard Work Day & Reporting Resolution."

RESULT: **REPORT ISSUED**

8. Resolution 2010-85

Standard Work Day & Reporting

Standard Work Day & Reporting Resolution

BE IT RESOLVED, that the Town of Porter hereby establishes the following as standard Work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' System based on the record of activities maintained and submitted by these officials to the clerk of the body:

(Based
on

Title	Name	(Hrs/Day)		Record of Activities)	
		Standard Work Day	Term Begins/Ends		
		Time - Keeping System	Days/ Month		
Elected Officials					
Board Member	Baia, Thomas	6	1/1/2010 - 12/31/2013	N	1.33
Hwy Supt	Hillman, Scott	8	1/1/2008 - 12/31/2011	Y	N/A
Tax Collector	Hogan, Sally	6	1/1/2010 - 13/31/2013	N	3.34
Supervisor	Wiepert, Merton	6	1/1/2010 - 12/31/2013	N	20.00
Town Clerk	Zachary, Gail	7	1/1/2008 - 12/31/2011	Y	N/A
Appointed Officials					
Conf Sec to the Supervisor	Ault, Norman	7	1/1/2010 - 12-31-2010	Y	N/A
MEO	Bills, Steven	8	1/1/2010 - 12-31-2010	Y	N/A
MEO	Burmaster, David	8	1/1/2010 - 12-31-2010	Y	N/A
Hwy Clerk P/T	Cristiano, Karen	8	1/1/2010 - 12-31-2010	Y	N/A
MEO	Cudney, Scott	8	1/1/2010 - 12-31-2010	Y	N/A
RP Appraisal Tech - Trainee	Driscoll, Susan	7	1/1/2010 - 12-31-2010	Y	N/A
Deputy Town Clerk	DuBell, Barbara	7	1/1/2010 - 12-31-2010	Y	N/A
MEO	Gombert, David	8	1/1/2010 - 12-31-2010	Y	N/A
Court Clerk	Hastings, Lisa	7	1/1/2010 - 12-31-2010	Y	N/A
Water/Sewer Clerk P/T	Lockhart, Ramona	8	1/1/2010 - 12-31-2010	Y	N/A
Story Hour Leader P/T	Lockhart, Ramona	6	1/1/2010 - 12/31/2010	N	7.24
Acting Assessor P/T	Oaks, Barbara	7	1/1/2010 - 12-31-2010	Y	N/A
Planning Secretary P/T	Parker, Pamela	6	1/1/2010 - 12-31-2010	N	3.33
Story Hour P/T	Rugg, Sharon	6	1/1/2010 - 12/31/2010	N	6.14
MEO	Stone, James	8	1/1/2010 - 12-31-2010	Y	N/A
Court Attendant	Wilkesmore, Tim	6	1/1/2010 - 12-31-2010	Y	N/A

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

9. Report 2010-93

Assessor

June, 2010

1. Completed monthly inspections for verification of sales and completion of all building projects.
2. Processed monthly sales transfers and splits.

- 3. Received decisions from Board of Review, made changes to 2010 roll-notified homeowners of changes.
- 4. Processed "stipulations" (new assessment agreed upon via informal hearings) -sent letters to homeowners advising them changes made to roll as agreed
- 5. Susan attended several classes to further her education in assessing
- 6. Both attended IAAO class on taxability of non-profit-non-used property.
- 7. Made final changes to 2010 tax roll-handed in to County-copies of said roll now available at Town Hall.
- 8. Continued to train Susan in all aspects of assessing.

RESULT: REPORT ISSUED

10. Report 2010-94

Recreation

Summer Recreation Program

The Town of Porter Recreation opened July 6th. There were 215 children in attendance on the first day.

As of July 7th registration was as follows:

Grades 1 - 2	71
Grades 3 - 4	88
Grades 5 - 6	98
Grades 7 - 10	105
 Total	 362

RESULT: REPORT ISSUED

11. Report 2010-95

Highway

Department of Public Works
Monthly Report for June 2010

Highway Department:

1. Completed monthly brush and refrigerator pick up.
2. Completed fiber seal and fog seal on Braley Road and Dickersonville Roads.
3. Completed a culvert installation on Braley Road.
4. Provided 2 trucks to Town of Cambria for their sealing project.
5. Provided 2 trucks hauling blacktop to the Village of Youngstown for repaving of Water Street.
6. Started preliminary site work at Cain Road culvert rehabilitation project.
7. Completed the installation of the 1812 celebration Road Name Signs.

Drainage Department:

1. Continuing with drainage mowing program.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Continuing mowing and cleaning fire hydrants.
3. Repaired a water break on River Road.

I would like to thank the board for allowing the employees to attend the Dig Safe Seminar and the Confined Space Seminar.

Respectfully submitted,

Scott B. Hillman
Highway Superintendent

RESULT:	REPORT ISSUED
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12. Resolution 2010-93

Ransomville Fire Co Summer Event

Resolution to approve the Ransomville Volunteer Fire Company's request for the use of the Town's tent, stakes, generator, fences, etc for their summer event on 08/07/2010.

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

13. Resolution 2010-86

Snow & Ice Amendment B

Due to the severity of the winter, additional monies could be paid to the Town; therefore a resolution is needed to amend the Snow and Ice Contract between the State of New York and the Town of Porter, *Amendment B*, for the 2009/2010 season, and to authorize the Supervisor to sign the paperwork.

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

14. Report 2010-96

Building Inspector/Code Enforcement Officer

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF JUNE 2010

NAME	NO.	DATE	ADDRESS	TYPE	COST	FEE
Ransomville Library	26-10	5/28	3733 Ransomville Rd	Addition	63,000	0
STACK, John	27-10	5/28	365 Howard Drive	Alteration	3,000	50
SKELLEN, Jeffrey	28-10	6/2	3197 Porter Center	Deck	400	25
BUTTERY, Jason	29-10	6/4	896 Balmer Rd	Addition	11,000	100
WIEBERT, Lawrence	30-10	6/14	3018 Orchard Drive	AG pool	3,200	25
VALINT, Jennifer	31-10	6/23	3962 Calkins	Shed	5,000	25
CWM	32-10	6/23	1550 Balmer Rd	Tank	1,500,000	500
CABELLO, Lewis	33-10	6/28	2497 Lake Rd	S. F. R.	200,000	300
SEMBERT, Chris	34-10	6/28	1938 Lockport Rd	AG pool	3,500	25
GRAY, Connie	35-10	6/30	2324 Lockport Rd	Pool deck	3,000	25

					TOTAL	1,792,100
						1,075

CERTIFICATES OF OCCUPANCY ISSUED

FELLOWS, Carl	04-10	6/14	3645 Ransomville Rd	Group A-2 restaurant
PACER, James	05-10	6/15	2199 Lake Rd	Single Family residence

BUILDING DEPARTMENT REPORT: Month June 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 June 2010.
- Continued review of draft new zoning law and subdivision regulations.
- Preparing for new Building Department software installation.
- State mandated training (6 hours).
- Town training session with Planning Board and Zoning Board of Appeals.

Mr. Rogers stated he has completed six hours of additional training.

There was some discussion about a house going up on Lake Road that needs to have a determination whether it is within the original “footprint” of the previous house.

RESULT: REPORT ISSUED

15. Report 2010-97

Engineer

Cain Road Capital Improvement Project

- Bid specification to slip-line the culverts and repair the headwalls to be

completed in June. Contract Documents completed; assisting the town in soliciting bids for a late July or August construction start.

Engineering Support Services

- Site visit to 2391 Lake Road (residential property) completed in conjunction with the Building Department's continued investigation and determination of building envelope size.
- Prepared design plan for construction of a stairway to access the beach at the Porter on the Lake Park as part of an Eagle Scout project.

RESULT:	REPORT ISSUED
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16. Resolution 2010-91

BID AUTHORIZATION

Resolution: authorize CRA to go out, by invitation, for bids, not to exceed \$35,000, to slip-line the culverts and repair the headwalls, on the Cain Road project.

Furthermore: authorize the Supervisor and Highway Superintendent to accept the lowest responsive bid, award the contract and have the project started in late July or early August.

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

17. Report 2010-98

Attorney

Worked with the bookkeeper on the BAN which was due June 24th; also, wrote up Local Law #1 of 2010.

RESULT:	REPORT ISSUED
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18. Resolution 2010-90

Town Historian

Monies for 1812 commemoration

Please don't miss out on this great opportunity for monies for the town in regards to the 1812 commemoration!

Attached is a projects proposal from the Legacy Council for communities and other groups to work together for the 1812 commemoration. This is a great opportunity from the Legacy Council in Canada to offer economic support.

Please note the deadline for submissions.

The Niagara 1812 Bicentennial Legacy Council is currently accepting proposals for funding for small projects in the Niagara Region and Western New York. Please see the attached document for more information. The same information can also be found on our website using the following link: <http://discover1812.com/bulletin/58>. Please note that proposals up to the amount of **\$5,000.00** will be accepted and that the deadline for submissions is **Friday, July 30, 2010**.

If you have any questions:

Niagara 1812 Bicentennial Legacy Council .
3550 Schmon Parkway, 2nd Floor, PO Box 1042 .
Thorold ON L2V 4T7 .905-984-3626 ext. 3456 .

www.discover1812.com <<http://www.discover1812.com/>>

I hope the Board will take advantage of this opportunity to bring additional monies into our community for this commemoration whether it is for a peace garden at Porter Park, improved signage along the 1812 routes etc.

Resolution: Authorize the Supervisor to proceed with applying for this grant either for the Town of Porter itself, or in conjunction with the Village of Youngstown, Old Fort Niagara, or both. The Supervisor is authorized all necessary documentation.

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

19. Report 2010-99**Grant Writer****Grants Status Report:**

Qualities Communities Grant Program: We are continuing to work on the Qualities Communities Grant Program to comply with NYS Town Law, the Town, to update their Land Use regulations to reflect the recommendations of the recently adopted Comprehensive Plan. We have continued to work on quarterly and semiannual reports to Albany to date. This includes committee meetings, review with the consultant and reviews with Albany. The June status report has been sent in.

Greenway (2009): On June 18th we were awarded \$20,000 for the Recreational Study through the Town of Lewiston has our sponsor. We will prepare a RFQ for the Study. The check should be given to the Porter shortly (they are waiting for the resolution from the Host committee with the Bank voucher.)

Greenway (2010): Presentation for this project is scheduled for July 20th at 3PM at the Beaver Island Casino Building on Grand Island.

The proposed park improvements will provide all users with safer and improved access to all park amenities and will construct the facilities and infrastructure needed for passive recreation and leisure entertainment. The work proposed in this project focuses on three tasks:

- 1. Installation of Playground Equipment:** The Town will install playground equipment that is compliant with NYS Safety Standards and that meets ADA-compliance standards for residents requiring special needs. The attached sheet outlines each piece of equipment that will be installed.
- 2. Portable Amphitheater/Concert Bandstand:** The Town has budgeted \$100,000 for the construction of the amphitheater. The amphitheater will be available for use all year round.
- 3. "Green" construction of a 10 ft. wide, 2,700 linear ft. perimeter & interconnecting trail:** The proposed trail system will connect the Park entrance, parking area, restroom facilities, basketball court, and all existing and proposed picnic shelters. At a standard width of 10 feet, the trails will allow for safe walking and biking traffic in both directions. The proposed trail will carry a 25-year life expectancy to ensure extended life of the pavement. Green, wet weather infrastructure techniques (strongly recommended by the EPA) will be employed in construction. The trails will be constructed out of a permeable material (porous concrete pavers filled with gravel) to allow filtration of rainfall. Permeable materials reduce the amount of pooled water, contributing to the improved quality of water runoff as well as the aesthetics and conditions of the park landscape for park visitors.

Congressional Appropriation: We are working with Congresswoman Slaughter's office to match the Ransomville Waste Water project with new economic stimulus money that will be released this fall and will be administrated through the a Congressional Appropriation. We have the 2005 engineering report. More details to follow.

NYSERDA RFP 1613: Not announced yet

RESULT:	REPORT ISSUED
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20. Report 2010-100

Porter-On-The-Lake

PORTER-ON-THE-LAKE COMMITTEE MEETING

JUNE 21, 2010

Attending: Bill Baird Fran Boltz Don Larrabee Bob Reese Meg Whitmore
Gloria Baker Cathy Burns Ernie Lavigueur Larry White Mert Weipert
Jeff Baker Tony Collard Sue Martin Linda White
Dave Lackey-representative of the Lower River Chamber of Commerce

Chairman Reese called the meeting to order at 6:35pm. Those in attendance were referred to the Town web site for the minutes of the previous meeting.

PUBLIC COMMENT: A question was raised about the completion date for the park drainage. The completed sections of drainage will have grass planted by Labor Day.

TOWN SUPERVISOR, BOOKKEEPER AND GRANT WRITER: Supervisor Weipert spoke on these topics:

BOOKKEEPER'S REPORT: there is \$35,000 in the Park account

GRANTWRITER ROPORT: the NYS Parks application is due the end of June. It is a matching funds grant.

SUPERVISOR'S REPORT: POTL will receive \$20,000 from the Town of Lewiston for a Master Plan of the park. It is Greenway money but will not affect the POTL application. There is a Master Plan subcommittee of the Park Committee in existence. This group needs to convene soon.

OLD BUSINESS:

- a. **LABOR DAY-** topic discussed included time - 11am-8pm; bands - need a \$3000 deposit for 6 bands; parking - Boy Scouts; Fire Companies and the beer tents; presale of tickets; vendors - being sought, if checks are received by 7/31, there is \$10 off; kids activities - subcommittee appointed.
- b. **PARK SIGN:** Congratulations to Cathy Burns for the design and production of the new sign. Flowers and topsoil have been donated by O'Connor's Family Greenhouse's and DTTruesdell Trucking respectively. The Youngstown Garden Club has volunteered to plant the garden.
- c. **DRAINAGE:** ongoing work. The Sheriff's group has helped by back filling.
- d. **BEE HIVE:** there was a new bee hive at the park, which the beekeeper, Duke Williams has relocated.
- e. **BYRK PLUMBING:** the water leaks in the Men's & Ladies restrooms have been fixed.
- f. **GRILLS:** are installed and are already being used.
- g. **TJ MARIES:** He has received verbal approval for the steps. The plans should be completed by the end of the week. It now has to go to the DEC for formal approval. This should hopefully be a quick turnaround.
- h. **INPUT/DISCUSSION:** -Mert will talk to Scott about making the drive 2 lanes wide. It needs to be graded down depending on the outcome, possibly seek quotes from contractors.

NEW BUSINESS:

- a. **PARK SIGN FLOWER GARDEN:** see "b" under Old Business
- b. **CONCRETE IN PAVILION:** some sections of the pavilion floor are raised. Dave Webb will remove the uneven

sections and pour new concrete. He is donating time and equipment in exchange for a sign at an event. Jeff Baker is checking on getting concrete donated for this project.

CHAIRMAN'S REPORT:

- a. **SHERIFF'S COMMUNITY SERVICE:** on 6/20 cleaned outside the fence and other cleanup projects.
- b. **JUDGE'S COMMUNITY SERVICE:** on 6/25, 2 youths are scheduled to begin 10 hours of service.
- c. **LINDEN TREE:** has been looked at by Peter Grainge and John Farfaglia. There is no immediate need to take it down but it must be done.

Meeting adjourned at 7:35pm. **NEXT MEETING: MONDAY, JULY 19TH, 6:30 AT THE POTL PAVILION.**

Supervisor Wiepert expressed his gratitude to Dan Truesdell Trucking for the loads of dirt, O'Connor Family Greenhouses for the flowers, and to Bob Reese for the twice daily watering of the plants.

RESULT:	REPORT ISSUED
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21. Report 2010-101

Correspondance

The Town received a letter from the Department of the Army, who have decided not to establish an official Department of Defense Restoration Advisory Board for the former Lake Ontario Ordnance Works Site.. ..at this time.

RESULT:	REPORT ISSUED
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22. Report 2010-102

Calendar of Events

Calendar of Events

Thursday, July 15th	Zoning Board Mtg @ Town Hall - 7:30 pm
Thursday, August 5th	Planning Board Mtg @ Town Hall - 7:00 pm
July 30, 31 and August 1	Youngstown Fire Company Field Days PARADE - July 31 at NOON

Monday, August 9th Regular Mtg of the Town Board @ 7:00 pm
Porter Town Hall, 3265 Creek Rd.
Youngstown, N. Y. 14174

RESULT: REPORT ISSUED

23. Report 2010-103

Town Board Comments

Irene Myers, from Ransomville, suggested plaques be made, and presented, to those who have given their time in enhancing Porter-On-The-Lake. She also suggested that they be presented at the Annual Labor Day Festival at the park.

With no further business before the Board the meeting was adjourned at 8:15pm.

Gail Zachary
Town Clerk

RESULT: REPORT ISSUED
