



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Gail Zachary

Monday, August 8, 2011

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on August 8, 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 | Present | |
| Joe Fleckenstein | Town of Porter | Councilman | 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 | 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 | Absent | |

II. Public Portion

1. Report 2011-110

Public Comments

Ken Lawson, Youngstown-Lockport Road asked the definition of "conflict of interest," in light of a planning board member's public speech at the last Town Board meeting. Attorney Dowd stated there was none unless there was a financial issue or a family member involved.

RESULT: REPORT ISSUED

2. Report 2011-125**Re-Open Public Hearing of July 13, 2011**

The public hearing remains open. The work session will be PUBLIC with a notice on the website and on the bulletin board at Town Hall.

Attorney Dowd advised the board to make a motion to continue to keep the public hearing open. This was done unanimously, with Tom Baia making the motion and Larry White seconding.

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| RESULT: REPORT ISSUED |
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III. Reports/Resolutions**1. Resolution 2011-88****Minutes Approval**

Motion to approve the minutes of the July 11, 2011 regular Town Board meeting.

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

2. Resolution 2011-89**Payment of Audited Vouchers**

Motion to approve the vouchers, as audited.

TOWN OF PORTER

WARRANT: POST AUDIT - JULY 2011 7/31/11

| | |
|--------------|-------------------------|
| FUND 01 | 7,660.06 |
| FUND 02 | 163.86 |
| FUND 04 | 4.11 |
| FUND 06 | 413.44 |
| FUND 07 | 1,301.05 |
| FUND 28 | 7,593.28 |
| FUND 33 | 1,616.92 |
| TOTAL | <u>18,752.72</u> |

VOUCHER 'S 15593 THRU 15624

WARRANT: # 8 AUGUST, 2011 8/8/11

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|--------------|--------------------------|
| FUND 01 | 15,173.31 |
| FUND 02 | 50,818.82 |
| FUND 04 | 25,709.77 |
| FUND 06 | 4,622.55 |
| FUND 07 | 59,663.68 |
| FUND 10 | 733.83 |
| FUND 33 | 8,449.06 |
| TOTAL | <u>165,171.02</u> |

VOUCHER 'S 15625 THRU 15717

183,923.74

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

3. Report 2011-111

Town Clerk

July 2011 Revenue

| | |
|-------|-------------|
| Water | \$24,348.84 |
| Sewer | \$57,403.77 |

License and Fees \$ 1,073.09

No animal contact report from SPCA

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| RESULT: REPORT ISSUED |
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4. Report 2011-112

Supervisor

- Supervisor's Monthly Report for July, 2011 was distributed to all Town Board members.
- Resolution to accept the Supervisor's Monthly Report for July, 2011.
- June Sales Tax \$132,810.04. We are up \$7,982.97 for 2011.

On July 26th the Town of Porter Founders Day Celebration Committee held its first meeting. In attendance were; Supervisor Mert Wiepert; Town Historian, Sue Dietz; Supervisor's Assistant Norm Ault; Real Property Appraiser Technician - Trainee, Susan Driscoll; Kathy Gratz, Diane Horvath, Millie Hillman, Sue Allen, and Bill Siddall. A number of ideas were discussed. One of the first items requested was for the Town Board to declare June 1, 2, 3, 2012, as The Town of Porter Founders Day Weekend.

We also ask the Board, in the resolution, to request participation from all organizations within the Town to partake in and promote this 200th Birthday Celebration. Let's make this a birthday to remember.

Brentwood Drive drainage repair problem to be discussed/addressed; quotes needed.

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| RESULT: REPORT ISSUED |
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5. Resolution 2011-90

Acceptance of Supervisor's Report

Motion to accept the July 2011 Supervisor's Report.

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

6. Resolution 2011-91

Founders Day

Resolution declaring June 1st, 2nd, 3rd, 2012 as the Town of Porter Founders' Days, 200th Birthday Celebration and to urge all businesses, churches, civic groups and residents to participate in this historic anniversary, and to promote it.

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

7. Report 2011-113

Justice Fines 2011

JUSTICE FINES 2011

01-1000.2610

| | <u>GROSS REVENUE</u> | <u>DISTRIBUTION</u> | <u>NET REVENUE</u> |
|----------|--------------------------|---------------------|------------------------|
| JANUARY | 5,049.50 | (3,607.50) | 1,442.00 |
| FEBRUARY | 5,755.00 | (3,345.00) | 2,410.00 |
| MARCH | 3,915.00 | (1,775.00) | 2,140.00 |
| APRIL | 5,817.25 | (1,838.50) | 3,978.75 |
| MAY | 4,928.00 | (2,231.00) | 2,697.00 |
| JUNE | 4,955.00 | (1,970.00) | 2,985.00 |
| JULY | | | 0.00 |
| AUGUST | | | 0.00 |

| | | | |
|-----------|-----------|-------------|-----------|
| SEPTEMBER | | | 0.00 |
| OCTOBER | | | 0.00 |
| NOVEMBER | | | 0.00 |
| DECEMBER | | | 0.00 |
| | 30,419.75 | (14,767.00) | 15,652.75 |

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| RESULT: REPORT ISSUED |
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8. Report 2011-114

Bookkeeper

Bookkeeper's Monthly Report - July 2011

Completed processing all July 2011 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for July 2011 and distributed it to the Supervisor & Town Board members.

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Continued maintaining the town web page.

2012 Budget Requests will be distributed to department heads by August 19th and should be returned no later than September 7th.

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| RESULT: REPORT ISSUED |
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9. Report 2011-115**Highway**

8/8/2011

Department of Public Works
Monthly Report for July 2011

Highway Department:

1. Completed monthly brush pickup.
2. Completed CIPR of pavement on Lutts Road between Rt. 93 and Balmer Road.
3. Completed ditching on Lutts Road.
4. Completed 4th round of roadside mowing.
5. Provided assistance to the Village of Lewiston with trucks hauling blacktop for their paving projects.
6. Sarah and I met with the SEMO and FEMA reps regarding the damage claim from the wind storm on April 26th. The FEMA rep has made her field assessment and is processing our claim.

Drainage Department:

1. We are continuing the ditch mowing program. The Challenger mower is down with a bad hydraulic drive motor. We hope to have it back in service later this week. We have utilized the boom mower to mow areas that need that type of mower while waiting for the other tractor to be repaired. To date the northeastern quarter of the town is completely mowed.

Water and Sewer Department:

1. Completed monthly meter readings.
2. Continuing installation of Orion meters.
3. Responded to 2 calls for possible sewer obstruction. Found blockages in laterals or inside the house. Residents called plumbers to resolve the problems.
4. We met with Heather Lewis from Wendel Engineering to go over the new hydrant maintenance and winterization functions of the GIS System. Heather will be in this week to conduct field training with the water / sewer employees.

“ I would like board approval to attend the fall Highway Superintendents Conference on September 27th thru September 29th. ”

There was also a request to allow the State and Park employees to do electrical modification on the meter in Fort Niagara.

Superintendent Hillman has also contacted the State to address the missing stop sign

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| RESULT: REPORT ISSUED |
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10. Resolution 2011-98**Fort Niagara Meter Repair**

Resolution to allow New York State employees to do minor electrical modification to the supply line for the meter pit in Fort Niagara. Attorney Dowd will prepare the release.

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

11. Resolution 2011-94**Highway Superintendent Conference**

Resolution authorizing the Highway Superintendent to attend the Highway Superintendent's conference September 27th till September 29th.

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

12. Resolution 2011-92**Adjustment**

Re: Account Adjustments for the month of July

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

| <u>Account #</u> | <u>Amount</u> | <u>Service</u> |
|------------------|---------------|----------------|
| 10-0605 | -3.84 | Water |

Town clerk's office received a torn check for payment. Sender had to re-issue; late charge was removed.

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

13. Report 2011-116

Assessor

Date: August 2, 2011

Assessor's Report for July 2011

- Completed monthly inspections for verification of sales and completion of all building projects.
- Processed monthly sales transfers and splits.
- Continued to track new sales to help determine time trends, valuations and equalization rates.
- Received court ordered change for Mr. Elia's property-30% complete-value of what was built so far reduced from \$1,278,000 to \$846,212, Making the value of the 30,000 square foot bldg @ a little over \$400,000-plus the land.
- This office respectfully but adamantly disagrees.
- Running statistical reports on valuation to help determine where equity does or doesn't exist.
- Working on 2012 tax roll.

- Continued to train Susan in all aspects of assessing.

RESULT: REPORT ISSUED

14. Report 2011-117

Engineer

Engineering Report

Update - August 2011

- Drainage review:** Brentwood Drive - Coordinated with the Highway Superintendent in developing a drainage plan and budgetary cost estimate to implement improvements to reduce flooding impacts.
- Planning Board Reviews**
 - Completed drainage review on July 29th for a minor subdivision request for 3933 Calkins Road

A resolution was made to accept bids, not to exceed \$3,000.00, to take care of the Brentwood Drive drainage problem in Collingwood Estates. The Town will supply materials

RESULT: REPORT ISSUED

15. Report 2011-118

Building Inspector/Code Enforcement Officer

| <u>No.</u> | <u>Issue Date</u> | <u>Owner</u> | <u>Type</u> | <u>Address</u> | <u>Value</u> | <u>Amount</u> |
|------------|-------------------|--------------|-------------|-----------------|--------------|---------------|
| 037-11 | 7/6 | Jason Cramer | A. G. Pool | 923 Balmer Rd | 1,200 | 25 |
| 038-11 | 7/13 | Traci Wayda | A. G. Pool | 3065 N Creek Rd | 1,600 | 25 |
| 039-11 | 7/20 | Mark Butera | Fence | 1987 Lake Rd | 2,600 | 25 |
| 040-11 | 7/25 | Joshia Tan | Addition | 3881 River Rd | 4,500 | 100 |

| | | | | | | |
|--------------|------|----------------|------------|------------------------|------------------|--------------|
| 041-11 | 7/27 | Jms Wesolowski | Pole Barn | 3065 Dickersonville Rd | 10,000 | 50 |
| 042-11 | 7/27 | William Smith | Addition | 3538 Ransomville Rd | 8,000 | 50 |
| 044-11 | 7/29 | Patrick Reilly | A. G. Pool | 431 Riverview Dr | 2,000 | 25 |
| 045-11 | 7/29 | Patrick Reilly | Deck | 431 Riverview Dr | 4,500 | 25 |
| 046-11 | 7/29 | Jeffrey Kramer | A. G. Pool | 2570 New Rd | 2,200 | 25 |
| | | | | | 36,600 | 350 |
| Y-T-D | | | | | 1,316,275 | 3,150 |

BUILDING DEPARTMENT REPORT: Month July 2011

- 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 Town Board and Planning Board meetings.
- Pursued numerous Zoning code violations and issued to the Supervisor "Complaints Report" for the month of July 2011.

RESULT: REPORT ISSUED

16. Report 2011-119

Grant Writer

Requesting that the Town Supervisor be directed to, and files an application for, funds from the New York State Office of Parks, Recreation and Historic Preservation in an amount not to exceed \$400,000 and, after approval, to enter in to, and execute, a project agreement with the State for financial assistance for lake park improvements.

RESULT: REPORT ISSUED

17. Resolution 2011-95**Authorizing Resolution**

Resolve that Merton K. Wiepert, as Supervisor of the Town of Porter, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$400,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Town of Porter for Porter on the Lake Park Improvements and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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

18. Report 2011-120**Recreation**

Recreation Report for July 2011

Attendance: Sue Lambert, Chairman
Wayne Pollow
Richard Wade
Kathy Zasucha, Recreation Director
Ramona Lockhart, Story Hour Director
Marie Oblambski, Secretary/Treasurer

RECREATION

Kathy Zasucha reported 346 children registered for the summer program;

Group A 73

| | |
|---------|----|
| Group B | 82 |
| Group C | 99 |
| Group D | 92 |

Average daily attendance is 150. There has not been any further word from New York State regarding the status of the program.

There were 133 children at the pool (Fort Niagara) this past Friday with no problems.

There are six children with learning disabilities and emotional problems who are attending the program. There are three aides helping to supervise them.

The bowling trip is being moved to Lockport; this means additional money will be needed for the buses. Mrs. Zasucha will cancel the fishing activity to compensate for the bowling move.

Monday field trips have been a problem as the children often forget their permission slips. From now on, Kathy will have the field trips Tuesdays, Wednesdays or Thursdays.

STORY HOUR

Mrs. Lockhart reports that attendance is up this summer and the program is averaging 10 to 15 MORE children per week than last year. Everything is running smoothly, with no problems.

With no further business to address, the meeting was adjourned and the next meeting is scheduled for August 1, 2011 at 7 pm.

Submitted by Marie Oblamski, Sec./Treas.

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| RESULT: | REPORT ISSUED |
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19. Report 2011-122

Porter-On-The-Lake

**PORTER ON THE LAKE PARK COMMITTEE MEETING
JULY 25, 2011**

| | | |
|------------------------------|--------------|--------------|
| ATTENDING: Fran Boltz | Don Larrabee | Mert Weipert |
| Tony Collard | Bob Reese | Meg Whitmore |

PUBLIC COMMENT: none

TOWN COUNCIL REPORT: none

POTL COMMITTEE MEMBERS' COMMENTS:

A suggestion was made that all members of the POTL Park Committee come together to work on a reorganization of the Committee.
No date for this meeting was set.

TOWN SUPERVISOR'S REPORT: none

TOWN BOOKKEEPER'S REPORT: There is \$15,270.76 in the Park account. An itemized budget report was requested. Mert said that he would get it for the Committee.

TOWN GRANT WRITER'S REPORT: none

OLD BUSINESS:

1. **SUMMERFEST:** No Report
2. **TOWN REC PROGRAM:** in a follow up to the discussion concerning the recreation program and POTL, the lack of an inside area with AC and the lack of a land line were two areas that do not meet the requirements. Average attendance is between 125 and 150.

NEW BUSINESS: One of the picnic tables was taken from the park and was later found about 100' west of Dietz Rd. The Sheriff's Work Release program helped Bob get it back to the pavilion.

CHAIRMAN'S REPORT:

1. **GRASS CUTTING:** is lessened so not to burn lawn due to hot weather
2. **PICNIC TABLES:** Bob will meet with Lori Caso for the grant application
3. **LAWNMOWERS:** New York State is now mandating roll bars and seat belts for lawn mowers. Research is being done about grandfathering the present mowers due to the year of their manufacture.
4. **POWER UPGRADE:** The Park is in need of a power upgrade. This will mean evaluating the current power system and then a discussion with National Grid and others as to how to proceed.
5. **SIGN GARDEN:** Three flowers have disappeared from the planting garden. The possibility of running a water line from Lake Rd to the garden was discussed.
6. **DIETZ RD:** The Buffalo Triathlon group continues to use the site on Sunday mornings. The usage of the end of Dietz Road has grown as the temperature rises. The NC Sheriff's Department has recently broken up a number of parties.

The meeting adjourned at 8:04 pm.

NEXT MEETING IS MONDAY AUGUST 29TH AT THE PAVILION AT 6:30 p.m.

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| RESULT: | REPORT ISSUED |
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20. Report 2011-121**Correspondance**

A letter was received from a resident on Blairville Road requesting a speed limit study for the area coming out of the Village of Youngstown, as now there are more new homes built by families with small children. The 55 mph sign is also missing coming from the east and has been gone for several years.

The resident also feels that the 30 mph to 55 mph coming *out* of the Village and the 55 mph going *into* the Village is too abrupt.

Received a letter from Recreation Committee Member, Richard Wade, stating he is resigning his position, effectively immediately.

Received a letter from Greg Quarantillo, Field Day Chairman, on behalf of the Youngstown Volunteer Fire Company, is requesting the use of the Town's generator for the stage at the Youngstown Field Day, September 3, 4 and 5, 2011. There will be 24-hour security at the site.

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| RESULT: REPORT ISSUED |
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21. Resolution 2011-96**Speed Limit Study**

Resolution directing the Town Clerk to contact the DOT to complete a traffic study concerning the speed limit on Blairville Road coming out of the Village of Youngstown.

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

22. Resolution 2011-97

Generator Rental

To give permission for the Youngstown Volunteer Fire Company to use the Town's generator for the Youngstown Field Day, September 3, 4 and 5, 2011, for the stage only.

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

23. Report 2011-123

Calendar of Events

Planning Board Mtg @ Town Hall -Thursday, September 01, 2011-7:00 pm

100 Year Anniversary of the Youngstown Volunteer Fire Company

Annual Firemen Field Days

Saturday, Sept. 3 1:00 pm - Midnight

Sunday, Sept. 4 1:00 pm - Midnight

Monday, Sept 5 9:00 am - 8:00 pm

BLANKET STAND - Sunday and Monday

Fireworks Saturday and Sunday 9:30 pm
Monday - PARADE at NOON on Main Street

Rides Bands
Games Petting Zoo (Sunday)

Food Raffles (Every day)
Beer Tent

Town Board Mtg @ Town Hall -Monday, September 12, 2011-
7:00 pm

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| RESULT: REPORT ISSUED |
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24. Report 2011-124

Town Board Comments

With no further business to discuss, the regular meeting of the Porter Town Board was adjourned at 7:40 pm.

Gail Zachary
Town Clerk

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| RESULT: REPORT ISSUED |
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