



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

Gail Zachary

Monday, August 13, 2012

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on August 13, 2012 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

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

II. Public Portion

1. Report 2012-136

Public Hearing/Zoning Changes

Notice of Hearing on Proposal to Amend Zoning Ordinance

Pursuant to New York State Town Law § 265 and §§ 100 & 109 of the Town of Porter, New York Zoning Law, and upon the recommendation of the Town Planning Board, a public hearing will be held by the Town Board at the Town Hall, 3265 Creek Road, Youngstown, New York, on the 13th day of August, 2012, at 7:00 o'clock, P.M., on a proposal to amend the Zoning Law and Zoning Map of the said Town, as follows:

1. By changing from Class RC Rural Commercial to Class RA Rural Agriculture, all of the lot, property or premises, as presently identified by Tax Map Number 34.00-1-10 in the Office of the Town or Porter Assessor and being an 8.2 acre parcel fronting upon the southerly side of Lake Road at or near its intersection with the west side of Ransomville Road. For more specific descriptions and more detailed information regarding the proposed amendments a map has been prepared and placed in the Office of the Property Assessor in the Town Hall which map may be examined by any interested person during regular office hours.

2. By changing from Class LDR Low density Residential to Class RC Rural Commercial, all of the lot, property or premises, as presently identified by Tax Map Number 59.00-2-18 in the Office of the Town or Porter Assessor and being an 1.5 acre parcel fronting upon the northerly side of Blairville Road at or near its intersection with the west side of East Avenue. For more specific descriptions and more

detailed information regarding the proposed amendments a map has been prepared and placed in the Office of the Property Assessor in the Town Hall which map may be examined by any interested person during regular office hours.

- (1) Mr. Douglas Zastrow presented a brief history of his parcel. He grew up in this area and now lives in Ohio. He wants to sell the 8 + acres as a whole. He, again, asked the Board to change the zoning from commercial to residential (RA). The request has gone through the Planning and Zoning Boards, with their approval and has also talked to the next door neighbors, Mark and Marilyn Haseley. They have no objections.

Per Attorney Dowd's recommendation, Tom Baia made a motion to make the Town lead agency in this matter. A **SEQR** will be sent to the Niagara County Planning Board for their approval. Joe Fleckenstein seconded. The motion was carried unanimously.

- (2) Mary Ohanessian and Christina Tomasina, two of the three owners of 681 Blairville, asked to change the zoning on this property to commercial (RC), as this would make the parcel more marketable.

Again, this matter will go to the Niagara County Planning Board. Councilman Baia moved and Councilman White seconded to adopt the town as lead agency and to let the County know.

RESULT:	REPORT ISSUED
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2. Resolution 2012-84

Closure of Public Hearing

Motion to close the public hearing on zoning changes

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

3. Resolution 2012-86

Amendment to Zoning Law/Fence Height

Notice of Hearing on Proposal to Amend Zoning Ordinance

Pursuant to New York State Town Law § 265 and §§ 100 & 109 of the Town of Porter, New York Zoning Law, and upon the recommendation of the Town Planning Board, a public hearing will be held by the Town Board at the Town Hall, 3265 Creek Road, Youngstown, New York, on the 13th day of August, 2012, at 7:15 o'clock, P.M., on a proposal to amend the Zoning Law and Zoning Map of the said Town, as follows:

Amending §70 (B) of the Town of Porter, New York Zoning Law to include a new subdivision which will state "(6) No fence or wall shall be erected exceeding three feet in height between the shoreline of the Niagara River or Lake Ontario and the nearest point to such shoreline from any principal residence or building."

Any and all interested persons will be heard at said public hearing.

August 02, 2012

By Order of the Town Board of
the Town of Porter.

Gail Zachary, Town Clerk
Town of Porter

Attorney Dowd stated that this amendment does not require a SEQR.

Councilman Baia made a motion, with Councilman White seconding, to authorize the Board to go forward with the language presented.

The motion was carried unanimously.

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

4. Resolution 2012-87

Closure of Public Hearing/Waterfront Fences

Resolution to close the public hearing to amend the Town's Zoning Law

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

III. Reports/Resolutions

1. Report 2012-121

Public Comments

Ernest Lavigueur, from East Avenue, expressed his hope that Modern Disposal and the Town Board will keep the community informed about the new recycling carts. Supervisor Wiepert assured him that Modern will have open houses/informational meetings and send out mailings.

RESULT:	REPORT ISSUED
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2. Resolution 2012-80

Minutes Approval

Approve the minutes of the regular Town Board meeting held on July 09, 2012.

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

3. Resolution 2012-81

Audited Vouchers

Approve the vouchers, as audited by the Town Board.

TOWN OF PORTER

WARRANT:	POST AUDIT - JULY, 2012	7/31/12
FUND 01		5,308.84
FUND 02		489.81
FUND 04		97.84
FUND 06		464.67
FUND 07		788.81
FUND 33		312.31
FUND 35		
TOTAL		<u>7,462.28</u>

VOUCHER 'S 17058 THRU 17086

WARRANT: # 8 AUGUST, 2012 8/13/12

FUND 01	14,636.12
FUND 02	40,728.35
FUND 04	26,288.09
FUND 06	4,229.50
FUND 07	68,031.88
FUND 10	761.55
FUND 33	1,011.26
FUND 35	450.00
TOTAL	<u>156,136.75</u>

VOUCHER 'S 17087 THRU 17196

TOTAL 163,599.03

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

4. Report 2012-122

Town Clerk

July 2012 Revenue

Water \$30,409.78

Sewer \$20,343.51

Licenses/Fees \$ 965.35

Received, by mail, certified notices from the Niagara Frontier Country Club, 1058 Lake Rd., 14174 and Johnston's Restaurant, 2575 Academy St., 14131, that they have made applications to the New York State Liquor Authority for the renewal of their liquor licenses.

Tuesday, August 13, 2012

5:00 p.m. - 6:30 pm

Rabies Clinic

@ Town of Porter Highway Garage
1800 Braley Road
Youngstown, New York

Sponsored by Niagara County Health Dept

**Cats and Ferrets Must Be In a Box or Carrier
Dogs Must Be Leashed**

Sporting licenses have gone on sale today.

RESULT:	REPORT ISSUED
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5. Report 2012-132

Supervisor

- Supervisor's Monthly Report for July, 2012 was distributed to all Town Board members.
- Resolution to accept the Supervisor's Monthly Report for July, 2012.
- June Sales Tax \$127,337.06, up from 2011 \$8,466.94 year to date.

RESULT:	REPORT ISSUED
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6. Resolution 2012-82

Acceptance of Supervisor's Report

Approve the July 2012 Supervisor's Report.

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

7. Report 2012-123**Bookkeeper**

Completed processing all July 2012 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for July 2012 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.

Started working on the 2013 budget

Working on recycling program

Started working on 2013 hospitalization insurance

Resolution to update GASB45 in the amount of \$2,900.00.

A resolution is needed to set a public hearing to use water reserve funds to pay off a BAN in the amount of \$153,000, plus interest.

RESULT:	REPORT ISSUED
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8. Resolution 2012-83**GASB45 Valuation Update**

Resolution authorizing Supervisor Wiepert to enter into a contract with Burke Group, 80 Linden Oaks Drive, Rochester, New York, 14625, in the amount of \$2,900.00, to complete a GASB45 valuation for the fiscal year end, December 31, 2012.

Three bids were received, the Burke Group, \$2,900; Milliman Company, \$3,150.00 and Danziger & Markhoff LLP, \$3,300.00.

This update of GASB45 was requested by Brown & Company, LLP, town accountant, who recommends that an update be done every three years.

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

9. Resolution 2012-91

Set Public Hearing/Water BAN

Resolution to set a public hearing, for Monday, September 10, 2012 at 7:00 p.m., to use water reserve funds to pay off a BAN in the amount of \$153,000, plus interest.

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

10. Report 2012-125

Assessor

Barbara J. Oaks, Acting Assessor
July 2012

1. Completed monthly field inspections for verification of sales and completion of all building projects.
2. Processed monthly sales transfers and splits.
3. Attended class on IDA's and their influence on property valuation .
4. Further discussions with legislators regarding simplifying exemption process...
5. Final roll (2012) available for inspection. Corrections (if any) can be made at this time with the "correction of errors" process.
6. Preparation for "small claims"...as of above date-- (Aug 1--deadline for filing)--paperwork received for one property.
7. Received final equalization rate from state--we are at 95% for this year
8. Susan continuing to learn all aspects of assessing

RESULT:	REPORT ISSUED
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11. Report 2012-124

Building Inspector/Code Enforcement Officer

		Town of Porter	Building Permits		July Report	
<u>Doc</u>	<u>Date</u>	<u>Owner</u>	<u>Type</u>	<u>Location</u>	<u>Value</u>	<u>Amt</u>
June						
48-12	7/2	Debbie Fedele	Pole Barn	3089 Dickersonville	15,000	50

49-12	7/2	Thomas Hogan	Shed	3921 Dickersonville	2,000	25
June					17,000	75
July						
50-12	7/3	Genevieve Jakubek	Deck	1927 Lockport Rd	1,200	25
51-12	7/6	Christopher Carrigan	Porch	1528 Y-Wilson Rd	1,500	25
52-12	7/6	Douglas Howard	Solar Panels	3334 Lutts Rd	37,424	50
53-12	7/9	Timothy Johnson	Garage	3585 Curtiss Ave	11,000	50
54-12	7/9	John Phelps	Demolition	2629 Lake Rd	0	25
55-12	7/13	Mary Carol Lynch	Shed	1731 Harrison Ln	6,000	25
56-12	7/16	David Quintern	Fence	2446 Lockport Rd	7,000	25
57-12	7/18	Jennifer Tuck	I G Pool	3191 Creek Rd	65,325	50
58-12	7/20	Radomski Properties LLC	I G Pool	3827 River Rd	34,200	50
59-12	7/20	Donald Larrabee	Solar Panels	1755 Harrison Ln	15,000	50
60-12	7/20	Jennifer Ehlers	Fence	2646 Lockport Rd	500	25
61-12	7/23	Eric Krieger	I G Pool	1836 Y-Wilson Rd	30,000	50
62-12	7/30	Robert Reese	Solar Panels	1821 Lake Rd	10,000	50
July					219,149	500
Report Total					236,149	575
Y-T-D					3,949,409	9,990

BUILDING DEPARTMENT REPORT: Month July 2012

- Building permits issued as per the report.
- Periodic progress inspections on construction projects throughout the Town.
- Prepared materials for the Planning Board and Zoning Board of Appeals.
- Attended Planning Board and ZBA meeting.
- Pursued numerous Zoning code violations and issued to the Supervisor "Complaints Report" for the month of July 2012.
- Attended Town Board work session.
- Attended Building Committee meeting regarding Town Hall.
- Reviewed changes to Zoning Laws for public hearing.

RESULT:	REPORT ISSUED
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12. Report 2012-134**Justice Court****JUSTICE
FINES 2012**

01-1000.2610

	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
JANUARY	6,080.00	(4,347.50)	1,732.50
FEBRUARY	7,530.00	(5,027.50)	2,502.50
MARCH	4,717.50	(2,182.50)	2,535.00
APRIL	3,915.00	(1,870.00)	2,045.00
MAY	6,340.00	(1,705.00)	4,635.00
JUNE	4,950.00	(1,790.00)	3,160.00
JULY			
AUGUST			
SEPTEMBER			
OCTOBER			
NOVEMBER			
DECEMBER			
	<u>33,532.50</u>	<u>(16,922.50)</u>	<u>16,610.00</u>

RESULT:	REPORT ISSUED
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13. Report 2012-126**Highway**

Highway Department:

1. Completed monthly brush pickup.
2. Completed the milling of pavement in Youngstown Estates and New Road.
3. Completed the Black seal on Braley Road.
4. Provided assistance to the Village of Lewiston and the Village of Youngstown with trucks hauling blacktop for their paving projects.
5. Provided assistance to the Town of Lewiston with trucks hauling stone for the Lewiston Fire Company parking lot expansion project.
6. Provided assistance to the Town of Niagara with trucks hauling millings for their milling project.

Drainage Department:

1. We are continuing the off road mowing program. About 75% complete.

Water and Sewer Department:

1. Completed monthly meter reading.
2. We are working on fire hydrant maintenance and painting.
3. I would like permission for all employees to attend the Muller Water Maintenance Seminar in Lockport on Tuesday August 21st. This is a free seminar.

Mr. Hillman added that two new fire hydrants for St. Christopher's Lane have been ordered. The old ones are over 60 years old and parts cannot be bought for them.

RESULT:	REPORT ISSUED
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14. Resolution 2012-90

Water Maintenance Seminar

Resolution to allow all highway/water/sewer employees to attend the free Muller Water Maintenance Seminar in Lockport, New York on Tuesday, August 21.

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

15. Report 2012-128

Attorney

Nothing to report at this time.

RESULT:	REPORT ISSUED
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16. Report 2012-130

Grant Writer

Grants Status Report:**Projects we are currently working on:**

- NYS DOS Coastal Resources (through the CFA) was submitted July 16th. The LWRP will provide the Town with a planning tool for waterfront development and will incorporate recent planning initiatives and enable Porter to better coordinate actions proposed on the waterfront, taking a more comprehensive approach to overall waterfront planning and development in the Town. Project Estimate at \$68,500 (50% grant)

- POTL Greenway Project was submitted to the AD HOC committee with a budget for the Niagara County Ad Hoc Committee consisting of:
 - \$98,000 in playground Equipment
 - \$40,000 in Pavilion
 - \$12,000 in Greenway Signage
 - TOTAL \$150,000

Waiting for Greenway approval

- Traffic sign: Will be submitted Safe Route to School grant program as soon as the grant application. Budget \$12,000 (Materials & Labor and Programming). A resolution be requested at the next Town Meeting. This application is open and due September 2012
- DEC Recycling Grant for Recycling Totes is available. 50% matching grant. Grant has been submitted to DEC

RESULT:	REPORT ISSUED
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17. Report 2012-133**Calendar of Events**

Tuesday, August 13	Rabies Clinic @ Highway Garage 5pm-6:30pm
Thursday, August 17	Zoning Board Meeting 7:30pm @ Town Hall
Monday, September 3	Labor Day - Offices Closed
Thursday, September 6	Planning Board Meeting 7pm - Town Hall
Monday, September 10	Regular Town Board Meeting 7pm- Town Hall

RESULT:	REPORT ISSUED
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18. Report 2012-131**Correspondance**

Supervisor Wiepert received a request from the Cambria Volunteer Fire Company, 4631 Cambria-Wilson Rd., Lockport, NY, to borrow a generator. They are hosting a dog show September 13 - 16, 2012 at the Fire Hall grounds and need a few generators to power motor homes parked there.

Attorney Dowd said he'd get a decision from the Comptroller's office as to whether the Town should let a private party use their equipment.

RESULT:	REPORT ISSUED
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19. Report 2012-135**Town Board Comments**

Councilman Fleckenstein made the motion to remove the "Engineer's Report" from the minutes, as the engineer was not able to attend this meeting. Councilman Baia seconded it.

Merton Wiepert -	No
Tom Baia	Yes
Joe Fleckenstein	Yes
Larry White	Yes

The motion was carried with one "no" vote.

The motion was then made by Councilman Fleckenstein to go into executive session to discuss proposed litigation, with Councilman Baia seconding. Motion carried unanimously. No decisions were made.

Councilman Baia made the motion, at 8:30 p.m., to adjourn the meeting, with Councilman Fleckenstein seconding. Motion was carried unanimously.

Gail Zachary
Town Clerk

RESULT:	REPORT ISSUED
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