



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Gail Zachary

Monday, September 10, 2012

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on September 10, 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	Present	
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	
Susan Driscoll	Town of Porter	R.P. Appraiser Tech	Present	
Chris Amico	Town of Porter	Town Engineer	Present	

II. Public Comments

1. Report 2012-154

Public Comments

The Johnson family, from Johnson Drive, reported that the RV (5th wheel), owned by their next door neighbor, parked very close to their property, has someone living in it, hooked up to electricity, sewer and satellite. The code enforcement officer had previously received an affidavit from the owner stating "He" did not live in the trailer. Mr. Rogers, (code enforcement officer) says the he's made arrangements with the owner to inspect and consequently the owner doesn't show up. The Johnsons believe his daughter is living there and there's also a safety issue because of a nearby propane tank. Mr. Rogers was directed by the town board to hasten the removal of this vehicle.

Niagara County Legislator, Clyde Burmaster, presented a \$3,000, representing our share of the casino revenue, to use for economic development, mainly to help with the Town's 1812 bicentennial commemoration

RESULT: REPORT ISSUED

2. Report 2012-140**Public Hearing - Payment of BAN**

The Town of Porter Board will hold a public hearing on Monday, September 10 to hear any interested parties regarding the use of water reserve funds to pay off a BAN in the amount of \$153,000, plus interest

RESULT:	REPORT ISSUED
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3. Resolution 2012-93**Closure of Public Hearing**

Motion to close the public hearing.

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

4. Resolution 2012-94**BAN Payment**

Resolution 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:	Jeff Baker, Councilman
AYES:	Wiepert, Baia, White, Baker, Fleckenstein

5. Report 2012-141**Recycle Carts - Reserve Funds**

Public Hearing scheduled for Monday, September 10, 2012 at 7:15 pm at the monthly Town Board meeting.

The Public Hearing will authorize the payment, out of reserve funds, up to \$95,000.00, to pay for recycle carts. Repayment to be scheduled annually from the savings, along with the grant.

Ernie Lavigneur, resident of East Avenue, questioned how easily the elderly residents could haul the bins out to the road, especially those living where there are long driveways. Supervisor Wiepert said that there are still concerns to be ironed out and will be addressed at future informational sessions with Modern, the town board and Porter residents. It was also stated that commercial properties will now receive free recycling.

RESULT:	REPORT ISSUED
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6. Resolution 2012-95

Resolution to Close the Public Hearing

Resolution to close the Public Hearing

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

7. Resolution 2012-96

Authorization to Pay for Recycle Carts from Reserve Funds

Resolution authorizing the purchase of the recycle carts, up to \$95,000.00, from Fund B reserve account.

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

III. Reports/Resolutions

1. Resolution 2012-97

Minutes Approval

Motion to approve the minutes of the regular Town Board meeting of August 13, 2012 and the work session minutes of August 10, 2012 and August 23, 2012.

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

2. Resolution 2012-98

Audited Vouchers

Approve all audited vouchers.

TOWN OF PORTER

WARRANT: POST AUDIT - AUG, 2012 8/31/12

FUND 01	6,289.21
FUND 02	342.54
FUND 04	1.00
FUND 03	225.59
FUND 06	1,959.52
FUND 07	4,032.92
FUND 33	188.28
TOTAL	<u>13,039.06</u>

VOUCHER 'S 17197 THRU 17220

WARRANT: # 9 SEPTEMBER, 2012 9/10/12

FUND 01	10,350.61
FUND 02	35,523.85
FUND 04	101,186.15
FUND 06	6,096.95
FUND 07	2,255.74
FUND 10	824.64
FUND 12	900.00
FUND 33	28.00
TOTAL	<u>157,165.94</u>

VOUCHER 'S 17221 THRU 17281

TOTAL 170,205.00

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

3. Report 2012-142

Town Clerk

August 2012 Revenue

Water	\$26,133.77
Sewer	\$66,714.82
Licenses/Fees	\$1,307.57

Niagara County Health Department reported 219 dogs, 83 cats and 2 ferrets were vaccinated at the free rabies clinic, August 14, 2012, at the Town of Porter Highway Garage. Highway Superintendent, Scott Hillman, made sure that garage area was ready and prepared for the volunteers. The county employees and volunteers made sure all was put away and cleaned up before they left.

The town clerk's office has forms to fill out, which have been provided by the Sheriff's Office. Medical history and medications can be put on the form and the stickers can be placed on car windows and in homes to alert first responder as to the person's history, prescriptions, etc.

RESULT:	REPORT ISSUED
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4. Report 2012-143

Supervisor

- Supervisor's Monthly Report for August, 2012 was distributed to all Town Board members.
- Resolution to accept the Supervisor's Monthly Report for August, 2012.
- July Sales Tax \$95,449.96, up from 2011 \$15,212.25 year to date.
- Received a check from NYSERDA in the amount of \$313,710.00, which is 100% of the Solar Power Grant. Since the check was received today, need a resolution authorizing the payment to O'Connell Electric in the amount of \$288,710.00.

Because he was filling in for the town's regular engineer, Chris Amico had not been aware of any discrepancies in the bid and the number of panels.

Debbie Parker, Town of Porter Recreation Commissioner, expressed concern that, if Stevenson Elementary School closes, the Town will not have a venue for its summer recreation program. Councilman Fleckenstein and Supervisor Wiepert also strongly suggested that all residents of our community attend the school board meeting on September 25th to state their opinion.

"All school board members must have facts that support the closing...will there really be a savings?" Hopefully they will have facts to back up any decision.

RESULT:	REPORT ISSUED
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5. **Resolution 2012-99**

Acceptance of Supervisor's Report

Approve the Supervisor's Report of AUGUST 2012

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

6. **Report 2012-144**

Bookkeeper

Bookkeeper's Monthly Report - **August, 2012**

Completed processing all August 2012 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for August 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.

Continued working on the 2013 budget

Working on recycling program

RESULT:	REPORT ISSUED
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7. Report 2012-145

Assessor

August 2012

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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-line regarding alternative sources of energy and their influence on property valuation .
 4. Attended summer meeting and picnic of NCAA....
 5. Susan continuing advancing various applications for GIS and consolidating town information
 6. Began working on 2013 budget.
 7. Susan continuing to learn all aspects of assessing

RESULT:	REPORT ISSUED
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8. Report 2012-146

Building Inspector/Code Enforcement Officer

**Town of
Porter** **August Permit report**

<u>No.</u>	<u>Date</u>	<u>Owner</u>	<u>Document Type</u>	<u>Property Location</u>	<u>Value</u>	<u>Amt</u>
063-12	8/1/2012	David Beiter	A G P	1765 Y-W Rd	4,000	25
064-12	8/2/2012	Brian Finley	Shed	336 Howard Dr	3,000	25
065-12	8/3/2012	Daniel Dipofi	I G P	3749 River Rd	70,000	50
066-12	8/6/2012	Eric Krieger	Deck	1836 Y-W Rd	5,000	25
067-12	8/6/2012	Eric Krieger	Shed	1836 Y-W R	5,000	25
068-12	8/8/2012	Virginia Jackson	Demo	708 Lake Rd	0	25
069-12	8/8/2012	Joseph Calato	Porch	3585 Ransomville Rd	1,000	25
070-12	8/17/2012	Christopher Moore	Garage	3849 Creek Rd	13,000	50
071-12	8/22/2012	Timothy Jeffery	Pole Barn	2624 Braley Rd	24,000	50
072-12	8/24/2012	Katherine Henry- Thavisin	Fence	2665 Lake Rd	1,000	25

073-12	8/24/2012	Jeffrey Streb	I G P	382 Dansworth Rd	31,000	50	
074-12	8/29/2012	Richard Ries	Alteration	1695 Lake Rd	6,000	50	
075-12	8/29/2012	Sandra Stevens	Addition	847 Lockport Rd	10,000	100	
076-12	8/29/2012	Millard Smallwood	Shed	2295 Lake Rd	3,300	25	
077-12	8/29/2012	Joseph Barbero	Fence	435 Powell Dr	190	25	
078-12	8/31/2012	Michael McCabe	Pole Barn	2384 Lake Rd	12,000	50	
079-12	8/31/2012	Kenneth Wieland (L E)	Pole Barn	801 Lockport Rd	1,200	50	
080-12	8/31/2012	Veronica Connor	Fence	3583 Ransomville Rd	2,176	25	
081-12	8/31/2012	Marguerite Naab	Shed	2125 Lake Rd	100	25	
					August	191,966	725
					Y-T-D	4,141,375	10,715

BUILDING DEPARTMENT REPORT: Month August 2012

- 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 and ZBA meeting.
- Pursued numerous Zoning code violations and issued to the Supervisor “Complaints Report” for the month of August 2012.
- Attended Town Board work session.
- Reviewed changes to Zoning Laws for public hearing.
- Reviewed Town Codification portfolio

RESULT:	REPORT ISSUED
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9. Report 2012-147

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	6,042.50	(2,747.50)	3,295.00
AUGUST			0.00
SEPTEMBER			0.00
OCTOBER			0.00
NOVEMBER			0.00
DECEMBER			0.00
	<u>39,575.00</u>	<u>(19,670.00)</u>	<u>19,905.00</u>

RESULT:	REPORT ISSUED
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10. Report 2012-148

Highway

Highway Department:

1. Completed monthly brush pickup.
2. Assisted the Village of Youngstown, Village of Lewiston and Niagara County with trucks and roller

for their paving projects.

- 3. Completed the resurfacing of Parkdale Dr., Walnut Dr., Hillview Dr., Glengrove Rd., Riverview Dr. and New Road with assistance from Niagara Co., Towns of Lewiston, Wilson, Cambria , Pendleton and the Village of Youngstown.
- 4. We are currently working on the 4th round of roadside mowing.

Drainage Department:

- 1. Off road mowing is 98% complete. We will have to wait for some crops to be harvested prior to completion of the mowing.

Water and Sewer Department:

- 1. Completed monthly meter reading.
- 2. Completed repairs to a water main break on Youngstown/Wilson Road.
- 3. Completed maintenance and painting of 65 fire hydrants.
- 4. Completed installation of a new fire hydrant on Curtiss Ave.

It was noted by the Army Corp of Engineers that the drainage work done on Four-Mile Creek was “exceptional.”

Councilman Baia made a motion to release \$10,000 from Contingency to Drainage in order to finish Four-Mile Creek and the section of Twelve-Mile (where there has been a landowner issue), and to annually go out for bids for drainage work.

RESULT:	REPORT ISSUED
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11. Report 2012-149

Attorney

none

RESULT:	REPORT ISSUED
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12. Report 2012-150

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. Waiting for meeting date.
- 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 is requested at this Town Meeting. This application is open and due October 5th.
- Working on Dormitory Money for the Court Expansion project. More details to follow.

RESULT:	REPORT ISSUED
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13. Resolution 2012-101**Safe Routes to School**

Town of Porter

AUTHORIZING RESOLUTION*September 10th, 2012*

For Safe Routes to School Grant Program

I, Gail Zachary, Town Clerk of the Town of Porter, located at 3265 Creek Road Youngstown, New York, 14174, do hereby certify that the following resolution was adopted at a regular Town Board meeting of the Town of Porter held on September 10th, 2012, and is incorporated in the original minutes of the said meeting and that the said resolution has not been altered, amended or revoked and is in full force and effect.

Resolved:

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 Department of Transportation Safe Route to School Program, in an amount not to exceed \$15,000 and, upon approval of said

request, to enter into and execute a project agreement with the NYS DOT State for such financial assistance to this Town of Porter for three (3) Solar Power Traffic Beacons for the Stevenson School for Traffic control.

Gail Zachary, Porter Town Clerk

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

14. Report 2012-151

Calendar of Events

Thursday, September 13, 2012	NOON - 9:00 p.m. PRIMARY ELECTION
Thursday, September 13, 2012	Planning/Zoning Training Session Town Hall - 6:00 pm - 10:00 pm
Thursday, October 4, 2012	Regular Planning Board Meeting Town Hall - 7:00 pm
Monday, October 8, 2012	TOWN HALL CLOSED - Columbus Day
Monday, October 15, 2012	Regular Town Board Meeting Town Hall - 7:00 p.m.

RESULT:	REPORT ISSUED
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15. **Report 2012-152**

Correspondance

The town clerk received a letter from a Lake Road couple who, initially, were very pleased that *Verizon* was going to attach to the tower that went up near their property. Two years have gone by and they now are unhappy that there is *still* no cell service and Verizon *still* has not hooked into this tower. They are requesting that the Town of Porter Town Board look into the matter.

Councilman Baker made the motion, with Councilman Baia seconding, that building inspector Rogers write a letter to Verizon asking for the status and to state the Town's displeasure. Motion carried unanimously.

RESULT:	REPORT ISSUED
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16. **Resolution 2012-100**

Authorization to Pay O'Connell Electric

Authorization to pay O'Connell Electric the sum of \$288,710.00 for their contracts with the Town of Porter out of the funds received from NYSEDA for this obligation.

Councilman Fleckenstein submitted a solar panel data sheet showing the base bids, the change orders, installation and the shortage of panels on the Town Hall and the Town Highway Garage. He also submitted a copy of the May 4th, 2012 work session proving his facts and showing that he abstained on the resolutions to accept the change orders. Councilman Fleckenstein reiterated that the board should not pay a bill for a project not completed.

It was then decided to go into executive session with Councilman Baker making the motion and Supervisor Wiepert seconding. Motion carried unanimously.

When the Board reconvened, it was decided to vote on the payment to O'Connell Electric.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Mert Wiepert, Supervisor
SECONDER:	Larry White, Councilman
AYES:	Mert Wiepert, Thomas Baia, Larry White, Jeff Baker
NAYS:	Joe Fleckenstein

17. Report 2012-153

Town Board Comments

Councilman Baia made a motion to adjourn the meeting at 9:05 p.m. Councilman White seconded that motion, with all members in agreement.

Gail Zachary
Town Clerk

RESULT: REPORT ISSUED
