



# Town of Porter

## Town Board Meeting

3265 Creek Road  
Youngstown, NY 14174  
[TownofPorter.Net](http://TownofPorter.Net)

~ Minutes ~

Gail Zachary

**Monday, January 11, 2010**

**7:00 PM**

**Town Hall Auditorium**

### I. Call to Order

7:00 PM Meeting called to order on January 11, 2010 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Joe Fleckenstein	Town of Porter	Councilman	Present	
Mert Wiepert	Town of Porter	Supervisor	Present	
Thomas Baia	Town of Porter	Deputy Supervisor	Present	
Jeff Baker	Town of Porter	Councilman	Present	
Larry White	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	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	

### II. Public Portion

#### 1. Report 2010-2

#### Public Comments

Supervisor Wiepert welcomed students from Lewiston-Porter school who attended the meeting for their government class.

Mike Mahar, CWM District Manager, reminded the public that CWM is holding a public informational meeting, Thursday, January 14<sup>th</sup>, from 6:00 p.m. until 8:00 p.m., at the Porter Town Hall. This is a question and answer session to talk about their site renewal permit, not expansion.

The public is also invited to Lewiston-Porter School for a public informational session with the DEC to discuss the State pollution discharge. The meeting will start at 6:00 pm until "whenever."

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

**2. Report 2010-3**

**Town Clerk**

Water: \$29,596.76  
 Sewer: \$ 4,484.31  
 Town Clerk Fees: \$ 478.28  
 Animal Contacts: 22

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**3. Report 2010-4**

**Supervisor's Report**

1. Supervisor's Monthly Cash Report for December 2009 was distributed to all Town Board members.
2. November Sales Tax \$76,757.69. The Town is up about \$26,800.00 for 2009.
3. Resolution to accept the Supervisor's Cash Report for December 2009.
4. Resolution to set the fees at Porter on the lake for 2010

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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4. Resolution 2010-22

**Supervisor's Report**

Resolution to accept the Supervisor's December 2009 Cash Report.

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

5. Resolution 2010-29

**Zoning Board Appointment**

Resolution to appoint Jackie Robinson to the Town of Porter Zoning Board to fill the position vacated by Councilman Fleckenstein. The term expires December 31, 2012.

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

6. Resolution 2010-23

**Porter on the Lake - Fees**

Approve the following fees for rental of the pavilion at Porter on the Lake:

- Family Functions                    \$250.00 with a \$50.00 refund if left clean
- Business or Corporation        \$400.00 with a \$50.00 refund if left clean
- Non-profit Charities                \$175.00 with a \$50.00 refund if left clean,  
sponsored by a 501 (c) (3) Tax-exempt organization.

There were some questions from the audience whether a lower fee could be put in place for Town of Porter residents only. Tony Collard, a member of the Porter-on-the-Lake committee responded that it would be very difficult to track, but said that this issue can be revisited by the committee.

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

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## 7. Report 2010-5

### Supervisor's Assistant

Bookkeeper's

Monthly Report - December 2009

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1. Completed processing all December 2009 Vouchers and Journal Entries.
  2. Prepared Supervisor's Monthly Cash Report for December 2009 and distributed it to the Supervisor and Town Board members.
  3. Completed Bi-weekly and Monthly payrolls.
  4. Completed Check registers for all check payments.
  5. Continued maintenance on the Web Page, [www.townofporter.net](http://www.townofporter.net)
  6. Continuing to work with Town Clerk on the Minute Traq program.
  7. Continuing with Suzanne Raby's training
  8. Working on year end meeting and organizational meeting.
  9. Started working on year end audit

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 8. Report 2010-6

### Assessor

RE: December 2009

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- Processed monthly sales transfers and splits. Appropriate boards notified if any contracts were outside of the rules or codes of the town.
- Completed monthly inspections for verification of sales and completion of all building projects. Visited completed projects and photographed. Project sketched from blueprint or on-site measurement. All pertinent information added to computer. Information analyzed and assessed.
- Continued to aid the public by answering assessment, property and exemption questions both on the phone and in person.
- Analyzing all codes vs. use to determine if land codes need updating.
- Attended annual Christmas meeting and luncheon held at the Tuscarora Club. Speakers included Chris Fusco (current Vice president of the NYSAA)-who spoke about changing the way we lobby for legislation by visiting local legislators when they are in their local offices, rather than going to Albany and John Zukowski who spoke on the topic of ethics in construction
- Received preliminary report from the state concerning this year’s level of assessment as well as equalization rate. Looks like the equalization rate , as well as the level of assessment will be going up (that’s good news !) this year.
- Reviewed special district codes to assure correct on all parcels.
- (Susan) updated all necessary information for upcoming tax bills including new owners as well as any new mailing addresses.
- Continued to receive and process applications for all exemptions- including all necessary documentation required by Real Property Tax Law.
- Continued to train Susan in all aspects of the job of Assessor. Susan also taking off-site classes to aid in better understanding of all the various duties of the job.

**RESULT: REPORT ISSUED**

**9. Report 2010-7**

**Building Inspector/Code Enforcement Officer**

**TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF DECEMBER 2009**

<b>NAME</b>	<b>PERMIT</b>	<b>DATE</b>	<b>ADDRESS</b>	<b>CATEGORY</b>	<b>COST</b>	<b>FEE</b>
FLECKENSTEIN, Judith	80-09	12/2/09	1953 Ballmer Rd	Wind tower		25

FLECKENSTEIN, Joe	81-09	12/2/09	2332 Balmer Rd	Wind tower		
SCHMOYER, Steve	82-09	12/2/09	1451 Sunrise Ln	Alternations	10,000	50
				<b>TOTAL</b>	<b>10,000</b>	<b>75</b>

**CERTIFICATES OF OCCUPANCY ISSUED**

STASCHAK, John                    15-09T    12/28/09    2575 Lake Rd            Single family res

**BUILDING DEPARTMENT REPORT: Month December 2009**

- 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 December, 2009.
- Continued review of draft new zoning law and subdivision regulations.
- Met with Board Committee to review draft of new Zoning regulations.

In response to questioning, Mr. Rogers said that the organization that wants to put up a cell tower on Blairville Road need a new permit and that he has heard nothing from Verizon about putting one up on Senek’s farm.

Mr. Rogers also responded that about 90% of the violations in Ransomville have been corrected.

**RESULT:            REPORT ISSUED**

**10. Report 2010-8**

**Highway**

Department of Public Works  
 Monthly report for December 2009

**Highway Department:**

1. Called out to plow and salt 10 times.
2. Received 300 tons of Caliber/Salt mix.
3. The Winter Parking Ordinance is in effect until April 1<sup>st</sup>. It has been published in the paper.
4. We are working on our Road Sign inventory.

**Drainage Department:**

1. All activities have been suspended until spring.

**Water and Sewer Department:**

1. Completed monthly meter reading.
2. Working on repairs to 2 fire hydrants on Creek Road. Both are out of service until repair parts are delivered.

**Resolutions:**

I would like board approval to proceed with the purchase of a new roadside mowing tractor. There has been a price adjustment in the contract. The current contract pricing is \$65,872.00. The budgeted amount is \$63,000.00.

I would like permission to attend the Western New York Water Works Association training seminar in Batavia on February 3, 2010.

Respectfully submitted,

Scott B. Hillman  
Highway Superintendent

**RESULT:      REPORT ISSUED**

**11. Resolution 2010-27**

**Budget Adjustment**

Resolution authorizing the following budget adjustment due to a price adjustment:

04-5130.0002	Machinery Equipment	\$2,872.00
04-5130.0004	Machinery Contractual	( 2,872.00)

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

12. Resolution 2010-26

**Roadside Mowing Tractor**

Resolution authorizing Scott Hillman to proceed with the purchase of a new roadside tractor and mower. The purchase price will be \$65,872.00,

This purchase is because of ongoing repairs to, and potential replacement or extensive repairs of, the current tractor. There are severe issues with the transmission, clutch and decks. There are no trade-ins through State contract. The tractor may be put up for auction in the spring.

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

13. Resolution 2010-24

**Water/Sewer Adjustments**

Re: Account Adjustments for the month of December

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

<u>Account #</u>	<u>Amount</u>	<u>Service</u>
20-0168	\$7.56	Sewer

Reason: Remove late charge per Town Clerk.

Respectfully submitted,

Ramona M. Lockhart

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

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#### 14. Resolution 2010-28

##### Training Seminar

Resolution authorizing Scott Hillman to attend the Western New York Water Works Association training seminar in Batavia, NY on February 3, 2010.

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

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#### 15. Report 2010-9

##### Engineer

### Engineering Report

Update - January 11, 2010

#### 1. Storm System Capital Improvements

- Geotechnical evaluation completed;
- Site inspections completed as part of the investigation to develop a plan to protect Cain Road and repair the culvert crossing, headwall, and guide rail system;
- Conceptual (temporary / permanent) designs have been developed and budgetary estimates prepared;
- Construction activities are tentatively scheduled for this summer.

**[BOARD ACTION REQUESTED - Request authorization to proceed with preparing bid packages to secure pipe quotes to slip line the storm culverts](#)**

**RESULT: REPORT ISSUED**

**16. Resolution 2010-25**

**Authorization - Culvert Bid Package**

Resolution to authorize CRA Engineering to proceed with preparing bid packages to secure pipe quotes to slip line storm culverts; cost not to exceed \$1,500.00.

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

**17. Report 2010-10**

**Attorney**

Worked on preparation of the combined BAN in the Lake Shore Sewer Fund

**RESULT: REPORT ISSUED**

**18. Report 2010-13**

**Calendar of Events**

Monday	January 18 <sup>th</sup>	Town Hall Closed (Martin Luther King Day)
Thursday	January 21 <sup>st</sup>	Zoning Board 7:30 PM Town Hall
Monday	January 25 <sup>th</sup>	Sheriffs' Town Hall Meeting 7:00 PM - 8:30 PM
Thursday	February 4 <sup>th</sup>	Planning Board 7:00 PM Town Hall

Monday February 8<sup>th</sup> Town Board Meeting 7:00 PM Town Hall

**RESULT: REPORT ISSUED**

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**19. Report 2010-11**

**Correspondance**

Nothing to report

**RESULT: REPORT ISSUED**

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**20. Report 2010-12**

**Town Board Comments**

Ed Martin, 2251 Youngstown-Lockport Road, asked if Mr. Rogers had received the DEC's report on his Ransomville Road property (formerly owned by Schrack Oil). Mr. Rogers had received a letter from them stating saying they are recommending a Phase II study. He told Mr. Martin to come into the office for a copy.

Councilman Baia welcomed new board member Joe Fleckenstein and wished him well.

With no further business before the Board the meeting was adjourned at 7:40 PM

Gail Zachary  
Town Clerk

**RESULT: REPORT ISSUED**

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