



# Town of Porter

## Town Board Meeting

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

~ Minutes ~

Gail Zachary

Monday, January 10, 2011

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on January 10, 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	
Gail Zachary	Town of Porter	Town Clerk	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Dave Britton	Town of Porter	Engineer	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Susan Driscoll	Town of Porter	R. P. Appr Tech - Trainee	Present	

### II. Public Portion

#### 1. Report 2011-2

#### Public Comments

Supervisor Wiepert welcomed everyone; Lewiston-Porter students "Participating in Government," residents and interested parties.

Mark Daul, from Lake Road, in answer to his questions, was assured by the Board that there would be a bid process in the windmill purchase, and there would be a public hearing/informational meeting, beforehand, so that more townspeople could attend.

Tom Fleckenstein, who wrote the grant for the wind turbines, stated that the remote metering bill has been introduced to the Assembly and is up for vote from the floor. He said Senator Maziarz is entering the companion bill on the Senate side, probably this week. Mr. Fleckenstein suggested that this issue be tabled until the bill is signed by the Governor. He pointed out that the time for completion of the "Request For Proposal (RFP)" 10 grants is March 2012 so there is time wait for the decision on this draft.

Wendy Swearngen also felt that more information and research was necessary, and hoped that a public informational meeting would be set before anything is decided.

In another matter, Pat Gray, from Youngstown Estates, wanted to assure the Board that the opinions expressed by a few people from Youngstown Estates, at the last meeting, regarding the boat/trailer situation, were not those of the Youngstown Estate Association.

<b>RESULT:      REPORT ISSUED</b>
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### III. Minutes Acceptance

#### 1. Resolution 2011-20

##### Minutes Approval

Resolution to approve the minutes of the December 29, 2010 Year-end meeting and the January 3, 2011 Organizational meeting with one change; to change the hourly rate, because of a typo, for the Deputy Highway Superintendent and also the Water/Sewer Maintenance Person #1 to \$22.90.

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

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### IV. Reports/Resolutions

#### 1. Resolution 2011-21

##### Audited Vouchers

**TOWN OF**  
**PORTER**

WARRANT: # 1  
JANUARY, 2011

1/10/11

FUND	01	80,966.97
FUND	02	12,395.69
FUND	04	13,344.09
FUND	06	34,097.45
FUND	10	969.04
TOTAL		<u>141,773.24</u>
VOUCHER 'S	14830	THRU 14878

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

## 2. Report 2011-3

### Town Clerk

Water	\$25,978.00
Sewer	\$ 6,286.07
Clerk Fees	\$ 610.45

Animal contacts                      20

"Today, I received a letter from the State Department asking me to change the numbering sequence, and the date, on the recently enacted Town Dog Law, because of the date on which they received it from us. Numbering is dependent on the date on which it was received and filed in the State office. The dog law was received by them on January 7th; therefore the law is now LL#1-2011."

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 3. Resolution 2011-31

### Amend Dog Law Number Sequence

Resolution to amend the title "Porter Town Dog Law #3-2010"

to  
"Porter Town  
Dog Law #1-2011."

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

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#### 4. Report 2011-4

##### Supervisor's Report

- Supervisor's Monthly Cash Report for December 2010 was distributed to all Town Board members.
- November Sales Tax \$88,633.65. Year to date we are up \$28,332.29 over last year. Balance of 2010 Mortgage Tax was \$37,027.31. The 2010 Mortgage Tax total was \$68,793.99.
- Resolution to accept the Supervisor's Cash Report for December 2010.
- Organizational Meeting Update
  - Grant Writer
  - Zoning Board of Appeals
  - Windmills
  - Greenway
  - SPCA Contract
  - Lewiston Sewer Contract

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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#### 5. Resolution 2011-28

##### Supervisor's Report

Resolution to accept the December 31, 2010 Supervisor's Cash Report.

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

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## 6. Resolution 2011-2

### Zoning Board of Appeals Appointment for 2011

Appoint John "Duffy" Johnston as Chairman of the Town of Porter Zoning Board of Appeals for 2011.

HISTORY:

01/03/11	Board	TABLED
Next: 01/10/11		

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

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## 7. Resolution 2011-25

### Grant Writer

Resolution to appoint Bernie Rotella on a month-to-month contract for 2011 at \$800.00 per month and 2% commission, with a maximum of \$5,000 and to come to each monthly board meetings. Commission to be paid when grant check is received.

HISTORY:

01/03/11	Board	TABLED
Next: 01/10/11		

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

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**8. Resolution 2011-22**

**Greenway (Power Authority)**

Resolution appointing Councilman Larry White as the Supervisor's Liaison to the Greenway Commission, as Joe Fleckenstein has asked not to be reappointed.

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

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**9. Resolution 2011-23**

**Windmills**

Windmills

**RESULT:**       **TABLED [UNANIMOUS]**                               **Next: 11/14/2011 7:00 PM**  
**MOVER:**        Thomas Baia, Deputy Supervisor  
**SECONDER:**   Larry White, Councilman  
**AYES:**         Wiepert, Baia, White, Baker, Fleckenstein

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**10. Resolution 2011-29**

**S. P. C. A. Contract**

Resolution authorizing the Supervisor to sign the SPCA Contract. This is a 3 year contract as follows:

Year 1 - 2011	\$1,065.07 per month
Year 2 - 2012	\$1,065.07 per month
Year 3 - 2013	\$1,118.32 per month

The contract includes the same \$75.00 after hours pick for an after-hours or weekend call.

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

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## 11. Resolution 2011-30

### Sewer Use Contract Approval for 2011

Authorize the Supervisor to sign the 2011 Sewer Use Contract for 2011, which excludes the improvements to the sewer plant. This is the same as the 2010 contract.

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

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## 12. Report 2011-5

### Supervisor's Assistant

Bookkeeper's

Monthly Report - **December 2010**

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1. Completed processing all December 2010 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for December 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](http://www.townofporter.net)
6. Continuing to work with Town Clerk on the Minute Traq program.
7. Continued working on the new Assetrax program for fixed assets.
8. Closing 2010 and starting Audit prep

<b>RESULT:      REPORT ISSUED</b>
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### 13. Report 2011-6

#### Tax Collector

January 5, 2011

RE: 2011 TOWN/COUNTY COLLECTIONS

Taxes collected from January 3, 2011 to January 5, 2011 totaled \$227,653.07. This represents all payments collected to date.

Respectfully yours,

Sally A. Hogan, Collector  
Town of Porter

<b>RESULT:      REPORT ISSUED</b>
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### 14. Report 2011-7

#### Assessor

RE: December, 2010

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

3. Continued to track new sales to help determine time trends, valuations and equalization rates.
4. Attended December Assessor Association meeting & Christmas party in Lockport. Discussion on reassessments.
5. Sent out renewal forms for Agricultural and Star "Enhanced" exemptions.
6. Continued to follow new legislation regarding exemptions and to process exemptions as they are submitted.
7. Updated permit info-continuing field checks on progress of construction
8. Continued to train Susan in all aspects of assessing.

**RESULT:      REPORT ISSUED**

**15. Report 2011-8**

**Building Inspector/Code Enforcement Officer**

Town of Porter

Dec-10

<u>Dept #</u>	<u>Date</u>	<u>Owner</u>	<u>Docu Type</u>	<u>Property Location</u>	<u>Valuation</u>	<u>Amt.</u>	
060-10	12/1/10	William Cranston	Shed	3778 Ransomville Rd	850	25	
061-10	12/1/10	Philip M Hessinger	Porc h	1107 Cain Rd	12,000	25	
062-10	12/2/10	William Siddall	Solar Pane l	749 Lake Rd	17,000	50	
					December	<u>29,850</u>	<u>100</u>
					Y-T-D	<u>2,473,350</u>	<u>5,626</u>

**BUILDING DEPARTMENT REPORT: Month December 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.
- Pursued numerous zoning code violations and issued to the Supervisor "Complaints Report" for the month of December 2010.

### **Certificate of Occupancy**

No: 07-10

Date: 15 December 2010

This certifies that the building located at : 2575 Lake Road, Ransomville, New York, Tax Map Number: 21.18-1-51, in the County of Niagara, conforms substantially to the approved plans and specifications heretofore filed in this office with Application for Building Permit dated 9 September, 2008, pursuant to which Building Permit No. 46-08 was issued, and conforms to all of the requirements of the applicable provisions of the law.

The occupancy for which this certificate is issued is Single Family Residence and this Certificate is issued to John Staschak, owner of aforesaid building.

<b>RESULT:      REPORT ISSUED</b>
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#### **16. Report 2011-9**

##### **Highway**

Department of Public Works  
Monthly Report for December 2010

##### **Highway Department:**

1. Called out to plow and salt 13 times.
2. Received 500 tons of Caliber Salt Mix.
3. Working on PM Service of summer equipment.

##### **Drainage Department:**

1. Working on PM Service to drainage mower.
2. Completed cleaning of an off road ditch on Youngstown/Lockport Rd at the McCollum farm.

**Water and Sewer Department:**

1. Completed monthly meter reading.
2. Responded to a possible sewer backup on Riverview Dr. determined that it was a residential lateral problem. Resident advised to contact a plumber.
3. Completed winterization of all fire hydrants.

I would like permission to proceed with the purchase of a new Medium Duty Dump with plowing equipment. The grant writer is preparing an application for a DEC recycling equipment grant which may cover 50% of the purchase.

I would like permission to attend the Western New York Water Works training seminar in Batavia on February 2<sup>nd</sup>. The cost is \$20.00.

Respectfully submitted,

Scott B. Hillman  
Superintendent of Highways

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**17. Resolution 2011-26**

**Conference**

Resolution authorizing Highway Superintendent Scott Hillman to attend the Western New York Water Works training seminar in Batavia, NY on February 2, 2011.

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

**18. Resolution 2011-27****Medium Duty Dump**

Resolution authorizing Highway Superintendent Scott Hillman to proceed with the purchase of a new Medium Duty Dump with plowing equipment for \$147,000, as budgeted.

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

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**19. Report 2011-10****Engineer**

Two sites visit for drainage reviews; also, CRA attended the monthly Planning Board meeting.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**20. Report 2011-11****Attorney**

Mr. Dowd reported that the Verizon challenge has been settled. He is also still trying to arrive at some dates for a meeting with the town's supervisor, Merton Wiepert, and Youngstown Mayor, Neil Reardon and the village's attorney, Tom Caserta, concerning the Village share of the Town's sewer contract obligation.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**21. Report 2011-12****Porter-On-The-Lake**

Nothing to report at this time.

<b>RESULT:      REPORT ISSUED</b>
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**22. Report 2011-13****Correspondance**

No correspondance to report

<b>RESULT:      REPORT ISSUED</b>
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**23. Report 2011-14****Calendar of Events**

Town Hall Closed	Monday - January 17 <sup>th</sup> -Martin Luther King Day
Zoning Board of Appeals	Thursday - January 20 <sup>th</sup> - 7:30 PM @ Town Hall
Planning Board	Monday - February 3 <sup>rd</sup> - 7:00 PM @ Town Hall
Town Board	Monday - February 14 <sup>th</sup> - 7:00 PM @ Town Hall

**RESULT:      REPORT ISSUED**

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**24. Report 2011-15**

**Town Board Comments**

The meeting was adjourned at 7:40 p.m.

Gail Zachary  
Town Clerk

**RESULT:      REPORT ISSUED**

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