



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Gail Zachary

Monday, May 11, 2009

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on May 11, 2009 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	
Nancy Orsi	Town of Porter	Councilwoman	Present	
Jeff Baker	Town of Porter	Councilman	Present	
Larry White	Town of Porter	Councilman	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Dave Britton	Town of Porter	Engineer	Present	
Mike Dowd	Town of Porter	Attorney	Absent	
Norm Ault	Town of Porter	Bookkeeper	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Sue Driscoll	Town of Porter	Secretary	Present	
Timothy Lockhart	Town of Porter	Stormwater Manager	Present	

II. Public Comments

1. Report 2009-79

Public Comments

Ted Hogan, Ransomville Road, asked if anything was being done about several homes in the Ransomville area that were beginning to look like junk yards. He also inquired how long the violation/court process took. Code Enforcement Officer, Roy Rogers, told him he's aware of those properties that are not being maintained and, as for the violation process, a letter goes out; if there's no response to that, an "order of violation" is sent. If no one responds, an appearance ticket is issued. It is then up to the court as to how long the process takes.

Mr. Hogan asked why new zoning laws are being created when the current ones are not being enforced.

Carl Fellows, restaurant owner and resident of Ransomville Road, stated that he had been to a board meeting eight months to a year ago and had asked that the Niagara County Health Department be contacted regarding the unpleasant smell coming from the storm sewer grate in front of his restaurant. The smell is worse now and customers

are being lost because of it. Apparently the Health Department took samples but no one seems to have any results. Mr. Rogers will contact the Health Department. He said the Health Department has jurisdiction over all septic systems.

Scott Hillman, Highway Superintendent, will be bringing Mr. Fellows some dirt with which to fill the sinkholes in front of his property and Mr. Hillman said he would also grind down the problem area in Mr. Fellow's driveway from when the sidewalk was installed.

The 30 mph speed limit on Ransomville Road was also discussed. Apparently there are a lot of people not observing the speed limit. There was also discussion about removing areas of double-yellow, no passing zones on River Road. Mr. Hillman reminded the audience that the Town had asked for a traffic study two years ago and this is what the State DOT came up with.

Rusty Tower, 1495 Lake Road, came in to express his frustration with the Town in regard to his neighbor's property being three feet higher than his (as a result of a garage being built by that same neighbor). He wants to see the water, channeling onto his property, redirected. Apparently Mr. Tower's neighbor has been ordered, by the court, to redirect the water, and Mr. Tower would like to see this enforced.

Amy Witryol, of the Town of Lewiston, commented on the land use update and tax implications of the increase of the industrial areas.

RESULT: REPORT ISSUED

III. Minutes Approval

1. Resolution 2009-78

Minutes Approval

Resolution to accept the minutes of the Town board meeting of April 13, 2009 as presented.

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

IV. Reports/Resolutions

1. Resolution 2009-72

Payment of Audited Vouchers

Resolution to approve the Vouchers, as audited.

TOWN OF PORTER

WARRANT: POST AUDIT - APRIL 2009 4/30/09

FUND 01	6,218.63
FUND 02	31.58
FUND 04	258.90
FUND 06	176.92
FUND 07	2,062.69
FUND 33	24.93
TOTAL	<u>8,773.65</u>

VOUCHER 'S 12268 THRU 12287

WARRANT: # 05 MAY 2009 5/11/09

FUND 01	23,534.63
FUND 02	35,699.25
FUND 04	15,626.93
FUND 06	5,050.29
FUND 07	50,146.10
FUND 10	714.65
FUND 33	42.71
TOTAL	<u>130,814.56</u>

VOUCHER 'S 12288 THRU 12376

139,588.21

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Baia, Deputy Supervisor
SECONDER:	Nancy Orsi, Councilwoman
AYES:	Wiepert, Baia, Orsi, Baker, White

2. Report 2009-68

Town Clerk

April 2009 Revenue

Water	-	\$24435.57
Sewer		\$61976.97
Licenses/Misc Fees	-	\$ 475.68
S.P.C.A. Contacts		20

My office received a certified letter from Larry Meyers, 2786 Ridge Road, who notified the Town that he is applying for an Original On-Premises Alcoholic Beverage License for the old "Porter House" on Blairville Road. Owner is Lawrence Aloian, Grand Island. Hours of operation are listed as 1:30 p.m. until 2:00 a.m.

I also received a certified letter from Robert Kudel, owner of Bandana's Bar and Grill at 930 Lake Road, who informed the Town, as required by Section 99D (A.B.C.), that he is altering the back patio area into a larger outside lounge. This alteration will be submitted to the NYS Liquor Authority in the near future.

The Niagara County Board of Elections mailed me a polling place report. They are the same as last year: Districts 1, 2 and 5 at the Youngstown Fire Hall and Districts 3, 4 and 6 at the Ransomville Fire Hall.

My deputy and I attended two days of the four-day New York State Town Clerks' Conference in Rochester, New York. Representatives of the NYS Department of Health, NYS Comptroller's Office, DEC, and Bob Freeman, Executive Director for the Committee on Open Government (NY State Department) presented training sessions. We were also given a tour of General Code Tuesday morning. Barb and I are in receipt of our yearly certificates of training in Town Clerks Administration.

Legislation which has passed both houses and is awaiting the governor's signature:

A.3169/S.2754: *Requires* a public body, that has the ability to so, to conspicuously post the notice of the time and place of a meeting on their website.

A bill that's **In Committee** would amend the domestic relations law to provide same-sex couples the opportunity to enter into civil marriages, and prohibits differing governmental treatment on the basis of their being the same sex. Provides that no application for a marriage license shall be denied on the ground that the parties are of the same, or a different, sex (S.4401/A.7732).

Of interest is a 2009 AOT (Association of Towns) Legislative Resolution which concerns the implementation of the "Help America Vote Act (HAVA)." The funding provided is believed to be inadequate to address the costs associated with the implementation. There's also concern about the current lack of machines certified by the NYS Board of Elections. Without a change in HAVA, NYS Election Law, **and/or** regulations by the NYS Board of Elections, the Towns and Counties are being forced to use uncertified machines....which have a history of not working. The Association of Towns' resolution asks our federal and state legislative bodies, as well as the NYS Board of Elections, to take necessary steps to remedy this problem.

RESULT: REPORT ISSUED

3. Report 2009-67

Supervisor

- Supervisor's Monthly Report for April 2009 was distributed to all Town Board members.
- March Sales Tax \$107,443.08. This is up from March 2008.
- Resolution to accept the Supervisor's Report for April 2009.
- Resolution appointing Tim Lockhart as the Regional Storm Water Manager
- Resolution encouraging the Public to submit comments concerning the draft MS4 Annual Report, and the finalization of the report.
- Resolution to authorize grant writer, Bernie Rotella, to apply for a grant, through the Green Innovation Grant Program, to rehabilitate the Town's elevated storage tanks.

Supervisor received word that Suzanne Simon Dietz, Town of Porter Historian, has been assigned a Library of Congress number for her latest published book, "Honor Thy Mothers and Thy Fathers."

Suzanne has also been named Town of Porter Citizen of the Year for 2009. Steve Zappy's *Motor Clinic* has been named the 2009 Ransomville Business of the Year.

Tom Lockhart presented the board with the town's draft storm water report, March 2008 to March 2009, which will be available for the public in the Town Clerk's office. He also gave a short informational talk about the duties of a Storm Water Manager. This is one of the state's unfunded mandates which require municipalities to monitor their storm sewers, basically for illicit discharges and also to look at the shape of out falls and how long they'll hold up. Twenty percent of these have to be examined annually. The Town of Porter has six.

RESULT: REPORT ISSUED

4. Resolution 2009-73**Supervisor's Report**

Resolution to accept the April 2009 Supervisor's Report.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Nancy Orsi, Councilwoman
SECONDER:	Thomas Baia, Deputy Supervisor
AYES:	Wiepert, Baia, Orsi, Baker, White

5. Resolution 2009-74**Storm Water Manager**

Acting on the recommendation of the Lewiston-Porter Sewer Advisory Board, let it be resolved to appoint Timothy Lockhart, current Administrator/Chief Operator of the Water Pollution Control Center, to the position of Regional Storm Water Manager, to administer and coordinate the Municipal Separate Storm Sewer System (MS4) program(s) for the respective MS4 permit areas of the Town of Lewiston, Village of Lewiston, Town of Porter and the Village of Youngstown.

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

6. Resolution 2009-77**MS4 Annual Report**

This resolution encourages the public to submit pertinent comments concerning the Draft MS4 Annual Report. These comments will be accepted until May 21, 2009. The comments will then be incorporated into the MS4 Annual Report. The Supervisor is authorized to sign the Final Report.

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

7. Resolution 2009-82

Green Inovation Grant Program

CERTIFICATION: On behalf of the Applicant and in accordance with the Resolution by:

Town of Porter

(for Rehabilitation of Elevated Water Storage Tanks)

authorizing me, Bernie Rotella, to do so, I make Application for the Green Innovation Grant Program (GIGP) for the project(s)described in this Application. By the signing of this Application, I certify and agree, on behalf of the applicant and its governing body, that all of the information contained in this Application, in other statements and exhibits attached hereto or referenced herein, and in all statements, data and supporting documents which have heretofore been made or furnished for the purpose of receiving GIGP Assistance for the project(s) described herein, are true, correct and complete to the best of my knowledge and belief.

I further agree on behalf of the applicant that, if GIGP Assistance is provided for the project(s) described in this Application, the applicant shall comply with all applicable provisions of the American Recovery and Reinvestment Act of 2009, the Clean Water Act, 33 U.S.C. 1251 et seq. and the Safe Drinking Water Act, 42 U.S.C. 300f, et seq., Chapter 65 of the Laws of 1989, Chapter 413 of the Laws of 1996, 6 NYCRR Part 649, 21 NYCRR Part 2602, 21 NYCRR Part 2604, and 10 NYCRR Part 53 regarding GIGP Assistance.

I further agree that the applicant will comply with the provisions of the Federal Disadvantaged Business Enterprise Rule, Title 40 Code of Federal Regulations Part 33, Minority and Women’s Business Enterprise -Equal Employment Opportunity requirements of Article 15-A of the New York State Executive Law and other requirements as prescribed by the Environmental Facilities Corporation by providing opportunities for MBE/WBE participation, and will maintain such records and take such actions necessary to demonstrate such compliance throughout the construction of the project.

Further, I acknowledge that offering a written instrument, knowing that the written instrument contains a false statement or false information, with the intent to defraud the State or any political subdivision, public authority or public benefit corporation of the State, with the knowledge or belief that it will be filed with or recorded by the State or any political subdivision, public authority or public benefit corporation of the State, constitutes a crime under New York State Law.

_____	_____
Signature of Applicant	Date
Supervisor	

Title	
Town of Porter / Merton K. Wiepert	

Applicant	

STATE OF NEW YORK)

) ss.:

COUNTY OF)

On this _____day of _____, 20____, before me personally came _____, to me known, who, being by me

duly sworn,
did depose and say that _____ is the individual described in and which executed the foregoing instrument, and duly
acknowledged to me that _____ signed the same.

Notary Public

March 2009

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Baia, Deputy Supervisor
SECONDER: Nancy Orsi, Councilwoman
AYES: Wiepert, Baia, Orsi, Baker, White

8. Report 2009-69

Supervisor's Assistant

Bookkeeper's Monthly Report - April 2009

1. Completed processing all April 2009 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for April 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, <http://www.townofporter.net>
6. Continues working with Town Clerk on the Minute Traq program.
7. Worked with Suzanne Raby on payroll and voucher training.
8. Attended the 9th Annual Town Finance School in Rochester, NY, May 6-8, 2009.
9. Need the following budget adjustments:

From: 04-5140.0004 Brush/Weeds Contractual (\$ 441.00)
To: 04-5140.0002 Equipment \$ 441.00

From: 07-8120.0004 Sewage Coll. Contractual (\$550.00)
To: 07-8120.0002 Sewage Coll. Equipment \$550.00

From: 01-1990.0004 Contingency (\$ 88.00)
To: 01-1330.0004 Tax Coll. Contractual \$ 88.00

RESULT: REPORT ISSUED

9. Resolution 2009-76**Budget Adjustments**

Resolution authorizing the following budget adjustments:

From: 04-5140.0004 Brush/Weeds Contractual	(\$ 441.00)
To: 04-5140.0002 Equipment	\$ 441.00
From: 07-8120.0004 Sewage Coll. Contractual	(\$550.00)
To: 07-8120.0002 Sewage Coll. Equipment	\$550.00
From: 01-1990.0004 Contingency	(\$ 88.00)
To: 01-1330.0004 Tax Coll. Contractual	\$ 88.00

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

10. Report 2009-71**Assessor**

Monthly Report

RE: April 2009

1. Completed monthly inspections for verification of sale and completion of building projects.
2. Processed monthly sales transfers and splits.
3. Attended NCAA meeting in town of Niagara-included introduction to newly available updates to Real Property System software-release 2009.
4. Worked on all areas of information needed to finish 2009 tentative tax roll-finished and handed in to County on April 22, 2009.
5. Tentative tax roll printed and received from County on April 29, 2009. Available for

public viewing at Town Hall.

- 6. Printed and mailed 120 "Change of Assessment Notices".
- 7. Continued to receive and process exemptions-now for 2010 roll.
- 8. Continued to train Susan in all aspects of the job of Assessor.

RESULT:	REPORT ISSUED
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11. Report 2009-78

Recreation

The Town of Porter Recreation Department is holding its summer program at the Stevenson Elementary School from July 7th until August 13, 2009, Monday through Friday, from 10:00am until 3:00pm. Registration is July 1 and 2, at the school, from 10:00am until 3:00pm. Pre-registration is highly advised.

Birth certificate is required, or a kindergarten report card stating promotion to the first grade. The program is for children going into the first grade, up to and including tenth grade.

RESULT:	REPORT ISSUED
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12. Report 2009-74

Tax Collector

TOWN OF PORTER 3265 CREEK RD YOUNGSTOWN, NY 14174
 May 5, 2009
 Supervisor Merton Wiepert
 Town of Porter
 3265 Creek Rd
 Youngstown, NY 14174

RE: TOWN/COUNTY TAX COLLECTIONS FOR 2009

Dear: Supervisor Wiepert and Town Board Members:

Paid to Supervisor Wiepert on April 22, 2009 the sum of \$6,455.89. This amount included the following:

Penalties collected in March	\$6,105.19
Return of petty cash	100.00
Interest earned from 3/21-4/21/2009	38.37
\$1.00 unpaid returned to county	212.00
Over in collections	.33

Paid to County Treasurer, David Broderick on April 13, 2009 the sum of \$698,032.88, as final remittance to the County. The following figures reflect the final results of my collection for the 2009 Town/County Tax Roll in and for the Town of Porter:

Paid to Supervisor	891,735.19
Paid to County in February	2,500,000.00
Collected by County Treasurer (Utilities, County Owned)	93,407.95
April remittance due County	698,244.88
Total Collected	4,182,388.02
Total Uncollected (212 bills)	414,585.96
	4,592,973.98
Time Warner Adjustment	243.19
Unpaid School-Whalen	15,578.53
Unpaid School-Burns	218.29
Unpaid Water-Sweetman	257.08
Unpaid Water-Tower William*	-270.88
Total Warrant	4, 614.000.19
April remittance	698,244.88
\$1.00 mailing surcharge(unpaid)	- 212.00
Paid to County Treasurer	698,032.88

*Niagara County Treasurer to return \$270.88 to Wm. Tower for unpaid water collected in error on his tax bill was bill for Dan Tower was corrected and \$270.88 collected from him for unpaid water.

Total of \$155.26 interest was credited this year to this account.

Total of \$7,610.64 penalties was collected this year. Town Tax Collector's account now reflects a balance of \$10.01 -\$2.00 postal key return money to keep the account open and \$8.01 checks for overpayments by homeowners that still have not been cashed.

Respectfully yours,
Sally A. Hogan, Collector

RESULT: REPORT ISSUED

13. Report 2009-80

Highway

Highway Department:

1. Completed first brush pickup.
2. Completed maintenance of winter equipment for summer storage.
3. I would like board permission to send all DPW Employees to a Work Zone Safety and Traffic Flagging Class at Grand Island on Thursday May 28th. The class is being put on by the Western New York Branch of the American Public Works Association. The cost of the class is \$10.00 per man or \$90.00 total.
4. Completed the milling of all streets in the Ft. Niagara Beach Subdivision. Resurfacing is scheduled for middle to late May.
5. Completed crack filling on Braley and Dickersonville Roads.

Drainage Department:

1. Mowing equipment is ready we will start mowing as soon as the weather will allow.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed Fire Flow testing conducted by the ISO. They will forward the results to the town.

Surplus Equipment:

We have inventory of all surplus equipment and materials. I would like a board resolution declaring the following items as surplus and permission to sell these at auction or sealed bid.

1. (2) Kaman Industrial pump controllers with Allen-Bradley controllers.
2. (3) Sewer pump motors. 2-50HP 1-75HP
3. (1) Rotary broom with spare broom core.
4. (1) Stomper Compactor (Antique)
5. (1) 60 KW Onan Generator w/ transfer switch.
6. (1) Class 3 trailer hitch and rear bumper for 2004 Ford pickup.
7. (1) Front Bumper for Ford F-550 truck.
8. (1) Snow Blower for Ford 1220 tractor (Blower housing only)
9. Misc Allen-Bradley circuit boards for pump controllers.

CHIPS Update:

I have received a letter from the NYSDOT , our Chips Allocation for 2009/2010 is \$48,051.00. The budgeted figure for Chips was \$43,110.00

Our 2008 Chips allotment was \$48,063.32 . This represents a net decrease in Chips funding of \$12.32.

I would recommend that the board adopt an Amended 284 Agreement in the amount of \$360,558.00.

Respectfully submitted,

Scott B. Hillman
Highway Superintendent

RESULT: REPORT ISSUED

14. Resolution 2009-79

Traffic Safety Class

Resolution to allow all Department of Public Works employees to attend a Work Zone Safety and Traffic-Flagging class in Grand Island on Thursday, May 28, 2009. The class is sponsored by the WNY branch of the American Public Works Association. Cost is \$10 per person; \$90 total.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Baia, Deputy Supervisor
SECONDER: Nancy Orsi, Councilwoman
AYES: Wiepert, Baia, Orsi, Baker, White

15. Resolution 2009-80

Surplus Equipment Sale

Resolution to declare the following items as surplus and authorization to sell the same items at auction or by sealed bid:

1. (2) Kaman Industrial pump controllers with Allen-Bradley controllers.
2. (3) Sewer pump motors. 2-50HP 1-75HP
3. (1) Rotary broom with spare broom core.
4. (1) Stomper Compactor (Antique)
5. (1) 60 KW Onan Generator w/ transfer switch.
6. (1) Class 3 trailer hitch and rear bumper for 2004 Ford pickup.
7. (1) Front Bumper for Ford F-550 truck.
8. (1) Snow Blower for Ford 1220 tractor (Blower housing only)
9. Misc Allen-Bradley circuit boards for pump controllers.

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

16. Resolution 2009-81**Amend 2009 Form 284**

Resolution authorizing an increase in spending of \$4,941.00 and amend the 2009 Form 284 to reflect this authorization. The total authorization will be \$360,558.00, up from the \$355,617.00 previously approved.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Larry White, Councilman
SECONDER: Nancy Orsi, Councilwoman
AYES: Wiepert, Baia, Orsi, Baker, White

17. Resolution 2009-75**Water Adjustment**

Account Adjustments/April 2009

The following adjustment was made to a water account this month:

10-0595 \$17.33 Water
Reason: Water is shut off no payment required.

Respectfully submitted,

Ramona M. Lockhart

Resolution to adjust water account #10-0595

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

18. Report 2009-70

Building Inspector/Code Enforcement Officer

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF APRIL 2009

NAME	PERMIT	DATE	ADDRESS	CATEGORY	COST	FEE
SHEEHAN, Daniel	10-09	03-Apl	3380 Dickersonville	Addition	45,000	100
WYNO, Daniel	11-09	03-Apl	1536 Youngstown-Wilson	Swimming pool	600	25
GIBSON, Melvin	12-09	17-Apl	3674 Creek	Shed	4,000	25
BAKER, Peter	13-09	17-Apl	Lockport Rd	Pole barn	24,000	50
MARTIN, Constance	14-09	20-Apl	2846 Greenwood Lane	Carpport	500	50
McCLARY, Connie	15-09	22-Apl	2637 Lake Rd	2nd garage	16,000	50
GARDINER, Louis	16-09	22-Apl	3039 Dickersonville	Fence	400	25
SUNDERLAND, B	17-09	24-Apl	2311 Lake	Porch/sunroom	25,000	25
KRUPPA, Tadeus	18-09	27-Apl	768 Blairville	In ground pool	6,000	25
					121,500	375

BUILDING DEPARTMENT REPORT: Month April 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 the Planning Board meeting
- pursued numerous zoning code violations and issued to the Supervisor "Order of Violations Report" for the month of April, 2009.
- Met with the Town Prosecutor and Judges pertaining to several court cases
- Continued review of draft new zoning law and subdivision regulations

RESULT: REPORT ISSUED

19. Report 2009-72

Engineer

Annual Retainer - Drainage Reviews (CRA Project # 630645)

- CRA completed a drainage review on May 5 for a minor subdivision request from William and Heidi Pippard.

Annual Retainer - Drainage Reviews (CRA Project # 630645)

- CRA completed a drainage review on May 5 for a minor subdivision request from George and Shirley Winger.

Annual Retainer - Drainage Reviews (CRA Project # 630645)

- CRA completed a drainage review on May 5 for a minor subdivision request from Thomas and Robin Radomski.

Topographic survey and mapping of the Porter on the Lake parcel completed on May 4.

RESULT:	REPORT ISSUED
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20. Report 2009-73

Attorney

none

RESULT:	REPORT ISSUED
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21. Resolution 2009-64

Emergency Responders-Driver License Class Adjustme

Whereas, Chapter 60 of the Vehicle and Traffic Laws of 2005 was inadvertently amended to require emergency responders to have a commercial Driver's license (CDL) to be able to drive vehicles of certain weight classes (fire engines, ladder trucks, etc.) in non-emergency situations, and

Whereas, this has caused both confusion and contradiction to the laws where

emergency vehicle operators could drive to an emergency scene but, on returning, would be required to have a CDL, and

Whereas, other functions, such as training, demonstrations, fund raising, maintenance, etc., drivers would be required to have a CDL license, thus disobeying the law, and

Whereas, many complications could arise with insurance carriers, police agencies, etc., and

Whereas, there are amendments to the Law Senate Bill S1624 and the same Bill in the Assemble A5952, which would correct this mistake, now therefore be it

Resolved, that the Town of Porter Town Board shall forward copies of this resolution to Senator George D. Maziarz and Assemblywoman Francine DelMonte, and encourage them to vote in favor of these bills which correct this issue.

HISTORY:

04/13/09 Board TABLED
Next: 05/11/09

RESULT:	TABLED [UNANIMOUS]	Next: 6/8/2009 7:00 PM
MOVER:	Thomas Baia, Deputy Supervisor	
SECONDER:	Larry White, Councilman	
AYES:	Wiepert, Baia, Orsi, Baker, White	

22. Report 2009-75

Porter-On-The-Lake

**“PORTER-ON-THE-LAKE” PARK COMMITTEE MEETING
April 20, 2009**

Attending:

Norm Ault	Fran Boltz	Betsy Diachun	Ernest Lavigueur	Larry White	Mert Wiepert
Gloria Baker	Cathy Burns	Peter Diachun	Bob Reese	Linda White	
Jeff Baker	Tony Collard	Don Larrabee	Richard Roach	Meg Whitmore	

The fifteenth general meeting of the “Porter-on-the-Lake” Park Committee was held at the Porter Town Hall at 6:35 P.M. on Monday, April 20, 2009. Representing the Town was Supervisor Wiepert, Councilmen Baker and White, and Bookkeeper Ault.

Chairman Reese called the meeting to order. The minutes from the meeting of March 26, 2009 were distributed and reviewed. The minutes were corrected to reflect that committee member Boltz was in attendance. The minutes of March 26th were approved as corrected.

Supervisor Wiepert updated the committee on the following:

1. Requests for quotes on park grass mowing have been advertised in the local newspaper and are returnable on April 23rd.
2. A surplus mower from the Town of Niagara has been requested through the municipal borrowing program.
3. The *Porter-on-the-Lake* topographical map is almost completed.

Under Old Business:

1. Councilman White advised that the “Clean Beach Sweep” would begin at 1:00 P.M. on Saturday, April 25th and the cleanup would concentrate on the beach area. Heavy-duty plastic bags will be provided for the volunteers, but volunteers are asked to bring their own gloves and tools.
2. Regarding the “Second Annual Labor Day Festival”, Linda White advised that the committee is working on the event and would like the names of any organization which would be participating. Chairman Reese advised that some of last year’s participants have expressed an interest in participating in this year’s event. Councilman Baker advised that he has been working on the entertainment.
3. There was discussion on the date of the 5K run. In the absence of Bill Leardini, Chairman Reese advised that he would contact Bill Leardini and report back to the committee at our next meeting.
4. Norm Ault reported on park usage applications and advised the committee that a mailbox has been established at the town hall and all applications will be placed in that box for the committee’s review. Letters and applications have been sent out to those individuals and/or organizations requesting the pavilion with a returnable date of May 1st. In addition, the “Fishing Derby” has been moved to Saturday, June 20th.
5. Chairman Reese advised that three dog waste bag dispensers have been received and that they will be placed at various locations throughout the park. The gates to the park remain closed to vehicles due to the wet conditions. Chairman Reese is working with the Porter Highway Department to supply more stone.

Under new business, the committee discussed parking barriers, dividing the pavilion into three sections for the 2010 season and the insurance requirements for pavilion rental along with the town’s liability in case of an accident. The concept of a park manager for *Porter-on-the-Lake* was also discussed and the Chairman will forward the committee’s recommendation to the Town Board.

The committee meeting adjourned at 7:45 P.M.

THE NEXT MEETING WILL BE HELD ON MONDAY, May 18, 2009 AT 6:30 P.M. AT THE PORTER TOWN HALL.

Submitted by: Ernest A. Lavigueur

RESULT: REPORT ISSUED

23. Report 2009-76

Correspondance

Town is in receipt of Board of Assessment Review certificates of training, from Niagara County Real Property, for Peter Jeffery, BAR member and Susan Driscoll, Real Property Appraisal Technician Trainee.

RESULT: REPORT ISSUED

24. Report 2009-77

Calendar of Events

Wednesday, May 13, 2009-5:30pm	Work Session (Executive Session) for the purpose of conduction four interviews for the water/sewer position to fill a vacancy.
Thursday, May 21, 2009	ZONING Board @7:30pm - Town Hall
Monday, May 25, 2009	OFFICES CLOSED - Memorial Day
Thursday, June 04, 2009	PLANNING Board @7:00pm - Town Hall
Monday, June 08, 2009	TOWN BOARD @7:00pm - Town Hall

RESULT: REPORT ISSUED

25. Report 2009-81

Town Board Comments

Supervisor Wiepert expressed thanks to Bob Reese and Don Larrabee who are continually cleaning/fixing up Porter-on-the-Lake. Mr. Reese reported 60% of the grass has been mowed. They're waiting for things to dry out so they can finish. The Board was unhappy with the "Operation Clean Sweep," held at POTL April 25th. About eight people showed up to help.

Two young people will be working at POTL to fulfill eight hours, apiece, of community service.

Carl Fellows requested a copy of the letter the Town's sending the Health Department regarding the storm sewers in Ransomville.

With Supervisor Wiepert making the motion, and Mr. Baia seconding, the Board unanimously agreed to move to Executive Session. This was for the purpose of interviewing three candidates for the open water/sewer position. The executive session was ended and the meeting was adjourned at 9:00 pm with no further business to conduct.

Gail Zachary
Town Clerk

RESULT: REPORT ISSUED
