



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Gail Zachary

Monday, May, 10, 2010

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on May 10, 2010 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	
Dave Britton	Town of Porter	Engineer	Absent	
Gail Zachary	Town of Porter	Town Clerk	Absent	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Susan Driscoll	Town of Porter	R. P. Appr Tech - Trainee	Present	
Barb Dubell	Town of Porter	Assistant	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Chris Amico	CRA	Engineer	Present	

II. Public Portion

1. Report 2010-61

Public Comments

Mike Mahar from CWM stated that a Public Meeting is being held at Lew-Port Senior High on Monday, May 17th at 6:00 pm by the D.E.C. concerning their Major Permit Modification.

RESULT: REPORT ISSUED

III. Minutes Acceptance

1. Resolution 2010-61

Minutes Approval

Resolution to approve the minutes of the April 12, 2010 Town Board Meeting as presented.

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

IV. Reports/Resolutions

1. Resolution 2010-62

Payment of Audited Vouchers

Resolution to approve the vouchers, as audited.

TOWN OF PORTER

WARRANT: POST AUDIT - APR, 2010 4/30/10

FUND 01	6,255.31
FUND 02	190.94
FUND 04	282.88
FUND 06	594.28
FUND 07	2,984.16
FUND 33	28.55
FUND 35	1,750.00
TOTAL	<u>12,086.12</u>

VOUCHER 'S 13775 THRU 13802

WARRANT: # 5 MAY, 2010 5/10/10

FUND 01	17,372.07
FUND 02	34,295.79
FUND 04	26,443.79
FUND 06	2,439.34
FUND 07	60,408.94
FUND 10	775.75
FUND 33	1,810.00
TOTAL	<u>143,545.68</u>

VOUCHER 'S 13803 THRU 13910

155,631.80

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

2. Report 2010-62

Town Clerk

Town Clerk revenue report for April 2010:

Water:	\$ 29,991.17
Sewer:	\$ 50,454.28
License & Fees:	\$ 558.26

S.P.C.A. Contacts: 30

RESULT:	REPORT ISSUED
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3. Report 2010-63

Supervisor

1. Supervisor's Monthly Report for April 2010 was distributed to all Town Board members.
2. March Sales Tax \$115,123.10. This is down \$12,015.11 from last March.
3. Resolution to accept the Supervisor's Report for April 2010.
4. Resolution to open the Joseph Davis State Park road.
5. Resolution appointing a Record Access Officer.
6. Resolution authorizing Grant Writer Bernie Rotella to submit a grant request from the Greenway Commission for Porter-on-the-Lake equipment

Supervisor Wiepert congratulated Deputy Town Clerk Barbara DuBell on passing her Notary examination.

Councilman Fleckenstein and Highway Superintendent Hillman will have a meeting of the Drainage Committee to discuss the status of drainage projects this summer.

Supervisor Wiepert stated the Town Historian would like to have Highway Superintendent Hillman start putting up the old street signs at different corners, etc. This would be on or about June 1st, which will be the Towns 198th birthday.

RESULT: REPORT ISSUED

4. Resolution 2010-63

Supervisor's Report

Resolution accepting the Supervisor's Report for April 2010.

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

5. Resolution 2010-64

Joseph Davis Park Road

This resolution requests the State of New York, Department of Parks & Recreation, to open the road from Lower River Road to Pletcher Road. This road is used during the summer as a "short-cut" to get to the Robert Moses Parkway.

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

6. Resolution 2010-65

Record Access Officer

Resolution appointing Town Clerk Gail Zachary as Record Access Officer and Deputy Town Clerk Barbara DuBell as Assistant Records Access Officer.

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

7. Resolution 2010-66

Greenway Request

Resolved that the Town of Porter will submit to the Niagara River Greenway Commission a proposal for recommendation of the Town of Porter's *Porter-on-the-Lake Improvement Project Grant* funding request.

COMMENTS - Current Meeting:

Councilman Fleckenstein requested a monthly report on the status of the grants.

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

8. Report 2010-64

Supervisor's Assistant

Bookkeeper's

Monthly Report - April 2010

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1. Completed processing all April 2010 Vouchers and Journal Entries.
 2. Prepared Supervisor's Monthly Report for April 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
 6. Continuing to work with Town Clerk on the Minute Traq program.
 7. Continuing with Suzanne Raby's training
 8. Attended two sessions on the Land Use Update of Ransomville Zoning

RESULT:	REPORT ISSUED
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9. Report 2010-65

Tax Collector

RE: TOWN/COUNTY TAX COLLECTIONS FOR 2010

Paid to Supervisor Wiepert the sum of \$3,706.75. This amount included the following:

Penalties collected in March	\$3,288.03 (+1,213.66)*
Return of petty cash	100.00
Interest earned from 3/21-4/21/2010	40.31
\$1.00 unpaid returned to county	278.00
Over in collections	.21

Awaiting payment from Niagara County of \$1,213.66 for a check that was returned for insufficient funds after I had settled with the County. They are now responsible for collecting payment of this bill for additional interest is due after April 1st.

Paid to County Treasurer, Kyle R. Andrews on April 12, 2010 the sum of \$702,093.10, as final remittance to the County. The following figures reflect the final results of my collection for the 2010 Town/County Tax Roll in and for the Town of Porter:

Paid to Supervisor	990,640.41
Paid to County in February	2,500,000.00
Collected by County Treasurer (Utilities, County Owned)	98,706.07
April remittance due County	702,271.10
Total Collected	4,291,717.58
Total Uncollected (278 bills)	410,834.86

	4,702,552.44
ADJUSTMENTS-CORRECTED BILLS	
Time Warner-No town tax	265.18
Keese-Aged Exemption	195.96
Elstrodt-Aged Exemption	268.86
Total Warrant	4, 703.272.44
April remittance	702,271.10
\$1.00 mailing surcharge (un-paid)	- 278.00
Paid to County Treasurer	702,093.10

Total of \$ 188.52 interest was credited this year to this account.

Total of \$6,553.70 penalties was collected this year. This amount includes \$100.00 for five (5) returned check at \$20.00 each. There is \$40.00 still to be collected for two returned checks.

Town Tax Collector’s account now reflects a balance of \$23.59 -\$4.00 postal key return money to keep the account open and \$19.59 checks for overpayments by homeowners that still have not been cashed.

* the funds noted above were received on May 6th and deposited to the Town account.

Respectfully yours,
Sally A. Hogan, Collector

RESULT: REPORT ISSUED

10. Report 2010-68

Assessor

RE: April 2010

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1. Completed monthly inspections for verification of sales and completion of all building projects.
 2. Processed monthly sales transfers and splits.
 3. Susan attended monthly Assessor meeting in Wilson. Topics included discussion of new software and possible development of a personal access webpage that would include information on assessments and taxes.
 4. Reviewed all exemption applications and updated info on computer.
 5. Updated and adjusted all exemption amounts on computer for new tax year.
 6. Susan attended IDA seminar which described the process and establishment of PILOTS (Payment In Lieu Of Taxes)

7. Attended seminar on storage of e-mails and other correspondence as required by law.
8. Addressed several issues on erroneously filed deeds
9. Processed all information for filing of tentative tax roll. Filed roll with county.
10. Continued to train Susan in all aspects of assessing.

RESULT: REPORT ISSUED

11. Report 2010-66**Highway****Department of Public Works
Monthly Report for April 2010****Highway Department:**

1. Completed town wide and regularly scheduled brush pick up.
2. Completed cleaning and painting of all plows and spreaders.
3. Completed mowing and grading on Murphy's Corners Road.
4. Completed changing the Banners in Ransomville.

Drainage Department:

1. Started off road ditch mowing program.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed installation of 10 Orion water meters.
3. Completed the installation of the new flow meters for the Village of Youngstown and Fort Niagara State Park.
4. Completed the installation of 51 inflow prevention devices in all manholes in the southern portion of the PWSIA. We are proceeding with the inspection of all manholes in the northern portion of PWSIA and Lakeshore system.
5. I met with Steve Grimm the wastewater circuit rider from NYRural Water Association. He made several suggestions on detecting Inflow and Infiltration sources. We are following his suggestions. He will be back in the area later in the summer to look to see how much improvement has been made. If further testing is needed we will coordinate with Steve at that time.
6. The new flow meter for Swain Rd. is due to be delivered this month. We will proceed with the installation when it arrives.

CHIPS Update:

1. The NYS Association of Town Superintendents of Highways is working with the County Highway Superintendents Association to try to get the CHIPS Funding included in an emergency funding bill in the legislature. If not the funding will be held up until the state budget is in place.

RESULT:	REPORT ISSUED
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12. Report 2010-67**Building Inspector/Code Enforcement Officer****TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF APRIL 2010**

NAME	PERMIT	DATE	ADDRESS	CATEGORY	COST	FEE
WEBSTER, Edward	05-10	4/1	1009 Meadow Drive	Deck	5,200	25
SANGER, Nancy	06-10	4/1	3369 East Avenue	Demolition	0	25
CANFIELD, Loretta	07-10	4/2	999 Balmer Rd-B10	Ramp	150	25
RIDDLE, James	08-10	4/7	358 Brentwood Drive	AG Pool	3,600	25
MILLER, Marc	09-10	4/7	966 Meadow Drive	Shed	1,000	25
ROLAND, Murray	10-10	4/8	430 Dansworth	Shed	650	25
MARTIN, Michael	11-10	4/14	3054 North Creek	AG Pool	900	25
ZODA, Anthony	12-10	4/14	2105 Balmer Road	Deck	2,400	25
HUFF, Gerald	13-10	4/23	1719 Harrison Lane	Porch	500	25
TRACEY, James	14-10	4/26	1579 Y-Wilson	Pole Barn	24,000	50
				TOTAL	38,400	275

CERTIFICATES OF OCCUPANCY ISSUED

SIRIANNI, Victor 02-10 4/21 509 Lake Rd Single family residence

BUILDING DEPARTMENT REPORT: Month April 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.
- Attended Planning Board and Town Board meetings.

- Pursued numerous zoning code violations and issued to the Supervisor “Order of Violations Report” for the month of April 2010.
- Continued review of draft new zoning law and subdivision regulations.
- Preparing for new Building Department software installation.
- Meeting with Jim Tammaro, NY State Archives, regarding computer software grant.

RESULT: REPORT ISSUED

13. Report 2010-69

Engineer

Engineering Report

Update - May 10, 2010

1. Cain Road Capital Improvement Project

- Bid specification to slip line the culverts and repair the headwalls to be completed May/June. Solicit bids in June for a July/August construction schedule.

2. Town Sewer system - I&I investigation

- Met with Scott Hillman to review I&I inspection program and provide alternative electronic methods for record keeping using a hand held unit. Cost estimate to be submitted for consideration.

3. Planning Board Reviews

- Attended the planning board meeting on May 6, 2010

4. Engineering Support Services

- Currently completing an engineering design review of a proposed storage tank in connection with Town issuance of a Flood Plain Development Permit.

RESULT: REPORT ISSUED

14. Report 2010-70**Attorney**

Attorney Dowd stated we need to review the new FEMA flood plain maps and adopt them by our August meeting.

RESULT: REPORT ISSUED

15. Report 2010-74**Porter-On-The-Lake**

"PORTER-ON-THE-LAKE" PARK COMMITTEE MEETING
April 19, 2010

Attending:

Norm Ault Fran Boltz Sue Martin Larry White Kathy Zasucha
Bill Baird Cathy Burns Nancy Orsi Linda White
Gloria Baker Tony Collard Bob Reese Meg Whitmore
Jeff Baker Don Larrabee Bernie Rotella Mert Wiepert

Chairman Reese called the meeting to order at 6:34pm. Those in attendance were referred to the Town web site for the minutes of the previous meeting.

PUBLIC COMMENT: The Committee was asked to consider the potential local law banning smoking in parks.

TOWN BOOKKEEPER'S REPORT: The park currently has \$40,000 in the bank. A total of \$18,000 has been used for drainage.

TOWN GRANT WRITER: Bernie Rotella reported on meetings with the Greenway Commission. The GC funds "brick and mortar" applications. They don't fund applications for plans. The awards range from \$50,000-\$100,000. The next round of applications is due May 18th. Prioritizing, the Committee recommends that the Town apply for a stage, a blacktopped perimeter walking trail and playground equipment.

OLD BUSINESS:

- a. **PARK DRAWINGS**-had been saved by Oxy and sent to CRA Engineering. They include future plans
- b. **DRAINAGE**- Work is progress where dry enough to not cause excessive lawn damage wherever possible.
- c. **PARK SIGN**-Cathy Burns submitted designs for signage. A motion was made to accept the design and recommend to the Town Council that they approve the design.
- d. **RENTAL APPLICATION FORMS FOR THE PARK**- Separate forms for family, business and nonprofits were presented. These have been approved by Mike Dowd and are to be used for rentals.
- e. **LOTS ON DIETZ RD.**-more research is needed on the wording of the purchase and land deed.

NEW BUSINESS:

- a. **EAGLE SCOUT PROJECT**- TJ Maries has asked to build stairs to the lake. The project has been tentatively approved by the DEC. He is seeking the appropriate approval from the Scout Council.
- b. **SENATOR MAZIARZ**-requested estimates for his Line Item Agenda. Five items were identified: shelter w/concrete pad, playground equipment, shoreline stair project and swing set repair.
- c. **PLAYGROUND EQUIPMENT**-CWM has asked for a multiyear plan for the development of the playground. -Maintenance and repair of the horseshoe pits was discussed.
-There is a need to keep the equipment in good condition and have it inspected as needed.
- d. **LABOR DAY**-after discussion, a motion was made and accepted that the Park Committee recommend to the Town Board that the Niagara River Chamber of Commerce be responsible for the bookkeeping, vendors and promotions for the Labor Day Fest.
- e. **PLANS FROM OXY**- with the plans recovered from Oxy, is it now necessary to draw up a new master plan? Insty Prints will make additional copies of the drawings.

f. **ADDITIONAL DISCUSSION**-

- Park Committee is open to discussion concerning the use of the park and the physical layout
- The Memorial Committee will continue to work on benches.
- With the replacement of telephone poles along Lake Rd., there's now 3 poles in the park to be used for marking the drive
- The question was raised and then tabled concerning bylaws for the leadership of the park committee.
- Sheriff's work relief sent 14-18 workers to aid in the clean-up of the park.
- Byrk Plumbing turns the water on and off seasonally. They charge to turn the water on. Winterization is donated to the Park

NEXT MEETING: Monday, May 24th, 6:30pm
The meeting adjourned at 8pm

RESULT: REPORT ISSUED

16. Report 2010-71

Storm Water Update

The Town of Porters 7th Annual Storm Water Report for the period March 9, 2009 to March 9, 2010 has been update by Stormwater Management Officer Tim Lockhart. A copy of the report will be available for review in the Town Hall until May 21, 2010, at which time the report will be deemed official.

RESULT: REPORT ISSUED

17. Resolution 2010-67**Storm Water Annual Report**

Resolution authorizing the Town of Porter to have available at the Town Hall, for public review, a draft copy of the Annual Storm Water Report. If no comments are received from the public by May 21, 2010, the Supervisor is authorized to sign and submit the report. If comments are received by May 21, 2010, these comments will be incorporated into the report prior to its being signed.

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

18. Report 2010-73**Calendar of Events**

Thursday May 20 th	Zoning Board - Town Hall 7:30 PM
Monday May 31 st	Town Hall Closed
Thursday June 3 rd	Planning Board - Town Hall 7:00 PM
Monday June 14 th	Town Board Meeting - Town Hall 7:00 PM

RESULT:	REPORT ISSUED
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19. Report 2010-72**Town Board Comments**

Councilman Fleckenstein asked the status of our wind power grant from NYSERDA. Supervisor Wiepert questioned the need for two 10 Kw wind towers at the Town Hall instead of one 20 Kw tower, or even a 50 Kw wind tower, Councilman Fleckenstein stated the grant was limited to 20 Kw. He stated the Bergery 10 Kw towers were the most reliable around, but if the town wanted to, it could go out for bids on other models.

With nothing further to discuss, the Board meeting was adjourned at 7:50 PM.

Barbara DuBell
Deputy Town Clerk

RESULT: REPORT ISSUED
