



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Gail Zachary

Monday, June, 8, 2009

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on June 8, 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	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Dave Britton	Town of Porter	Engineer	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Absent	
Dave Gombert	Town of Porter	Highway	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	

II. Public Comments

1. Report 2009-96

K. A. B. Presentation

Jim Pavel, chairman of the Western New York "Keep America Beautiful" chapter, along with Lori Caso and Mike Mahar, CWM, presented check in the amount of \$5,000.00 to the town to be used at Porter-on-the-Lake. "Keep America Beautiful" promotes tree planting, cleaning-up, etc. of parks and business. They are one of two such organizations in New York State. There are only fifteen across the country.

RESULT: REPORT ISSUED

2. Report 2009-97

Public Comments

Carl Fellows, resident and business owner in Ransomville, reported he did not get a copy of the letter, sent by code enforcement officer Rogers to the Niagara County Health Department, requesting testing of the storm sewers in the area. Mr. Rogers had sent a letter to the County and talked to the director. They will be sampling soon. Mr. Fellows also thanked Scott Hillman for filling in the holes in front of his restaurant.

Ted Hogan, also a resident of Ransomville, commented how nice Porter-on-the-Lake looks. Mr. Wiepert thanked Bob Reese and Don Larrabee for their efforts in maintaining the area. Supervisor Wiepert also reported the cycle rally, sponsored by the Hard Rock Cafe, generated about 160 - 165 participants.

Ed Barbiero, resident of Youngstown Estates and president of their association, would still like to see more police presence in the subdivision, especially on Friday and Saturday nights. He asked that the Town send a letter to the Sheriff's Department requesting more patrol. Supervisor Wiepert agreed.

RESULT: REPORT ISSUED

III. Minutes Approval

1. Resolution 2009-83

Minutes Approval

Resolution to approve the May 11, 2009 regular meeting of the Porter Town Board, as presented.

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

IV. Resolutions/Reports

1. Resolution 2009-84

Payment of Audited Vouchers

Resolution to approve the Vouchers, as audited.

TOWN OF PORTER

WARRANT: POST AUDIT - MAY, 2009 5/31/09

FUND 01	1,501.81
FUND 02	31.58
FUND 04	287.81
FUND 06	276.01
FUND 07	1,590.02
FUND 33	36.25
TOTAL	<u>3,723.48</u>

VOUCHER 'S 12377 THRU 12394

WARRANT: # 06 JUNE, 2009 6/8/09

FUND 01	16,599.60
FUND 02	60,729.69
FUND 04	30,109.71
FUND 06	4,377.81
FUND 07	2,121.86
FUND 10	624.20
FUND 33	2,214.57
FUND 35	2,529.37
TOTAL	<u>119,306.81</u>

VOUCHER 'S 12395 THRU 12484

123,030.29

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

2. Report 2009-83

Town Clerk

May 2009

Water Receipts	-	\$ 17,778.62
Sewer Receipts	-	\$ 6,619.98
Licenses and Fees	-	\$ 442.25
S.P.C.A. Contacts	-	19

RESULT: REPORT ISSUED

3. Report 2009-82

Supervisor

- Supervisor's Monthly Report for May 2009 was distributed to all Town Board members.
- April Sales Tax \$73,319.69. The Town is down about \$10,000 for 2009.
- Resolution to accept the Supervisor's Report for May 2009.
- Resolution authorizing the purchase of two (2) 2003 zero-turn Cub Cadet Model M60KH mowers in "as-is" condition from the Niagara County Water District for \$2,100.00 each.
- Resolution authorizing the renewal of a BAN in the amount of \$315,000.00 for Water Line Upgrade, and further authorize the Supervisor to accept the low bid and sign all necessary paperwork.
- Authorize the creation of a position of Groundskeeper at Porter-on-the-Lake and furthermore, to hire Robert Reese to this position at the rate of \$8.00 per hour, thirty (30) hours per week. This is a seasonal position.
- Resolution authorizing the appointment of Scott M. Cudney as a Water/Sewer Maintenance Person at the rate of \$13.91 per hour.
- Authorization for the supervisor to request a traffic study by Niagara County DOT at intersections in the town of Porter

RESULT: REPORT ISSUED

4. Resolution 2009-85

Supervisor's Montly Report

Resolution to accept the May 2009 Supervisor's Report.

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

5. Resolution 2009-87

Lawn Mower Purchases

Resolution authorizing the purchase of two (2) 2003 zero-turn Cub Cadet Model M60KH mowers in "as-is" condition from the Niagara County Water District for \$2,100.00 each.

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

6. Resolution 2009-88

BAN Authorization

Resolution authorizing the renewal of a BAN in the amount of \$315,000.00 for Water Line Upgrade, and further authorize the Supervisor to accept the low bid and sign all necessary paperwork. Attorney Dowd and Bookkeeper Ault will work on this together.

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

7. Resolution 2009-89

Groundskeeper

Authorize the creation of a position of Groundskeeper at Porter-on-the Lake and furthermore, to hire Robert Reese to this position at the rate of \$8.00 per hour, thirty (30) hours per week. This is a seasonal position.

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

8. Resolution 2009-90

Water/Sewer Maintenance Person

Authorize the hiring of Scott Cudney to the position of water/sewer maintenance person effective Monday, June 22, 2009 at the rate of \$13.91 per hour. His hiring is subject to passing a drug test and pre appointment physical.

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

9. Resolution 2009-92

Traffic Study

Authorization for the Supervisor to send, to the Niagara County Department of Transportation, a request for a traffic study at the intersections of Porter Center Road and Youngstown-Wilson Road; Ransomville Road and Youngstown-Wilson Road; Route 93 and Dickersonville Road, Braley Road and Ransomville Road and Route 93 and Porter Center Road.

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

10. Report 2009-98

Building Committee

As a follow up to our discussion at the work session of June 1st I would like to report that we did check with several of the references that were given by Sonitrol and found them to be satisfactory. Sonitrol quickly addressed any issues that the different facilities had to the satisfaction of the facility caretakers.

On Thursday, June 4th we met with Bob Buerger, the representative from Sonitrol, to clarify some further issues and refine the price. We will be able to install the basic package that we discussed for the price of \$11,200 with the extra interior cameras that we want for an additional \$2,600 for a grand total of \$13,800. This amount is well within the allotted amount that the bookkeeper has set aside. This includes mostly money that we encumbered from last year including the Jcap grant that we received from the state.

We would also recommend purchasing the service agreement for the amount of \$925 per year. This amount is guaranteed to stay the same for the first five (5) years of the agreement. If approved by the board, installation can begin almost immediately.

Respectfully submitted,

Dave Truesdale

RESULT:	REPORT ISSUED
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11. Resolution 2009-93

Building Security

Resolution authorizing the purchase of a security camera system for both the inside and outside of the Town Hall. The system will be provided by SONITROL SECURITY SYSTEMS in the amount of \$13,800.00. Furthermore, authorize the Supervisor to sign

all paperwork and send a check with the order for \$6,900.00. Finally, authorize the acceptance for five (5) years and annual maintenance agreement, which includes camera replacement and maintenance, in the amount of \$925.00 per year.

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

12. Report 2009-84

Supervisor's Assistant

Monthly Report - May 2009

1. Completed processing all May 2009 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for May 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
6. Continues working with Town Clerk on the Minute Traq program.
7. Worked with Suzanne Raby on payroll and voucher training.
8. Need the following budget adjustments:

From:	01-1620.0004 Building Contractual	(\$ 50.00)
To:	01-1620.0002 Building Equipment	\$ 50.00

RESULT: **REPORT ISSUED**

13. Resolution 2009-86

Budget Adjustments

Resolution to transfer \$50.00, *from* account 01-1620.4, building contractual, *to*:

Account 01-1620.2, building equipment

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

14. Report 2009-85

Assessor

Monthly Report

From: Barbara J. Oaks, Acting Assessor

RE: May 2009

1. Completed monthly inspections for verification of sales and completion of building projects.
2. Processed monthly sales transfers and splits.
3. Attended NCAA meeting in town of Lewiston-discussion on coordinating revaluations county-wide-consensus seems to be every three years. Also had a presentation on pictometry and programs available as add-ons that would help determine new construction possibly not on current inventory.
4. Held multiple "informal hearings" with property owners concerning some new values. Reached stipulated agreements with many to present to the Board of Review (decisions based on field review and on-site inspections)
5. Annual Board of Review met at Town Hall on May 26th-3-5 and 6-8--attended by both myself and Susan. Handled one written complaint, two walk-ins and pre-agreed stipulations.
6. Continued to receive and process exemptions-now for 2010 roll.
7. Continued to train Susan in all aspects of the job of Assessor. Susan also taking off-site classes to aid in understanding the job better.

RESULT: **REPORT ISSUED**

15. Report 2009-86**Recreation****SUMMER RECREATION PROGRAM - 2009**

Registration for the program will be at Stevenson Elementary School gym July 1st and 2nd, 10:00 a.m. to 3:00 p.m.

Registration before the start of the program is highly advised. People who get the forms on line can request a calendar the first day of attendance. Those enrolling for the first time must have a copy of birth certificate or kindergarten report card stating promotion to 1st grade.

Summer program starts July 7th - August 13th 10:00 a.m. to 3:00 p.m. (Monday-Friday) Program is for children going into 1st grade to and including 10th grade.

On June 1st interviews were held for the Summer Recreation Leaders. There will be twelve (12) returning and eight (8) first year leaders.

RESULT:	REPORT ISSUED
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16. Resolution 2009-91**Recreation Leaders P/T**

Resolution authorizing the hiring of the following as Summer Recreation Leaders P/T for the year 2009

Re-Hires

<u>Name</u>	<u>Address</u>
Coney, Aaron	1001 Meadow Dr Youngstown, NY 14174
Duncan, Ethan	452 Church St Youngstown, NY 14174
Eoute, Zach	300 Glenville Rd Youngstown, NY 14174
Hillard, Jillian	2542 Academy St Ransomville, NY 14131

Munno, Peter	647 Blairville Rd Youngstown, NY 14174
Paoness, Gabriele	2119 Lake Road Youngstown, NY 14174
Pollow, Dennis	3575 Ransomville Rd PO Box 329 Ransomville, NY 14131
Price, Jason	648 Blairville Rd Youngstown, NY 14174
Price, Vicki	648 Blairville Rd Youngstown, NY 14174
Scully, Karen	428 Church Street Youngstown, NY 14174
Wyno, Daniel	1563 Youngstown-Wilson Rd Youngstown, NY 14174
Zasucha, Stephen	1762 Lake rd Youngstown, NY 14174

New Hires

Cassick, Benjamin	463 Westwood Youngstown, NY 14174
Jordan, Trisha	3843 Ransomville Rd Ransomville, NY 14131
Lepage, Janeanne	252 Glenvale Rd Youngstown, NY 14174
Meigs, Jeremiah	3828 Creek Rd Youngstown, NY 14174
Megis, Nathaniel	3828 Creek Rd Youngstown, NY 14174
Nyland, Kenneth	347 Oak St Youngstown, NY 14174
Sharp, Andrew	380 Church Youngstown, NY 14174
Singh, Puneat	3777 Lower River Road Youngstown, NY 14174

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

17. Report 2009-88

Highway

Department of Public Works
Monthly Report for May 2009

Highway Department:

1. Completed brush pick up for the month.
2. Finalized clean up of Fort Niagara Beach subdivision and repaired concrete curbing.
3. Resurfacing of Fort Niagara Beach subdivision scheduled for June 10th and 11th.
4. Removed trees from road right away on 18F.
5. Continued to deliver mulch to residents.
6. All employees attended Work Zone Safety and Traffic Flagging Class at Grand Island on Thursday May 28th.
7. Started roadside mowing of Town roads.

Drainage Department:

1. Received boom mower and is in process of installing it on tractor.
2. Started annual mowing of drainage ditches.

Water/Sewer Department:

1. Completed monthly meter readings.
2. Completed installation of 4" pressure tap for Elia property.
3. Completed installation of 2 new services, Youngstown-Lockport Road and Powell Lane

Respectfully submitted,
David Gombert
Deputy Highway Superintendent

RESULT:	REPORT ISSUED
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18. Report 2009-89**Building Inspector/Code Enforcement Officer**

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF MAY 2009						
NAME	NO.	DATE	ADDRESS	CATEGORY	COST	FEE
SHARAN, Murry	19-09	5/1	419 Dansworth	Alterations - roof	3,900	50
TUCK, Jennifer	20-09	5/1	3191 Creek Rd	Above ground pool	5,000	25
TRUESDALE, Alan	21-09	5/1	1108 Cain Rd	Addition - garage	12,000	50
REHM, Edward	22-09	5/6	2 Porter Center Rd Ext	Shed	1,700	25
MILLER, Marc	23-09	5/8	966 Meadow Drive	Carport	1,000	25
BELTRACCHI, Kathleen	24-09	5/11	361Brentwood Drive	Deck	4,000	25
PIPPARD, William	25-09	5/11	3608 Curtiss Avenue	Garage	7,000	50
SKELLEN, Jeffery	26-09	5/11	3197 Porter Center Rd	Alteration - dormer	2,000	50
Ran.Free Meth. Church	27-09	5/12	3924 Ransomville Rd	Addition - entrance + lift	28,500	25
PILATO, Angelo	28-09	5/13	3633 Hillview Dr	Shed	1,700	25
WHITE, Douglas	29-09	5/18	3402 Porter Center Rd	Shed	500	25
GIFFORD, Bonnie	30-09	5/22	450 Fieldcrest Drive	Porch	4,000	25
SIRIANNI, Victor	31-09	5/22	509 Lake Rd	Single family	120,000	275
WELDER, William	32-09	5/29	3684 Creek Rd	Porch	400	25
SHIRA, Dennis	33-09	5/29	3345 East Ave	Pool	400	25
					192,100	725
CERTIFICATES OF OCCUPANCY ISSUED						
WEBSTER, Mark	08-09	5/6	3321 East Ave	Single family		
FREEMAN, James	01-09	5/22	1570 Lake Rd.	Single family		

BUILDING DEPARTMENT REPORT: Month May 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 ZBA and Town Board meetings.
- Pursued numerous zoning code violations and issued to the Supervisor "Order of Violations Report" for the month of May, 2009.
- Continued review of draft new zoning law and subdivision regulations
- Attended State mandated training on elevators, commercial kitchen hoods and portable fire extinguishers.

RESULT: REPORT ISSUED**19. Report 2009-90****Engineer**

Based upon a site meeting with Dave from the Town Highway Department last Thursday, CRA recommends completing a geotechnical investigation in considering rehabilitation methods of the Cain Road culverts.

A geotechnical evaluation will be helpful in finding an appropriate solution to resolve the following observed issues:

- a) Sink holes developing along the edge of the roadway above the CMP culverts; the extent of the void area beneath the pavement is unknown;
- b) The entire CMP Culvert bottom has rotted out with several large holes observed along the edges - the area below the pipe inlet appears to be washing out below the culvert;
- c) The area above the culvert (south side) and adjacent to either side of the pipe crossing is sliding away from the roadway (75-100 feet).

The following budgetary numbers are presented for the geotechnical efforts considering the rehabilitation of the Cain Rd. culverts.

Soil Borings, 2 holes to 35 feet each (estimated depth to bedrock or refusal) \$2,000

Laboratory examination of soil samples and selection of engineering properties \$1,000

Evaluation of subsurface conditions and recommendations for remediation \$3,500

Consulting relative to short term pavement stabilization \$2,000

Total -\$8,500

This effort will bring us to the point of having a direction for the project and do not include the ultimate design of the repairs.

CRA proposes to retain Glynn Geotechnical as a subcontractor to assist in the evaluation of the existing conditions.

Regular Meeting Discussion - 6/08/2009

Deputy Superintendent Gombert will make sure Cain Road is one lane, starting tomorrow. Renting a traffic control device was discussed because weight needs to be off that side of the road in order to determine what's going on .

Because Attorney Dowd stated that the Town is now "on notice," this situation is considered an emergency and the proper signage erected immediately.

RESULT:	REPORT ISSUED
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20. Report 2009-91

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 DeMonte, and encourage them to vote in favor of these bills which correct this issue.

HISTORY:

04/13/09	Board	TABLED
Next: 05/11/09		
05/11/09	Board	TABLED
Next: 06/08/09		

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

22. Report 2009-92

Porter-On-The-Lake

Bob Reese reported that the Niagara County Sheriff's work crew, for the past few weeks, has been cleaning up and repairing at POTL. The Niagara Falls Firefighters had a bike rally this past week, which was a success, and there are other events scheduled all summer. The 5K race, scheduled for next Sunday, has been canceled due to financial problems. The Youngstown Fire Company is planning a training drill to burn the brush pile that's on POTL.

RESULT:	REPORT ISSUED
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23. Report 2009-93

Correspondance

None to report

RESULT:	REPORT ISSUED
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24. Report 2009-94

Calendar of Events

Saturday, June 13, 2009

Ransomville Country Faire - 9am until 5pm
@Library grounds, 3733 Ransomville Rd.

Thursday, June 18, 2009

ZONING Board @7:30pm - Town Hall

Wed., July 01 & Thurs., July 02

Sign-ups for Summer Rec @ Stevenson
Elementary gym - 10am until 3pm

Thursday, July 02, 2009
Fri., July 03
Tuesday, July 07, 2009
Monday, July 13, 2009

PLANNING Board @7:00 - Town Hall
Town Hall **Closed**
Summer Recreation **begins** @ Stevenson
Elementary School - 10am until 3pm
TOWN BOARD @7:00pm - Town Hall

RESULT: REPORT ISSUED

25. Report 2009-95

Town Board Comments

With no other business to conduct, Tom Baia moved to adjourn the regular meeting of the Porter Town Board at 7:55pm. Supervisor Wiepert seconded that motion. Motion carried unanimously.

Submitted by Gail Zachary, Town Clerk

RESULT: REPORT ISSUED
