



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Gail Zachary

Monday, July, 13, 2009

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on July 13, 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	
Dave Britton	Town of Porter	Engineer	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Susan Driscoll	Town of Porter	R. P. Appr Tech - Trainee	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Absent	

II. Public Comments

1. Report 2009-113

Public Comments

Ted Hogan, Ransomville, asked about the status of the code enforcement problems in Ransomville which had been discussed at the June board meeting. Building inspector Rogers said letters have gone out and, in some cases, further "encouragement" is necessary. Mr. Hogan wondered if the time frame from the first letter, then to violations letters and finally to court proceedings, may be too long.

Mr. Hogan also inquired as to what the policy is for the use of Porter-On-The-Lake. It was explained to him that Town residents do get a lower price for the rental of the pavilion. So far there have been no out-of-towners who have reserved POTL. The park is for all to use any time. Only the pavilion can be reserved and groundskeeper Reese makes sure there's a "reserved" sign" put up the day of the reserved event. Supervisor Wiepert agreed that the Town is still in the process of developing policy and regulations.

Carl Fellows, also of Ransomville and a business owner there, was concerned that the new park benches and garbage cans might be too easily removed. Mr. Wiepert said that Frank Shafer had cemented the benches into the ground and the garbage cans were tied to the benches. The benches are also 8' long. The benches and trash cans were

purchased with money from the Bridge Authority through legislator, Clyde Burmaster.

RESULT: REPORT ISSUED

III. Minutes Approval

1. Resolution 2009-94

Minutes Approval

Resolution to approve the minutes of the June 08, 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 2009-96

Payment of Audited Vouchers

Resolution to approve the Vouchers as audited.

TOWN OF PORTER

WARRANT:	POST AUDIT - JUNE, 2009	6/30/09
FUND 01		14,564.44
FUND 02		31.58
FUND 04		280.07
FUND 06		472.54
FUND 07		1,195.97
FUND 30		344,112.00
FUND 33		341.26
FUND 35		1,276.00
TOTAL		<u>362,273.86</u>
VOUCHER 'S	12485 12520	

WARRANT: # 07 JULY, 2009 7/13/09

FUND 01	35,652.88
FUND 02	21,420.56
FUND 04	73,667.30
FUND 06	39,520.73
FUND 07	1,144.36
FUND 10	661.85
FUND 28	7,877.25
FUND 30	11.15
FUND 33	2,567.17
FUND 35	1,824.68
TOTAL	<u>184,347.93</u>

VOUCHER 'S 12521 THRU 12638
546,621.79

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

2. Report 2009-100

Town Clerk

June '09 Water receipts - \$25,781.78
Sewer receipts - \$5,109.21

Licenses and Fees: \$822.26

S.P.C.A. Contacts 45

RESULT: REPORT ISSUED

3. Report 2009-101

Supervisor

- Supervisor's Monthly Report for June 2009 was distributed to all Town Board members.

- May Sales Tax \$77,703.54. The Town's amount is down about \$11,100.00 for 2009.
- Resolution to accept the Supervisor’s Report for June 2009.
- The first installment of Mortgage Tax for 2009 was \$35,605.25. This is down about \$11,300.00 from the first installment in 2008. This year's budget is \$72,000.00.
- A special thank you to Bill Leardini for his most generous gift of an electric golf cart to Porter-on-the-Lake.
- Declare as surplus, two lawn mowers.

RESULT:	REPORT ISSUED
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4. Resolution 2009-97

Supervisor’s Report

Resolution to accept the June 2009 Supervisor's Report.

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

5. Resolution 2009-95

Surplus Lawn Mowers

Resolution to declare two lawn mowers as surplus equipment. One is a John Deere 318 and the other is a Briggs & Stratton seven-speed 14.5 HP, 42” cut.

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

6. Report 2009-102

Supervisor's Assistant

Monthly Report - June 2009

1. Completed processing all June 2009 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for June 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.

COMMENTS - Current Meeting:

Mr. Ault reminded the Board that it's time to start the budget process for next year.

RESULT: REPORT ISSUED

7. Report 2009-103

Assessor

From: Barbara J. Oaks, Acting Assessor

June 2009 Monthly Report

1. Completed monthly inspections for verification of sales and completion of building projects.
2. Processed monthly sales transfers and splits.
3. Attended IAO (Institute of Assessing Officers) seminar in Batavia on valuing partial construction.
4. Attended class on "Non-profit exemptions" in Cheektowaga-included information on

different types of exemptions available for various types of non-profit organizations.

- 5. Received and processed minutes from Board of Assessment Review-made all verified changes to tax roll.
- 6. Dropped off finished tax roll for 2009 to Real Property in Lockport for processing and printing. Picked up printed copies of 2009 Final Roll and distributed additional cross references as specified. Distributed copies of said roll to School districts (Wilson & Lewiston-Porter).
- 7. Continued to receive and process exemptions-now for 2010 roll.
- 8. Continued to train Susan in all aspects of the job of Assessor. Susan also taking off-site classes to aid in better understanding all the various duties of the job.

RESULT:	REPORT ISSUED
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8. Report 2009-104

Recreation

There were 291 children pre-registered for the summer program on July 1st and 2nd. There were 35 more who registered on the first day; more continue to register each day. The four age groups have an average of 65 children in each. The four groups are divided into A-first and second graders; B-3rd and fourth; C-5th and sixth graders and D-7th, 8th, 9th and 10th.

As of July 13, 2009, there are 388 children registered.

RESULT:	REPORT ISSUED
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9. Report 2009-105

Highway

Department of Public Works
Monthly Report for June, 2009

Highway Department

1. Finished delivering mulch. Approximately 70 loads were delivered to residents. We are out of mulch for this year.
2. Continuing weekly mowing of cemeteries, town lots and right of ways - trimmed hydrants.
3. Roadside mowing - top pass
4. Met with engineer on Cain Road problem - temporary repair complete on Cain Road driving lane over 4 Mile - core boring started.
5. Completed resurfacing of Fort Niagara Beach area - approximately 600 to of black top.
6. Completed monthly brush pickup along with an extra storm related pickup.
7. Phase 1 road striping completed.
8. Installed new air compressor at Highway garage.
9. Completed black top repairs in roadways form water breaks/cross culverts
10. Met with engineer regarding Braley Road west of Porter Center - bank sliding - signed area No Shoulder - installed barrels
11. Installed culverts on Creek Road, Blairville Road, Dickersonville Road and Youngstown-Lockport Road.
12. Cleared ditches on Lynnbrook Drive.
13. Assisted Village of Lewiston with shared services - 2 days of paving.

Water and Sewer Department

Request approval for James Stone, Steven Bills and Scott Cudney to attend Grade D Water Operator Certification course, October 1st and 2nd from 8:00 am till 5:00 pm at the Town of Tonawanda Water Treatment Plant in Tonawanda. The cost of the course will be \$350 per person, payable as soon as possible.

1. Repaired and restored #1 pump - Swain Road. Replaced seal assembly, ordered new impeller.
2. Installed 5 Orion meters.
3. Completed monthly meter reading and June billing mailed out.
4. New hire - Scott Cudney started June 22nd.

- 5. Removed tree to facilitate hydrant replacement in front of Lewiston Porter School - replacement scheduled for July.

Drainage Department

- 1. Mowing has begun, weather permitting.
- 2. Repairs completed on 6 D.I.'s: 2 Academy Street, 2 Curtiss Ave, 2 Old Lake Road
- 3. Removed 6 large, dead, fallen trees from West Branch of 12 Mile Creek, south of Rt. 93.

Respectfully submitted,
 David Gombert
 Deputy Highway Superintendent

RESULT:	REPORT ISSUED
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10. Resolution 2009-98

Grade D Water Operator Certification

Resolution authorizing James Stone, Steven Bills & Scott Cudney to attend Grade D Water Operator Certification course October 1st and 2nd from 8:00 am till 5:00 pm at the Town of Tonawanda Water Treatment Plant. Cost of course is \$350.00 per person. Authorize this amount to be paid upon receipt of voucher.

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

11. Report 2009-106

Water Adjustments

Re: Account Adjustments for the month of June

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

<u>Account #</u>	<u>Amount</u>	<u>Service</u>
10-0580	\$2.00	Water
10-0580	\$4.05	Lake shore

Reason: leaking meter

Respectfully submitted,

Ramona M. Lockhart
Water/Sewer Billing Clerk

Councilman Baker made a motion to accept the adjustment, with Councilman White seconding. All "ayes," and the motion was carried.

RESULT: REPORT ISSUED

12. Report 2009-99

Building Inspector/Code Enforcement Officer

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF JUNE 2009

<u>NAME</u>	<u>No.</u>	<u>DATE</u>	<u>ADDRESS</u>	<u>CATEGORY</u>	<u>COST</u>	<u>FEE</u>
CARTER, Scott	34-09	6/12	1633 Groveland	Addition	14,000	100
ELIA, Dan	35-09	6/15	397 Fox point Circle	Addition		100
CHAMBERLAIN, H	36-09	6/19	3365 Dickersonville	Deck	100	25
McGHEE, Traci	37-09	6/19	3065 N. Creek Rd	Fence	1,000	25
WALKER, Dawn	38-09	6/29	1495 Lockport	Pool	300	25
JORDAN, Albert	39-09	6/29	2498 Yngstwn-Lkpt	Shed	4,500	25
TOTAL					19,900	300

CERTIFICATES OF OCCUPANCY ISSUED

FUNK, Lynn	09-09	6/17	1483 Lake (Sunrise Ln)	Single family residence
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BUILDING DEPARTMENT REPORT: Month June 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, ZBA and Town Board meetings.
- Pursued numerous zoning code violations and issued to the Supervisor "Order of Violations Report" for the month of June, 2009.
- Continued review of draft new zoning law and subdivision regulations

RESULT:	REPORT ISSUED
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13. Report 2009-107

Engineer

Engineering Report

Update - July 13, 2009

1. Cain Road Repair and Geotechnical Evaluation (CRA Project # 630684)

The following action items have been completed:

- 1 Temporary signage and traffic control (Town forces)
- 2 Stabilization of material above the culverts (Town forces)
- 3 Roadway restoration (Town forces)
- 4 Soil borings (Sub-contractor)

The geotechnical evaluation is underway.

RESULT:	REPORT ISSUED
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14. Report 2009-108**Attorney**

none

COMMENTS - Current Meeting:

BAN was renewed: 2.3% annual interest

RESULT: REPORT ISSUED

15. Report 2009-114**Historian Report****2008 In Review**

A significant part of the year was dedicated to completing *Honor Thy Fathers & Mothers* Niagara Frontier's Legacy of Patriotism and Survival, a 400+ page work on World War II, publication date December 2008. After completing the interviews and writing more than six months involved editing and layout during eighty-hour workweeks. This effort tied together the history of the Town of Porter to the greater history of Western New York and World History during this era. The following is a review.

Honor Thy Fathers & Mothers, by Suzanne Simon Dietz, goes far beyond anything attempted, or presented, which documents the personal narratives of so many of the Niagara Frontier's residents during the World War II era.

From local kids to post-war immigrants, whether in or out of uniform, this meticulously researched treasure trove of personal sagas - and the military, governmental, industrial & down-on-the-farm stages they played out on - preserves for all times, a vital part of the nation's soul that would otherwise have been lost to the ages.

Our families, friends and neighbors are all represented here in one form or another. The inclusion of seldom or never told details about certain federal war-time actions, and their effects (some still lingering) on the civilian population, adds another significant dimension to this incredible documentary chronicle.

Harry M. DeBan, Editor, *Fortress Niagara*, Fort Niagara National Historic Landmark

Additionally I worked with Janet Jachlewski, the Village of Youngstown Historian, to contribute our local history to the *Niagara Historic Trail* A self-guided historic tour of Niagara County available Spring 2009.

I have written several short pieces on a variety of topics related to our local history. After research and production of Power Point programs I gave presentations to a World War II Bomb

Squadron Reunion in Buffalo, NY, on the German POWs at Fort Niagara; to the Porter Historical Society on the history of homes in the town; to the Lewiston Historical Society and the Buffalo area ex-POW group on the *Honor* book; and to area residents on the town's history during World War II.

I have responded to numerous telephone and email requests for research relative to local family history, updated and added to the Porter Veterans' Project, and other questions on local history; researched the possibility of Millard Fillmore's summer home in the town at Western New York research libraries, museums, and County Clerk records; attended Niagara County local historians meetings and meetings of the Porter Historical Society; worked on a POW reference manual of the German Prisoners of War at Fort Niagara that I hope to have completed shortly; and began a photographic project, did research, and writing for the development of a historian's web page connected with the town site.

Suzanne Simon Dietz
Porter Town Historian

June 9, 2009.

RESULT: REPORT ISSUED

16. Report 2009-109

Porter-On-The-Lake

"PORTER-ON-THE-LAKE" PARK COMMITTEE MEETING June 15, 2009

Attending:

Norm Ault	Fran Boltz	Tony Collard	Ernest Lavigueur	Bob Reese
Bill Baird	Cathy Burns	Don Larrabee	William Leardini	Meg Whitmore

The sixteenth general meeting of the "Porter-on-the-Lake" Park Committee was held at the Porter Town Hall at 6:30 P.M. on Monday, June 15, 2009. Representing the Town was Bookkeeper Ault.

Chairman Reese called the meeting to order. The minutes from the meeting of May 18, 2009 were distributed with an attached correction page. After review and discussion the minutes were approved as corrected. In the absence of the secretary for the May meeting, Fran Boltz took the minutes with the assistance of Vice Chairman Collard.

In the absence of Supervisor Wiepert, Norm Ault updated the committee on the following:

1. The Town Board created the seasonal position of groundskeeper at "Porter-on-the-Lake." Bob Reese has been hired to fill that position. Bob will cut the grass and take care of daily park operations.
2. A carpenter bee problem exists and the bees are damaging the wooden structures. Ways of eliminating this problem are being explored.
3. The committee will have to address the safety of the playground equipment. At the present time there is no layer of soft material under this equipment, i.e. black rubber, to cushion the area. The question, which has to be addressed:

Is the present playground equipment safe or do the equipment and the area have to be reconstructed to bring it up to current codes?

4. The problem of handicap accessibility to the pavilion and the ability to transport equipment to the pavilion without damaging the lawn has to be addressed. The Town has contacted one contractor who has suggested a stone parking area providing access to the pavilion and supplying ten handicap parking places. Two rolls of fabric would be placed under the stone as a barrier in addition to drainage piping. Estimated cost for this improvement is \$6,000.00.
5. The Greenway proposal for master plan funding has been approved. It is now up to the Town to get a sponsor for the proposal. The three possible sponsors include: the Town of Lewiston, the Lewiston-Porter School District and the County of Niagara. The Town has requested a meeting with Niagara County and the Niagara County IDA to obtain the county's sponsorship of the proposal. The Town is looking for a grant of \$25,000.00 to fund the proposal from the Greenway.
6. A check for \$5,000.00 was presented to the Town for use in the park from the **Keep America Beautiful Program**. These funds originated from a CWM grant.
7. The available funds in the park budget now stand at approximately \$55,000.00.
8. Finally, Councilman Baia would like to thank the committee for its efforts in keeping the park clean and well kept.

Chairman/Groundskeeper Reese reported:

1. A total of nine (9) **KEEP OFF THE GRASS** signs have been posted throughout the park.
2. The Youngstown Volunteer Fire Company plans to have a drill at the park on Thursday night and the accumulated brush and tree limbs will be destroyed.
3. Duke Williams will be notified about the current bee problem in the park. The groundskeeper will check as to any structural damage caused by the bees and report back to this committee.
4. A seventy-two inch belt for the surplus Town of Niagara grass mower has been delivered and will be installed on that piece of equipment immediately.

Under New Business the committee discussed the following issues:

- a. No reservations will be accepted for pavilion rental during the 2010 season until the committee decides how to partition the pavilion and what rates to charge for rental.
- b. Bill Leardini discussed a Porter-on-the-Lake basket auction for the September 7th event. All proceeds would be used to enhance the park.
- c. Cathy Burns advised that she was attending meetings on the Town of Lewiston dog park and that she would keep the committee advised of their progress.
- d. The Groundskeeper was requested to post signs displaying the Town Hall contact number throughout the park.
- e. The Chairman will forward all committee recommendations to the Town Board.

The committee meeting adjourned at 7:35 P.M.

THE NEXT MEETING WILL BE HELD ON MONDAY, July 20, 2009 AT 6:30 P.M. AT "PORTER-ON-THE-LAKE" OR IN CASE OF INCLEMENT WEATHER AT THE PORTER TOWN HALL.

Submitted by: Ernest A. Lavigueur

July 13, 2009 Regular Meeting of the Porter Town Board

Bob Reese reported that POTL has had a number of parties/picnics reserved. All went well, with all security deposits returned. Trash, cans, etc. were all picked up.

Skywatchers, a county-based group, comes to the park in the evenings with their telescopes. The Border Patrol has been notified, as the group sometimes doesn't leave until midnight.

Youngstown Fire Company "removed" the brush pile there; handicapped parking and accessibility to the pavilion is being addressed. "Doggie bags" are also working out well.

RESULT: REPORT ISSUED

17. Report 2009-110

Correspondance

No correspondence, to date.

RESULT: REPORT ISSUED

18. Report 2009-111

Calendar of Events

Zoning Board Meeting	Thursday, July 16 @ 7:30pm - Town Hall
Youngstown Fire Co. Field Days	Friday, Saturday & Sunday, July 31, August 1 and August 2@ Veterans' Park, Youngstown
PARADE @ NOON	Saturday, August 1 @
Planning Board Meeting	Thursday, August 06 @ 7:00pm - Town Hall
Last Day of Summer Recreation	Thursday, August 13, 2009
Town Board Meeting	Monday, August 10, 2009 @ 7:00 pm Town Hall

RESULT: REPORT ISSUED

19. Report 2009-112**Town Board Comments**

Councilman Baia praised the efforts of Old Fort Niagara Association who hosted re-enactors from all over to participate in the Fort Niagara 250th Anniversary Celebration, July 3rd, 4th and 5th.

Councilman Baker reported that the entertainment lineup for the *Labor Day Fest* at Porter-On-The-Lake has been set: Alan Jackson tribute; Garth Brooks tribute and three bands. The committee is looking for more sponsors.

Carl Fellows needs volunteers for the *Lighting of the Wreaths* in the hamlet of Ransomville in November.

With no further business before the Board the meeting was adjourned at 7:50 PM.

Gail Zachary
Town Clerk

RESULT: REPORT ISSUED
