



# Town of Porter

## Town Board Meeting

~ Minutes ~

3265 Creek Road  
Youngstown, NY 14174

[TownofPorter.Net](http://TownofPorter.Net)

Gail Zachary

Monday, July 9, 2012

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on July 9, 2012 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	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Dave Britton	Town of Porter	Engineer	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Susan Driscoll	Town of Porter	R.P. Appraiser Tech	Present	

### II. Reports

#### 1. Report 2012-106

##### Public Comments

No comments or questions

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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#### 2. Resolution 2012-74

##### Minutes Approval

Resolution to approve the minutes of the regular Town Board meeting on June 11, 2012 and to approve the minutes of the board work session, July 2, 2012.

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

3. Resolution 2012-75

**Audited Vouchers**

**TOWN OF PORTER**

**WARRANT: POST AUDIT - JUNE, 2012 6/30/12**

<b>FUND 01</b>	3,194.04
<b>FUND 02</b>	32.21
<b>FUND 04</b>	330.92
<b>FUND 06</b>	445.08
<b>FUND 07</b>	1,397.61
<b>FUND 33</b>	293.69
<b>FUND 35</b>	3,390.05
<b>TOTAL</b>	<b><u>9,083.60</u></b>

**VOUCHER 'S 16919 THRU 16950**

**WARRANT: # 7 JULY, 2012 7/9/12**

<b>FUND 01</b>	9,547.03
<b>FUND 02</b>	46,119.54
<b>FUND 04</b>	59,284.42
<b>FUND 06</b>	39,981.05
<b>FUND 07</b>	5,178.06
<b>FUND 10</b>	710.07
<b>FUND 28</b>	7,414.29
<b>FUND 33</b>	607.25
<b>FUND 35</b>	1,827.16
<b>TOTAL</b>	<b><u>170,668.87</u></b>

**VOUCHER 'S 16951 THRU 17057**

**TOTAL 179,752.47**

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

**4. Report 2012-107****Town Clerk****June Revenue**

Water	\$19,571.22
Sewer	\$ 3,591.72
Licenses and Fees	\$ 1,230.01

There have been 310 children, to date, who have signed up for the Town of Porter summer recreation program at Stevenson Elementary School in Ransomville.

The Youngstown Library has had 59 sign ups for their story hour each week, and Ransomville Library had 63 youngsters sign up.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**5. Resolution 2012-76****Acceptance of Supervisor's Report**

Resolution to accept and approve the June 2012 Supervisor's Report.

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

**6. Report 2012-108****Supervisor**

- Supervisor's Monthly Report for June, 2012 was distributed to all Town Board members.
- Resolution to accept the Supervisor's Monthly Report for June, 2012.
- May Sales Tax \$87,895.35, up from 2011 \$13,939.92 year to date.

- Mortgage Tax for prior six months is: \$36,980.88 .
- Resolution applying for recycling grant.
- Resolution to set a Public Hearing concerning Zoning changes.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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7. **Resolution 2012-77**

**Recycling Grant**

**RESOLUTION**

Resolution Authorizing the Filing of an Application for a State Grant-In-Aid for a Municipal Waste Reduction and/or Recycling Project and Signing of the associated State Contract, Under The Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for municipal waste reduction and Municipal recycling projects; and

WHEREAS, **The Town of Porter**, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY, be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED BY **The Town of Porter Town Board**

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That **Merton K. Wierpt, Town Supervisor** is directed and authorized as the official representative of the Town of Porter to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached *joint* resolution relative to a *joint* Municipal Waste Reduction and/or Recycling Project.

5. That this resolution shall take effect immediately.

## CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, authorizing the signing of an application for State Aid, authorizing the signing of a State Contract, and assuring funding of the municipal portion of the cost of the project as regularly adopted at a legally convened meeting of the **Town of Porter Town Board** duly held on the **9th** day of **July, 2012**, and further that such Resolution has been fully recorded in the **Book of the Minutes of the Town of Porter** in my office.

In witness whereof, I have hereunto set my hand this 9th day of **July, 2012**.

\_\_\_\_\_  
Recording Officer

\_\_\_\_\_  
Title

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

**8. Resolution 2012-78****Set Public Hearing**

Resolution to set a public hearing to make changes to the local zoning laws. The public hearing to be held on Monday, August 13, 2012, at 7:00 pm at the Porter Town Hall, 3265 Creek Road. Change will be available for review in the Town Hall by Friday, August 3rd, the changes will also be posted on the Town web site.

Roy Rogers (code enforcement officer/building inspector) reported that corrections need to be made to the new town zoning law. The language needs to be changed in regard to the location of fences on the lake/waterfront. The definition also needs to be addressed for "front yard." A public hearing has been set for August 13, 2012 at 7:00 p.m.

The Town Board needs to decide whether to change the zoning on two properties:

One is the old Porter House on Blairville Road and East Avenue. The new owners are requesting a change in zoning be made from non-conforming residential to commercial. They would like to have it reopened as a bar/restaurant again.

The other property is an 8.2 acre parcel just west of Ransomville Road on Lake Road. The owner would like the commercial designation be changed to residential.

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

**9. Report 2012-109****Bookkeeper**

Bookkeeper's Monthly Report - **June, 2012**

Completed processing all June 2012 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for June 2012 and distributed it to the Supervisor & Town Board members.

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Continued maintaining the town web page.

Finished working on Founders' Day celebration

Working on recycling program

Resolution to update GASB45 in the amount of \$3,100.00.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**10. Resolution 2012-79**

**Valuation**

The resolution authorizing the Supervisor to enter into a contract with the Burke Group, 80 Linden Oaks Drive, Rochester, NY 14625, in the amount of \$3,100.00, (to complete a GASB45 [Governmental Accounting Standards Board] valuation for the 12/31/2012 Fiscal Year End) was withdrawn in order to receive a few more bids.

This update of GASB45 was requested by Brown & Company, LLP.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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**11. Report 2012-110**

**Justice Report**

**JUSTICE FINES 2012**

01-1000.2610

	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
<b>JANUARY</b>	6,080.00	(4,347.50)	1,732.50
<b>FEBRUARY</b>	7,530.00	(5,027.50)	2,502.50
<b>MARCH</b>	4,717.50	(2,182.50)	2,535.00
<b>APRIL</b>	3,915.00	(1,870.00)	2,045.00
<b>MAY</b>	6,340.00	(1,705.00)	4,635.00
<b>JUNE</b>			
<b>JULY</b>			
<b>AUGUST</b>			
<b>SEPTEMBER</b>			
<b>OCTOBER</b>			
<b>NOVEMBER</b>			

**DECEMBER**

**28,582.50**

**(15,132.50)**

**13,450.00**

**RESULT: REPORT ISSUED**

**12. Report 2012-111**

**Building Inspector/Code Enforcement Officer**

**June Building Permits**

**Town of Porter**

<u>No.</u>	<u>Date</u>	<u>Owner</u>	<u>Type</u>	<u>Location</u>	<u>Value</u>	<u>Amt</u>
32-12	6/4	Daniel Reed	Porch	2869 Prter Ctr Rd	1,000	25
33-12	6/4	Judith Finley	A.G. Pool	3240 Manor Dr	2,260	25
34-12	6/4	Joseph Conti	Fence	400 Hawthorne Pl	3,000	25
35-12	6/8	Gordon Nelson	S. F. Res.	535 Blairville Rd	449,000	882
37-12	6/11	Stephen Diez	Addition	2115 Balmer Rd	20,000	100
38-12	6/1	William Bohneberg	Shed	2329 Lake Rd	2,300	25
39-12	6/12	Glenn Barlow	Porch	3856 Ransomville Rd	1,500	25
40-12	6/18	Norman Kreusch	Demo	2385 Lake Rd	0	25
41-12	6/18	Carol McCabe	Pole Barn	Lake Rd	40,000	50
42-12	6/18	William Quarantillo	A.G. Pool	1201 Cain Rd	2,500	25
43-12	6/21	Steve Skrlin	Shed	2623 Lake Rd	5,000	25
44-12	6/22	Jeffrey Sanderson	Shed	329 Brentwood Dr	2,000	25
45-12	6/22	James Gibbons	Addition	965 Lake Rd	25,000	50
46-12	6/27	Marvin Spring	Deck	3514 Ransomville Rd	5,000	25
47-12	6/27	Peggy Grandinetti	Shed	3667 River Rd	3,250	25
<b>Total</b>					<b>561,810</b>	<b>1,357</b>
<b>Y.T.D.</b>					<b>3,713,260</b>	<b>9,415</b>

**BUILDING DEPARTMENT REPORT: Month June 2012**

- 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 ZBA meeting.
- Pursued numerous Zoning code violations and issued to the Supervisor, "Complaints Report" for the month of June 2012.

**RESULT: REPORT ISSUED**

**13. Report 2012-112****Assessor****ASSESSOR Monthly Report**

1. Completed monthly field inspections for verification of sales and completion of all building projects.
2. Processed monthly sales transfers and splits.
3. Received, processed and sent letters to homeowners regarding results of Board of Assessment Review decisions.
4. Researching all aspects of property placed in "Trusts" with regard to exemptions and ownership.
5. Further discussions with legislators regarding simplifying exemption process...especially Senior Low Income exemptions.
6. Attended "Corrections of Errors" class in Depew-discussion on how to make changes to tax roll after filing.
7. Filed 2012 Final Roll with county---processed, printed and available for inspection at Town Hall...and now working on 2013 roll
8. Continuing to train Susan in all aspects of assessing

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**14. Report 2012-113****Highway**

7/9/2012

DPW Monthly Report  
For June 2012

**Highway Department:**

1. Completed monthly brush pickup.
2. Completed 3<sup>rd</sup> round of roadside mowing.
3. Completed guard rail mowing and trimming.
4. Completed a driveway culvert replacement on Mallory Drive.
5. Provided assistance to the Town of Wilson with trucks hauling Nova-Chip to Hulbert Rd.
6. Provided assistance to the Town of Cambria with trucks hauling blacktop to the Cambria

Town Park paving project.

7. Hauled 90 tons of #1 stone to the town hall solar project.

**Drainage Department:**

1. We are continuing the off road mowing program.

**Water and Sewer Department:**

1. Completed monthly meter reading.
2. Working on hydrant trimming and maintenance.
3. Continuing data collection of water and sewer facilities for the GIS program.

**POTL:**

1. Continuing mowing and maintenance of the park.
2. The main picnic shelter was rented 6 times this month.

Respectfully submitted,

Scott B. Hillman  
Superintendent of Highways

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**15. Report 2012-115**

**Engineer**

**Engineering Report**

July 2012

**Engineering**

For the month of June:

- CRA completed one site drainage review (Blairville Road)
- Attended Town Board Meeting

Town NYSERDA Energy Project

- ✓ Advertise for construction of Solar PV Systems 3/09/2012
- ✓ Bid opening 3/22/2012 (9:00 am)
- ✓ Request for Time Extension approved for a substantial completion date of Aug1, 2012
- ✓ Installation complete; finishing up with electrical inspections (95% complete)

### **Engineering Support (future)**

**Cast iron pipe waterline replacement project:** prepared conceptual drawings and cost estimate to replace the balance of the 6-inch cast iron pipe in the system and restore condition of 12 inch along River Road. Estimate and drawings have been submitted to the Town Board, Scott Hillman, and Rotella Grant Management. Next Step is to proceed with SEQR determination and preliminary design.

**Hydraulic Water Model:** Developed and submitted a scope of work and engineering estimate (10k) to prepare a town-wide water model for purposes of capital planning and determining the need/ sizing of a new water tank(s).

**Water Tank rehabilitation:** Developed a budgetary cost estimate to replace the existing water tank in Ransomville. The estimate was based upon replacement in kind. Water tank literature and estimate have been submitted to the Town Board, Scott Hillman, and Rotella Grant Management.

Mr. Britton reported that the electrical inspection has been done on the panels and, “We’re waiting for the certificate.”

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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### **16. Report 2012-116**

#### **Grant Writer**

#### **Grants Status Report: JUNE 2012**

##### **Projects we are currently working on:**

- As you all are aware, the CFA is now open. I will setup a meeting to review any potential projects.  
I have attached an overview for this round of CFA's
- NYS DOS Coastal Resources (through the CFA) is open May 1, 2012 and we have begun the application for the POTL Shoreline Stabilization Project. The project has been reviewed by with Renee Parson Regional Manager of Coastal Resources We will use the information from the Recreational Master Plan for a budget estimate (approx \$250,000) This is 50% matching Grant
- Letter from Legislator Burmaster has been received and POTL Greenway Project will submitted to Attorney Tom Burgasser and the AD HOC committee with a budget for the Niagara County Ad Hoc Committee consisting of:
  - \$98,000 in playground Equipment

- \$40,000 in Pavilion
  - \$12,000 in Greenway Signage
  - TOTAL \$150,000
- Traffic sign: Will be submitted Safe Route to School grant program as soon as the grant application. Budget \$12,000 (Materials & Labor and Programming). A resolution be requested at the next Town Meeting. This application is open and due September 2012
  - DEC Recycling Grant for Recycling Totes is available. 50% matching grant

**CFA May 2012 Project Submissions will include:**

- Planning Grant: Porter Infrastructure Waterline Replacement Project (To be discuss)
- Planning Grant: for the INI (To be discuss)

Councilman Baker made the motion to authorize the Supervisor to make application for a LWRP. This would give the Town control over the waterfront. The resolution would strengthen, and make more competitive, any application the Town may submit to the government. Mr. Rotella suggested there be one application and the Village of Youngstown and the Town of Porter share the consulting cost. Councilman White seconded. Motion carried unanimously.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**17. Report 2012-118**

**Correspondence**

Nothing to Report

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**18. Report 2012-119**

**Calendar of Events**

Thursday, August 02, 2012 @ 7:00 p.m.	Planning Board Meeting @ Town Hall
Monday, August 13, 2012 @ 7:00 p.m.	Regular Town Board Meeting @ Town Hall

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**19. Report 2012-120****Town Board Comments**

Councilman Fleckenstein requested Board support. There are some drainage problems in Ransomville that run from behind the bus garage on Ransomville Road north across Route 93. One of the residents is not comfortable with the Town doing work on his property. Councilman Fleckenstein will talk to him one more time but, if the resident does not agree, Mr. Fleckenstein needs Board support to authorize Highway Superintendent Hillman to request permission from the County to go onto the resident's land to alleviate the drainage problem that creates difficulties on the road. Mr. Baker made the motion and Mr. White seconded it. Motion carried unanimously.

With nothing else before the Board the meeting was adjourned at 8:05 p.m. by Councilmen Baker and White with the motion carried unanimously.

Gail Zachary  
Town Clerk

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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