



Town of Porter

Special Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Gail Zachary

Monday, August 18, 2008

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on August 18, 2008 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	Absent	
Nancy Orsi	Town of Porter	Councilwoman	Present	
Jeff Baker	Town of Porter	Councilman	Present	
Larry White	Town of Porter	Councilman	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Mike Dowd	Town of Porter	Attorney	Present	

II. Minutes Approval

1. Report 2008-123

Barn Demolition

Thomas Freck, owner of a barn at 1820 Balmer Road, was not present for the discussion. Roy Rogers, Town Building Inspector/Code Enforcement Officer, provided a timeline of events leading to this evening. Because the *certified* notice from the Town was unclaimed, and the notice, sent by *standard* mail, was **not** returned, and, also, as of August 18, 2008, the barn had not been made safe.

Roy Rogers submitted the following timeline:

1 st written notice	October 2007
2 nd notice	November 05, 2007
Order of Violation	December 05, 2007
Revised Order of Violation	December 07, 2007
Accusatory Information	December 19, 2007
Pre-trial conference	January 23, 2008
Hearing scheduled	February 27, 2008
Hearing held	March 26, 2008
Court date - did not appear	April 23, 2008
Court date - did not appear	May 21, 2008
Court date - did not appear	June 27, 2008
Dismissal of justice case	July 23, 2008

(Dismissed without prejudice)

Local Law #2 Notice

July 11, 2008

RESULT: REPORT ISSUED

2. Resolution 2008-106

Barn Demolition

Resolution to authorize Supervisor Wiepert to go out for bids for the demolition and removal of the unsafe barn at 1820 Balmer Road, Town of Porter, New York:

“WHEREAS, a notice and order was issued to Thomas Freck, pursuant to Town of Porter Local Law No. 2, directing Mr. Freck to either repair or remove an unsafe building owned by him at 1820 Balmer Road, Ransomville, Town of Porter, New York; and

WHEREAS, a hearing was held by the Town of Porter Town Board pursuant to Town of Porter Law No. 2 of 2004, on August 18, 2008, at which hearing Thomas Freck was NOT present; and

WHEREAS, such conditions have not been met in a timely manner;

NOW, THEREFORE, BE IT RESOLVED that, upon such determination, the Town of Porter Supervisor seeks bids for the demolition and removal of said unsafe building; and be it

FURTHER RESOLVED that, upon receipt of an acceptable bid to perform demolition and removal services, the Town Supervisor is hereby authorized to award such contract and levy the cost of such contract against the property located at 1820 Balmer Road, Ransomville, New York, 14131.”

RESULT: ADOPTED [UNANIMOUS]
MOVER: Nancy Orsi, Councilwoman
SECONDER: Mert Wiepert, Supervisor
AYES: Mert Wiepert, Nancy Orsi, Jeff Baker, Larry White
ABSENT: Thomas Baia

3. Report 2008-124

River Road Winery

Richard Hastings, resident of River Road, approached the Town Board for their initial reaction to the creation of a winery on his property on River Road. He is also negotiating the purchase of nearby property for this purpose. Mr. Hastings stated he'd applied for inclusion into the Agricultural District. Paul Lehman, from the Cornell Cooperative Extension advised Mr. Hastings, before too much money is spent, to talk to the Porter Town Board and try to get community support. Mr. Hastings provided copies of the tax map which shows where the properties are located.

Mr. Hastings said that putting a winery on this property would not infringe on local properties; it would be an asset to the tourism in the community; it would increase the sales tax revenue, and he has the funds for this to happen.

The Town Board was cautiously agreeable, providing the land is indeed zoned Agricultural Rural Residential (ARR-100); providing the town Planning Board looks over Mr. Hasting's plans and other considerations are met.

RESULT: REPORT ISSUED

4. Report 2008-125

Fieldcrest Drive Cul-De-Sac

The Town Board agreed that they could not justify the expense of materials to maintain the island.

RESULT: REPORT ISSUED

5. Resolution 2008-107

Justice Court Assistance Program Grant

Support of the Justice Court Assistance Program Grant Application for the Town of Porter
Justice Department.

Merton Wiepert, Councilman -	present
Nancy Orsi, Councilwoman -	present
Lawrence White, Councilman -	present
Thomas Baia, Councilman -	absent
Jeffrey Baker, Councilman -	present

WHEREAS, the State of New York Court System is soliciting applications from local governments under the Justice Court Assistance Program to assist local Justice Departments with needed equipment, automation, furniture, supplies and training.

WHEREAS, the funding available under the State of New York Court System would facilitate local efforts in upgrading the Town’s Justice Departments.

RESOLVED, that the Supervisor of the Town of Porter is hereby authorized and directed to file an application with the Justice Court Assistance Program

1. Merton K. Wiepert, Supervisor	Aye	<u>X</u>	Nay	_____
2. Lawrence White, Councilman	Aye	<u>X</u>	Nay	_____
3. Nancy Orsi, Councilwoman	Aye	<u>X</u>	Nay	_____
4. Jeffrey Baker, Councilman	Aye	<u>X</u>	Nay	_____

Dated August 18, 2008

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

6. Resolution 2008-108

Deputy Town Clerk - Salary

Effective August 15, 2008 Deputy Town Clerk Barbara DuBell's rate of pay will increase from step 1 on the 2008 salary structure, grade 4 to step 2. This translates to \$9,199.00 through the end of 2008.

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