



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Gail Zachary

Monday, August 11, 2008

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on August 11, 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	Present	
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	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Dave Britton	Town of Porter	Engineer	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Karen Schmidt	Town of Porter	Assessor	Present	

II. Public Hearings

1. Report 2008-121

Dog Law Amendment

Notice is hereby given that the Town Board of the Town of Porter will hold a public hearing at the Town Hall, 3265 Creek Road, Youngstown, New York 14174, on Monday, August 11, 2008, at 7:00 p.m., to hear all interested persons regarding the proposed amendment to the Town of Porter Local Law #2, 2004; a local law which regulates licensing and control of dogs. The proposed amendment is to increase impoundment fees.

By order of the Porter Town Board

There were no comments from the public.

RESULT: REPORT ISSUED

2. Resolution 2008-104**Closure of Public Hearing - Amendment to Dog Law**

Resolution to close the Public Hearing

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

3. Resolution 2008-102**Dog Law Amendment**

Resolution to amend Town of Porter Local Law #2, 2004, Section 7C, which regulates seizure, impoundment and redemption, to state: "Seized dogs may be redeemed by the owner producing proof of licensing and identification, pursuant to the provisions of Article 7 of the Agriculture & Markets Law, and by paying the impoundment fees set forth by the Porter Town Board, namely:

- 1) \$15.00 for the first impoundment of any dog owned by that person.
- 2) \$25.00 for the second impoundment of any dog owned by that person
- 3) \$50.00 for the third and subsequent impoundments, within five (5) years of the first impoundment, of any dog owned by that person.
- 4) Owners will be required to pay any additional fees charged to the Town by the S.P.C.A. for impoundment which are in addition to, or exceed, the amounts set forth in Section 7(c)(1-3) above.

Regarding #4, Supervisor Wiepert explained that, when the S.P.C.A. picks up a dog after hours or on weekends, the S.P.C.A. charges the Town \$75.00 for this service. This amendment will allow the Town to charge the dog's owner that amount.

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

4. Report 2008-122**Public Hearing - Amend LLaw - Service Installation**

Notice is hereby given that the Town Board of the Town of Porter will hold a public hearing at the Town Hall, 3265 Creek Road, Youngstown, New York, 14174, on Monday, August 11, 2008, at 7:15 p.m., to hear all interested persons regarding the proposed amendment to Town of Porter Local Law #2, 1969; a local law which provides regulations for the operation of water districts within the Town of Porter; specifically to amend Article II, Section 2.21, "Service Line Installations."

By order of the Porter Town Board

Ted Hogan, Ransomville Road, asked Highway Superintendent Hillman about the durability of the plastic. Mr. Hillman said it's comparable to the copper. Tony Collard, Youngstown-Lockport Road, asked about the fitting. Mr. Hillman said, "It could go either way (copper or plastic." Supervisor Wiepert was assured by Superintendent Hillman that he advises homeowners not to use the plumbing as a ground.

RESULT:	REPORT ISSUED
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5. Resolution 2008-103**Closure of Public Hearing - Water Service Installation**

Resolution to close the Public Hearing.

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

6. Resolution 2008-101**Service Line Installations**

Resolution to amend Town of Porter Local Law #2, 1969, which says, "a) All private service lines shall be installed, maintained, altered or replaced with American

manufactured copper "K" soft tubing which shall conform to ASA No. H23.1-1947 and ASTM, designation B88-51 of the following widths and thickness"

3/4" .065"

1" .065"

1 1/4" .065"

1 1/2" .075"

2" .083"

To Include:

"Acceptable alternative water service line materials shall be Polyethylene Water Supply Tubing (SDR-9) Aqua-Jet Tubing, copper tubing size O.D. 200 psi; Specification ASTM-3408 SDR-9/200 psi."

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

III. Public Comments

1. Report 2008-109

Public Comments

Bob Slavin, of River Road Youngstown, asked if the Board was keeping their same position on his rezoning request. Supervisor Wiepert advised Mr. Slavin to wait until the Land Use document is finished. Mr. Slavin asked when that would be. Councilwoman Orsi reported that, because of the grant money delay and the committee reconvening last February, the final document won't be ready for a few months yet. Hopefully, there will be a public hearing in the fall.

Mrs. Orsi thanked town engineer, Dave Britton, for reviewing the proposed subdivision regulations.

Mr. and Mrs. Ed Barbiero, of Fieldcrest Drive, asked if the Town Board had made any decision on Fieldcrest owners request for improving the cul-de-sac island on Fieldcrest Drive. Supervisor will review this with the Town Board.

Supervisor Wiepert thanked Don Larrabee, of Lake Road, and Mr. and Mrs. Bob Reese, also of Lake Road, for their outstanding volunteer efforts at Porter-on-the-Lake.

RESULT:	REPORT ISSUED
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IV. Reports-Resolutions

1. Resolution 2008-98

Minutes Approval

Resolution to accept the July 14, 2008 minutes of the regular Town of Porter Board meeting.

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

2. Resolution 2008-100

Payment of Audited Vouchers

TOWN OF PORTER

WARRANT: POST AUDIT - JULY 2008 7/31/08

FUND 01	3,488.36
FUND 02	528.77
FUND 04	265.00
FUND 06	44,842.40
FUND 07	1,029.69
FUND 33	2,077.36
TOTAL	<u>52,231.58</u>

VOUCHER 'S 11138 THRU 11163

WARRANT: # 8 AUGUST 2008 8/11/08

FUND 01	28,331.05
FUND 02	45,297.49
FUND 04	114,393.48
FUND 06	1,796.62
FUND 07	70,294.33
FUND 10	749.19
FUND 30	1,750.00
FUND 33	2,738.95
TOTAL	<u>265,351.11</u>

VOUCHER 'S 11164 THRU 11266

317,582.69

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

3. Report 2008-111

Town Clerk

July '08	Water Receipts	\$26,566.23
	Sewer Receipts	\$15,134.01
	Licenses and Fees	\$ 953.98

S.P.C.A. Animal Contacts 45

Received written notification from Ted and Shelly Shaw, owners of the *Old Depot*, 2605 Youngstown-Lockport Road, Ransomville, New York, 14131, that they are applying to the New York Liquor Authority for the renewal of their on-premises liquor license. Renewal period is from 10/01/2008 until 09/30/2010.

RESULT:	REPORT ISSUED
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4. Report 2008-110

Supervisor

- Supervisor's Monthly Report for July 2008 was distributed to all Town Board members.
- June Sales Tax \$110,660.31. For the year to date sales tax is up \$32,380.70.
- Resolution to accept the Supervisor's Report for July 2008.
- Looking for a Town of Porter resident to serve on the County Environmental Management Council whose purpose is to preserve and conserve the environment and to promote the health and well being of the citizens.

RESULT:	REPORT ISSUED
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5. Resolution 2008-99

Acceptance of Supervisor's Report

Resolution to accept Supervisor Wiepert's July 2008 report.

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

6. Report 2008-108

Bookkeeper

Bookkeeper's Monthly Report - July 2008

1. Completed processing all July 2008 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for July 2008 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. Continued working with Town Clerk on the Minute Traq program.
7. Worked on the Porter on the Lake Grand Opening
8. Continued working on the 2009 Budget process.
9. Need the following budget adjustments:

01-1220.0002	Supervisor Equipment	\$ 790.00
01-1220.0004	Supervisor Contractual	(790.00)
02-7310.0002	Recreation Equipment	\$2,590.00
02-7310.0004	Recreation Contractual	(2,590.00)

RESULT: REPORT ISSUED

7. Resolution 2008-105

Budget Adjustment

Resolution to transfer \$790.00 from 01-1220.0004, Supervisor Contractual, to 01-1220.0002, Supervisor Equipment, and to transfer \$2,590.00 from Fund 02-7310.0004, Recreation Contractual, to 02-7310.0002, Recreation Equipment.

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

8. Report 2008-113

Assessor

Date: August 5, 2008
To: Town of Porter Town Board
Cc: Town Clerk
From: Karen Wieland-Schmidt, Assessor
RE: July 2008

- 1 Completed monthly inspections for verification of sale and completion of building projects.
- 2 Processed monthly sales transfers and splits.
- 3 Attended a meeting with Planning Board Chairman George Spira and Reid Petroleum to review documentation prior to Planning Board meeting.
- 4 Attended two land use update committee meetings and continued work on the new manual.
- 5 Attended a meeting on farmland valuation in Niagara County.
- 6 Attended Planning Board meeting.

Assessor Schmidt stated the land use update committee is very close to be finalized. Everything is in p.j. smith's hands and the committee should be receiving the final draft in a week or two. She thanked Dave Britton for reviewing and clarifying the proposed subdivision regulations.

The assessor is on a county committee that's looking toward farmland valuation in a few years. This would hopefully create parity between the towns in the county.

Councilman Baia asked what the status is of "Porter Country Mart," on the southeast corner of Route 93 and Youngstown-Lockport Road, in Ransomville. Ms. Schmidt stated that, contingent on the granting of a special permit, Reid Petroleum will assume ownership from David Erway.

RESULT: REPORT ISSUED

9. Report 2008-114

Highway/Water/Sewer

Department of Public Works

Monthly Report for July 2008

Highway Department:

1. Completed monthly brush pickup.
2. Completed Cold In Place Recycle of pavement on Dickersonville Road from Rt.93 to Balmer Road.
3. Completed shoulder work on Dickersonville Road.
4. Assisted the Village of Lewiston with trucks hauling stone for their Fiber Seal Project.
5. I met with the sidewalk contractor on the Riverview Drive Sidewalk they will start the project on Monday August 11.
6. Repairs have been completed on 10 drop inlets in Youngstown Estates.

Drainage Department:

1. We are continuing the mowing program.
2. I met with two property owners regarding drainage projects.

Water Sewer Department:

1. Completed monthly meter reading .
2. Completed the second Phase 2 water sampling.
3. Completed the Lead and Copper water sampling.
4. Completed installation of 100 Orion water meters. We now have 715 Orion's in the system.

To: All Town Board Members FYI

The rising costs of highway maintenance

Road Salt 2007-2008 - \$30.39 per ton 2008-2009 - \$41.40 per ton = 37% increase

Caliber/Salt Mix 2007-2008-\$39.93 per ton 2008-2009-\$57.75 per ton = 45% increase

Type 7 Blacktop - 2007 \$49.23-\$55.00 per ton 2008 \$60.00 now \$81.00 per ton=65%+

Liquid ton of Asphalt - 2007 \$387.00 April 2008 \$348.00 now \$721.00 per ton.=90%+

RESULT: REPORT ISSUED

10. Report 2008-112

Recreation

The Summer Recreation is now in full swing at the Ransomville Fire Hall. There are about 350 children registered this year.

1 st & 2 nd grades	Group A	55
3 rd & 4 th grades	Group B	80
5 th & 6 th grades	Group C	100
7 th , 8 th & 9 th grades	Group D	115

Attendance is averaging over 110 children per day.

RESULT: REPORT ISSUED

11. Report 2008-115

Building Inspector/Code Enforcement Officer

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF JULY 2008

PERMIT #	NAME	ADDRESS	ISSUED FOR	COST	FEE:
36-08	Wooten, James	3719 River Road	Fence & gates	29,305	25
37-08	Stoelting, Norman	2380 Lockport Rd	Pool	780	25
38-08	Anderson, Jacqueline	3626 Dickersonville	Garage	30,000	50

39-08	Nelson, Richard	3393 Creek Rd	Shed	3,000	25
40-08	Washuta, Lorie	786 Lake Rd	Pole Barn	185,000	500
41-08	Flick,Lon	1587 Lake Road	Single family	138,000	275
<u>Estimated Total Cost of Construction</u>				386,085	900

C/O # Certificate of Occupancy Issued

07-08	Roland, Murray	430 Dansworth Dr.	single family residence
08-08	Crogan, Albert	2175 Lake Road	single family residence
09-08	Gray, Sean & Connie	2324 Lockport Road	single family residence
Temp			

BUILDING DEPARTMENT REPORT: Month of July, 2008

- 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 and Town Board meetings
- Pursued numerous zoning code violations and issued to the Supervisor “Order of Violations Report” for the month of July 2008.
- Prepared civil action against unsafe building on Balmer Road
- Met with the Town Prosecutor and Judges pertaining to several court cases
- Reviewed draft of new zoning law and subdivision regulations

Mr. Rogers thanked the Board for hiring a secretary to assist him. He said that, because of her, there has been a tremendous difference in the department’s organization and customer service.

There is a special board meeting Monday, August 18, 2008, to address demolition of a barn on Balmer Road.

RESULT: REPORT ISSUED

12. Report 2008-116

Engineer

Engineering Report

Update - August 11, 2008

Drainage study for the northwest area of the Town (CRA Project # 630508)

- 1) Culvert and ditch capacity calculations are ongoing.

Site Plan Reviews (CRA Project # 630296-02H)

- 1) CRA completed a site plan review on July 29 for the Lon Flick property on Lake Road.

Site Plan Reviews (CRA Project # 630296-02I)

- 1) CRA completed a site plan review on August 5 for the Lorick Stables property on Lake Road.

Riverview Drive Sidewalk Extension Project (CRA Project # 630587)

- 1) The pre-construction conference was held on site on July 24.
- 2) CRA issued the notice to proceed on July 25.
- 3) CRA has reviewed shop drawings.
- 4) Construction is scheduled to commence on August 11.

Annual Retainer - Subdivision Regulations Review (CRA Project # 630556)

- 1) Draft subdivision regulations prepared by Peter J. Smith & Company, Inc. was received by CRA on August 4.
- 2) CRA provided comments on the draft regulations on August 5.

Dave Britton, CRA Engineering, reported that the Youngstown Estate sidewalk site was clean and orderly and that, according to the contractor, installation will be complete in two weeks. After it is completed, Supervisor Wiepert will apply for multi-model money.

RESULT: REPORT ISSUED

13. Report 2008-117

Attorney

Advised on the preparation of proposed local laws.

RESULT: REPORT ISSUED

14. Report 2008-118**Communications**

There were no communications to report.

RESULT: REPORT ISSUED

15. Report 2008-119**Town Board Comments**

Councilman Baia remarked that, every time he visits Porter-On-The-Lake, it looks, "better and better. The volunteers are fantastic."

Tony Collard, reported that the posters for the September 01, 2008 Grand Opening of POTL are up in strategic areas.

There will be vendors, music, Mercy Flight, the Coast Guard, Hawk Creek and others.

Youngstown and Ransomville are coordinating manpower for an on-site ambulance.

Don Burns will be donating four golf carts and the Boy Scouts will be overseeing parking.

It was noted that there will be no carry-ins (food or drink).

It is advised to bring lawn chairs.

The Board stated that some of the revenue will be put back into the park fund and also split with the fire companies.

There have already been some successful reunions and graduation parties.

RESULT: REPORT ISSUED

16. Report 2008-120

Calendar of Events

August 18	Town Board, Spec. Mtg.	Town Hall	7:00 pm
August 28	Zoning Board of Appeals	Town Hall	7:30 pm
September 01	Labor Day - OFFICES CLOSED		
September 01	Porter on the Lake Grand Opening Shania Twin		12:00 - 6:30 pm
September 04	Planning Board	Town Hall	7:00 pm
September 08	Town Board	Town Hall	7:00 pm

With no further business to discuss, the regular meeting of the Town of Porter Town Board was adjourned at 7:50 pm.

Submitted by Gail Zachary, Porter Town Clerk

RESULT: REPORT ISSUED
