



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Gail Zachary

Monday, August, 10, 2009

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on August 10, 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	
George Maziarz	District 62	NYS Senator	Present	7:00 PM
Dave Britton	Town of Porter	Engineer	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	

II. Public Portion

1. Report 2009-127

Public Comments

New York State Senator, George Maziarz, 62nd District, gave a brief history of the current lawsuit the Niagara County Legislature has initiated against the New York State Power Authority. "Since January 2009, Albany has robbed us of one of our greatest assets," he said. Albany has transferred 550 million dollars, from the Power Authority's *surplus* revenue, to the state's general fund, to "pay bills." This has never been done before. Seventy-nine percent of the PA's net revenue comes from Niagara and the St. Lawrence power plants. One member of the Power Authority, Eugene McAndrew, stated, "...why don't we help those counties who host Power plants?" Senator Maziarz also questions why the Power Authority voted for the *Yahoo* project, but turned down *Google* and a steel development company, who would have created more jobs with less power needed.

Senator Maziarz asked the Porter Town Board to pass a resolution to support the Niagara County Legislature in their suit against the New York Power Authority. The senator stated he will be visiting every town and village urging them to do the same.

Amy Witryol, Town of Lewiston resident, asked the senator questions about points he had made prior to her arrival.

Sue Campbell, Collingwood Estates, returned to the board asking for a status update on the drainage problem around her home. She provided photos which were taken after the heavy rains occurred over the weekend. Highway Superintendent Hillman said his department had done dye testing and had exposed the pipe but could see no deficiencies there. What needs to be done is put in a surface drain and risers which will enable water to drain out more quickly.

Mike Mahar, CWM, reported that their annual discharge has begun. The first week, 4 ½ million gallons discharged. In response to Supervisor Wiepert's question, about 15 million gallons are discharged annually into the Niagara River.

Reeve Tower, Lake Road, asked questions regarding the drainage problem around his home. Because there is a current law suit between Mr. Tower and his neighbor, the Board suggested he have a meeting set up with each one's attorney.

RESULT:	REPORT ISSUED
----------------	----------------------

III. Minutes Approval

1. Resolution 2009-100

Minutes Approval

Resolution to approve the minutes of the July 13, 2009 regular meeting of the Porter Town Board.

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

2. Resolution 2009-106

Power Authority Resolution

Councilwoman Orsi made a motion to support the Niagara County Legislature in their

suit against the New York State Power Authority..

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

IV. Reports/Resolutions

1. Resolution 2009-101

Audited Vouchers

Resolution to approve the vouchers, as audited.

TOWN OF PORTER

WARRANT: POST AUDIT - JULY, 2009 7/31/09

FUND	01	3,444.26
FUND	02	167.81
FUND	04	130.40
FUND	06	1,346.38
FUND	07	1,155.81
FUND	33	3,270.11
TOTAL		<u>9,514.77</u>

VOUCHER 'S 12639 THRU 12661

WARRANT: # 08 AUGUST, 2009 8/10/09

FUND	01	19,622.14
FUND	02	58,508.51
FUND	04	57,712.78
FUND	06	6,531.98
FUND	07	63,367.35
FUND	10	605.84
FUND	30	500.00
FUND	33	1,899.68
FUND	35	36.98
TOTAL		<u>208,785.26</u>

VOUCHER 'S 12662 THRU 12759

218,300.03

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

2. Report 2009-116

Town Clerk

Town Clerk's report for the month of July:

Water collections: \$ 34,644.28
Sewer Collections: 15,888.70
Clerk Fees: 829.05

Animal Contacts: 43

RESULT: **REPORT ISSUED**

3. Report 2009-115

Supervisor

- Supervisor's Monthly Report for July 2009 was distributed to all Town Board members.
- June Sales Tax \$130,911.37. The Town is up about \$17,900.00 for 2009.
- Resolution to accept the Supervisor's Report for July 2009.
- Need a resolution authorizing the Justice Department to submit their 2009 grant application.
- Need a resolution authorizing a Town Board member to sign contracts for the Labor Day Festival.

RESULT: **REPORT ISSUED**

4. Resolution 2009-102**Acceptance of Supervisor's Report**

Resolution to accept the July 2009 Supervisor's Report

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

5. Resolution 2009-103**Justice Assistance Program Grant**

Resolution to authorize Supervisor Wiepert to file an application with the NYS Justice Court Assistance Program for assistance with the upgrading of the Town of Porter's Justice Department.

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

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, up to the maximum amount available, with the Justice Court Assistance Program.

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

6. Resolution 2009-105**Labor Day Entertainment-POTL**

Resolution authorizing a Town Board member to enter into an agreement with *BIGJACK Productions* for the September 7, 2009 Live Concert at Porter-On-The-Lake, and to sign all necessary paperwork.

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

7. Report 2009-117**Supervisor's Assistant**

Monthly Report - July 2009

1. Completed processing all July 2009 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for July 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. Suzanne Raby's training on payroll and vouchers are progressing very satisfactorily. While I was on vacation she kept my desk up to date.
8. The Budget process is beginning. Sometime around the middle of August we will be providing department heads with information to be used in figuring your 2010 budget request. These requests ***must*** be returned by September 8, 2009.

RESULT:	REPORT ISSUED
----------------	----------------------

8. Report 2009-118**Assessor**

Assessor's Monthly Report

July 2009

1. Completed monthly inspections for verification of sales and completion of building projects.
2. Processed monthly sales transfers and splits.
3. In process of reviewing all exemptions for address matches to verify eligibility. Exemptions are for primary residences only.
4. Reviewing agricultural exemptions, as well as agricultural district boundaries and members.
5. Attended legislative meeting concerning state efforts on consolidation of government.
6. Reviewing all sales for last three years that will be used by the state to determine Porter's equalization rate to assure only valid and uncompromised sales are used.
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 of all the various duties of the job.

Submitted by
Barbara Oaks
Acting Assessor

RESULT: REPORT ISSUED

9. Report 2009-119**Recreation**

The 2009 recreation program will be ending Thursday, August 13th. The final registration was:

- A. 83 1st & 2nd Grade
- B. 103 3rd & 4th Grade
- C. 106 5th & 6th Grade
- D. 120 7th - 11th Grade

Total 412 enrollees

We average about 150 children each day, on August 6th we took over 200 kids to Skate land. We went to the new Snow Park and were quite impressed. The last day of recreation this year we will be going to an All Recreation picnic at Tuscarora State Park.

RESULT: REPORT ISSUED

10. Report 2009-120

Highway

Department of Public Works
Monthly Report for July 2009

Highway Department:

1. Installed roadside drain on Powell Drive.
2. Continuing weekly mowing of cemeteries, and town lots. Also trimming hydrants.
3. Continuing roadside mowing
4. Chip sealed Dickersonville Road from Braley Road to Lake Road.
5. Fibersealed Braley Road from Dickersonville Road to the highway garage.
6. Completed monthly brush pickup.
7. Hauled blacktop for the Village of Youngstown
8. Plowed median of parkway for New York State /wildflower planting.
9. Replaced culvert on St.Christophers Lane
10. Repaired washout of 12-mile creek at Zahno property.
11. Installed culverts on Lutts Road, Calkins Road, two on Lake Road and Youngstown-Lockport Road.
12. Continued maintenance and repair of road signs.
13. Removed Shrubs from entrance of Collingwood Estates.
14. Repaired lawns from various highway projects and water installs/repairs.

Water and Sewer Department:

1. Installed 1 new service.
2. Installed 10 Orion house meters and 15-meter pits.
3. Completed monthly meter reading and July billing was mailed out.
4. Replaced one hydrant on Creek Road and one on Old Lake Road

- 5. Repaired Water Break On St.Christophers Lane
- 6. Installed Orion meter in the Church Street meter pit and replaced Check valve.
- 7. Reminder notices have been mailed to those who still need to have new meters installed.

Drainage Department:

- 1. Mowing is continuing, weather permitting.

Respectfully submitted,
 David Gombert
 Deputy Highway Superintendent

RESULT: REPORT ISSUED

11. Resolution 2009-99

Snow and Ice/Amendment B - Expenditure

Resolution to amend the Snow and Ice Contract between the State of New York and the Town of Porter, Amendment B, for the 2008/2009 season, and to authorize the Supervisor to sign the paperwork.

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

12. Report 2009-121

Building Inspector/Code Enforcement Officer

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF JULY 2009

NAME	No.	DATE	ADDRESS	CATEGORY	COST	FEE
SMITH, Audrey	40-09	13-Jul	2667 Y-Lockport Rd	Deck	342	25
WINGER, Brian	41-09	15-Jul	1469 Sunrise Ln	Garage	8,000	50
SPYRUWS, Jimmy	42-09	15-Jul	3927 Dickersonville Rd	Shed	2,100	25
PARENT, Donna	43-09	17-Jul	405 Lynbrook Dr	Shed	900	25

ROBERTS, John	44-09	22-Jul	1430 Lockport Rd	Addition	12,000	100
DIACHUN, Susan	45-09	23-Jul	2185 Lake Rd	Garage (replace)	14,115	50
PERRY, Guy	46-09	31-Jul	2667 Ransomville Rd	Addition	50,000	100
GIARRIZZO, Andrew	47-09	31-Jul	2008 Lake Rd	Single family	290,000	275
TOTAL					377,457	650

CERTIFICATES OF OCCUPANCY ISSUED

KEATING, Charles 10-09 01-Jul 455 Powell Ln Single family residence

BUILDING DEPARTMENT REPORT: Month July 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 and Town Board meetings.
- Pursued numerous zoning code violations and issued to the Supervisor "Order of Violations Report" for the month of July, 2009
- Continued review of draft new zoning law and subdivision regulations
- Reviewed all temporary CO's for compliance - re-inspected two homes

Ted Hogan, resident of Ransomville, asked for an update on the code violations in the hamlet of Ransomville. Mr. Rogers said letters of violations had been mailed to several property owners.

RESULT:	REPORT ISSUED
----------------	----------------------

13. Report 2009-122**Engineer****Engineering Report**

Update - August 10, 2009

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

§ The following action items have been completed:

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

§ The geotechnical evaluation is underway.

Annual Retainer - Drainage Reviews (CRA Project # 630645)

§ CRA completed a drainage review on July 22 for a minor subdivision request from George Brown.

Site Plan Reviews - Site Plan Review (CRA Project # 630296-02R)

§ CRA completed a site plan review on July 22 for the Andrew Giarrizzo residence at 2004 Lake Road.

Engineer Britton also reported that he and the surveyor will meet on August 19th to set grade for a berm in Youngstown Estates.

RESULT: REPORT ISSUED

14. Report 2009-123

Attorney

none

RESULT: REPORT ISSUED

15. Report 2009-124

Porter-On-The-Lake

**“PORTER-ON-THE-LAKE” PARK COMMITTEE MEETING
July 20, 2009**

Attending:

Norm Ault Gloria Baker Fran Boltz Tony Collard Ernest Lavigueur Larry White Meg Whitmore

Bill Baird Jeff Baker Cathy Burn Don Larrabee Bob Reese Linda White Mert Wiepert

The seventeenth general meeting of the "Porter-on-the-Lake" Park Committee was held in the pavilion at "Porter-on-the-Lake" Park at 6:40 P.M. on Monday, July 20, 2009. Representing the Town was Supervisor Wiepert, Councilmen Baker and White and Bookkeeper Ault.

Chairman Reese called the meeting to order. The minutes from the meeting of June 15, 2009 were distributed and were approved.

E-mail correspondence was received from committee members Betsy and Peter Diachun advising that they would be unable to attend the July 20th meeting.

Supervisor Wiepert updated the committee on the following:

1. Town officials and the grant writer will be meeting with Niagara County and the Niagara County IDA to sponsor the town's request for \$25,000.00 in funding for the park master plan.
2. Several residents have brought to the supervisor's attention that there may be a safety issue in going down to the beach area. These residents have suggested that the town install steps or a grading of a portion of the area to provide safe beach access.
3. The problem of handicap accessibility to the pavilion and the ability to transport equipment to the pavilion without damaging the lawn has been addressed. The Town has purchased two carts and will make them available upon request. Any additional parking areas will be addressed in the park master plan.
4. In the immediate future, the town highway department will grade, apply fabric and drop additional stone in the present designated parking areas.
5. Town officials will look into the possibility of a donation of rubber padding for the children's playground.
6. Councilmen Baker and White are looking into purchasing canvas barriers for the sides of the pavilion.

Labor Day Festival Chairwoman White reported that planning is proceeding for that event. Councilman Baker reported that

"Big Jack Productions" has been contracted to provide the entertainment that will include *Don Thompson's Tribute to Alan Jackson and Garth Brooks*. In addition, *Sarah Noelle*, *Naughty Dawg* and *Copperhead* will perform. The stage from the City of Niagara Falls has been rented and will be transported to the park by the town highway department. The entertainment program will start at 12 noon and run until 7:00 P.M. Gates will open at 10:00 A.M., vendors will be allowed to set up after 8:00 A.M. This year there will be a \$5.00 per person entrance fee with children under 12 years of age admitted free of charge. All proceeds would be used to enhance the park after expenses. Gloria Baker advised that sponsor and vendor letters have been sent out. At the present time two sponsors have donated (CWM and Niagara County). A fee of \$140.00 will be collected from each vendor. Ransomville and Youngstown Volunteer Fire Companies will sell beer. At the present time it is unknown if soda pop will be sold by the vendors or donated. The Boy Scouts under the direction of Bill Baird will again handle the parking. Supervisor Wiepert will contact the Niagara Frontier Country Club to check into the donation of golf carts for the day to transport the elderly and handicapped from the parking area. Supervisor Wiepert will take care of hiring security. Meg Whitmore will handle the 50/50 split drawing and Bill Leardini will handle the basket auction.

Under new business, Chairman Reese discussed the idea of planning an *OLD HOOKER/OXY* day at the park in 2010. This event can bring families together who attended picnics in the park in earlier years. Chairman Reese has received several old photos of park events and plans to display them in one of the park buildings. Fran Boltz mentioned that several foundations from Hooker Chemical may be still in existence and they may be a source of funding for the park.

Groundskeeper Reese reported that all the wooden headers in the pavilion have to be replaced due to this year's bee problem. In addition, two roofs and several buildings and rooms need to be painted. The town will ask the Niagara County Work Release Program to provide labor for these projects. Two new volleyball nets have been purchased and the groundskeeper reported that several large bags of garbage were collected from the basketball court area after the Fourth of July. These were the remains of an illegal fireworks display in the park. Reese reported that the *Sky Watchers* have been coming into the park after dusk and there have been no problems. The U.S. Border Patrol was notified of their activities.

Pavilion rental policy and procedures will be discussed at the August meeting. All recommendations will be forwarded to the Town Board.

Finally, Chairman Reese reported that on or around August 13th the retired nuns who reside in the infirmary at Stella Niagara would make an outing to the park.

The committee meeting adjourned at 8:40 P.M.

THE NEXT MEETING WILL BE HELD ON MONDAY, AUGUST 17, 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

Bob Reese, Porter-On-The-Lake Committee Chairman, submitted his report tonight:

"Events since last meeting"

July 18 th	Ashley Serianni Graduation Party	10:00 AM
July 19 th	Youngstown Estates Neighborhood Party	12:00 AM
Aug 8 th	Adamson Family Reunion	11:00 AM
Aug 9 th	Matthew Mojeski Graduation Party	1:00 PM

The after event clean-up is really working out well, with no problems so far. All parties should be receiving their "security deposit"s back.

Up-coming events

Aug 13 th	Sisters from Stella Niagara "outing"	(Afternoon)
Aug 15 th	Winstel/Knack Wedding	4:00 PM
Aug 16 th	Dietz Family Picnic	1:00 PM
Aug 29 th	Waste Management's Picnic (Tentative)	
Sept 7 th	Labor Day - Porter Fest	

There has been a considerable increase in usage of the park on the week days. There's more families coming down for picnic's and playing in the park, plus people just stopping by to watch the lake and boats

Sky- Watchers

There is a group of approx 10-15 people who form a group called "Sky-Watchers". They come to the park, usually on Saturday nights, set up their telescopes in the Basketball court area and watch the stars, planets and such. The park is ideal for them because of the lack of "Light Pollution".

Parking

We are currently working on parking and accessibility improvements in the Park area. There is currently a new road and parking lot of blacktop "grindings" in place, which still needs some

grading and rolling done. Also there has been a large improvement to the North gate area.

Drainage

Drainage is still a major problem. We are awaiting contact from a person from the Cornell Co-operative Extension who is experienced in drainage problems. The Matthew Mojeski Graduation Party on Aug 9th was delayed for about 1 1/2 -2 hours due to rain & flooding. Below the Pavilion was a 10-15 foot wide river. Also, the south side of the entrance road had definite drainage issues.

Trees

Last week John Farfaglia, a horticulturist from the Cornell Co-operative extension was at the park per my request, to check some of the trees. Along the fence by Dietz Road are a row of Lyndon trees. One has a problem with a bore that needs treatment with a systemic Insecticide. He believes that the problem is in an early enough stage that there should be no permanent damage to the tree. He also pointed out two other trees that should be removed due to their condition and health status. One has already been removed, and the other is shakin' in it's roots!!"

RESULT:	REPORT ISSUED
----------------	----------------------

16. Report 2009-125

Correspondance

There was no correspondence to report.

RESULT:	REPORT ISSUED
----------------	----------------------

17. Report 2009-126

Calendar of Events

Last Day of Summer Recreation	-	Thursday, August 13
Zoning Board - 7:30 p.m.	-	Thursday, August 20, Town Hall
Planning Board - 7:00 p.m..	-	Thursday, September 3, Town Hall
Labor Day Fest - 11:00 a.m.	-	Monday, September 7 @ 11a.m.
At Porter-On-The-Lake		
Town Hall CLOSED		Monday, September 7
Town Board - 7:00 p.m.	-	Monday, September 14, Town Hall

RESULT: REPORT ISSUED

18. Report 2009-128

Town Board Comments

With no further action before the Board, the regular meeting was adjourned at 8:00 pm

Gail Zachary
Town Clerk

RESULT: REPORT ISSUED
