



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Gail Zachary

Tuesday, October, 14, 2008

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on October 14, 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	
	Town of Porter	Engineer	Present	
Karen Schmidt	Town of Porter	Assessor	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	

II. Public Comments

1. Report 2008-141

Public Comments

Nancy Donald, Oak Avenue, asked about the status of the neighbors' fences which are encroaching on Town Property ("Community Park") and preventing other home owners' access to Lake Ontario. One fence is falling down the bank. Code Enforcement Officer, Roy Rogers, said he had been down to look at them and that letters will be going out, shortly, to those who have put up the fences.

Mike Mahar, CWM, reported a 15 million gallon discharge into the Niagara River between September 03 and October 01, 2008. *Annual* precipitation was low, so discharge was about 5-10 million gallons less than normal.

He also said that the DEC issued a negative declaration regarding the final cover design. They are satisfied and feel there will not be a significant affect on the environment. The major permit modification will be open to a public meeting and public hearing.

Ed Barbario, Youngstown Estates, newly elected president of the Youngstown Estates Association, asked what could be done about motorists running the stop signs in the

development. Supervisor Wiepert advised him to call Chief Deputy Jack Taylor, from the Niagara County Sheriff's Department, to set up some sort of patrol.

Elaine Barbario, Youngstown Estates, asked if there was any way to open up the road in back of the Estates. It was suggested by Councilman Baia to start with the developer. She also questioned whether the Board had made a decision regarding the cul-de-sac island maintenance. Supervisor Wiepert apologized for not getting back to her and stated that the Board denied the Association's request. Superintendent Hillman stated he would put that area on the highway's mowing schedule.

Amy Witryol, River Road, Lewiston, spoke to the Board, encouraging them to invite the Niagara County Health Department to present their findings from the reports; "perhaps duplicate whatever they're doing tonight," elsewhere. Ms. Witryol reported that a letter, from the Environmental Protection Agency to the Department of Environmental Conservation, indicated the need for further sampling in off-site locations.

RESULT:	REPORT ISSUED
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III. Minutes Approval

1. Resolution 2008-112

Approval of Minutes

Resolution to approve the minutes of the Town Board work session, Monday, September 08, 2008 @ 6:00 pm, and the regular Town Board meeting, Monday, September 08, 2008 @ 7:00 pm.

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

IV. Reports

1. Resolution 2008-113

Approval of Audited Vouchers

TOWN OF PORTER

WARRANT: POST AUDIT -SEPT 2008 9/30/08

FUND	01	6,182.96
FUND	02	73.17
FUND	04	1,561.27
FUND	06	546.62
FUND	07	1,216.34
FUND	33	3,853.54
TOTAL		<u>13,433.90</u>

VOUCHER 'S 11380 THRU 11410

WARRANT: # 10 OCTOBER 2008 10/14/08

FUND	01	40,327.21
FUND	02	40,075.78
FUND	04	29,186.94
FUND	06	6,754.48
FUND	07	21,842.75
FUND	33	6,446.00
FUND	35	5,261.66
TOTAL		<u>149,894.82</u>

VOUCHER 'S 11411 THRU 11547

163,328.72

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

2. Report 2008-142

Town Clerk

September:	Water receipts	\$26,034.29
	Sewer receipts	\$12,625.51
	Licenses and fees	\$ 1,116.31

SPCA contacts: 22

RESULT: REPORT ISSUED

3. Report 2008-143**Supervisor**

1. Supervisor's Monthly Report for September 2008 was distributed to all Town Board members.
2. August Sales Tax \$82,538.30. For the year to date sales tax is up \$36,894.78.
3. Resolution to accept the Supervisor's Report for September 2008.
4. Supervisor Wiepert presented a check to Robert Emerson, Executive Director of Old Fort Niagara Association for the purchase of clothing and equipment in conjunction with the 250th anniversary of the French and Indian War, during 2009.
5. Resolution adopting park policies for Porter-on-the-Lake, drafted October 2008, drafted by the Park Committee.
6. Resolution setting Halloween hours.

Mr. Emerson thanked the Board for their generosity and stated that a 10% increase in visitation next summer is expected resulting in a large economic impact for the area. Summer activities will include active presentations, re-inactments of the Burning of Fort du Portage and the Siege of Fort Niagara; also the Commemoration of the Battle of LaBelle Famille. School programs will be held and history interpreters will also re-create historical figures and events.

Mr. Emerson handed out brochures that detail the 2009 events. The Signature Event (Re-enactment of the Seige of Fort Niagara) will be held July 3 - 5, 2009.

Councilwoman Orsi also thanked Mr. Emerson; stating she sees him at many community events; he's visible and valuable part of the community, and does a great job of "selling the Fort."

RESULT: REPORT ISSUED

4. Resolution 2008-120**Porter-On-The-Lake Regulation**

Resolution to adopt the Porter-on-the-Lake Policies, drafted October 2008.

RESULT: **ADOPTED [4 TO 1]**
MOVER: Thomas Baia, Deputy Supervisor
SECONDER: Jeff Baker, Councilman
AYES: Mert Wiepert, Thomas Baia, Jeff Baker, Larry White
NAYS: Nancy Orsi

5. Resolution 2008-121

Halloween Hours

Resolution setting Halloween hours for the Town of Porter as 5:00pm to 7:30pm, Friday, October 31, 2008. This coincides with the Village of Youngstown's hours.

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

6. Resolution 2008-114

Supervisor's Report Acceptance

Resolution to accept Supervisor Wiepert's September 2008 report.

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

7. Report 2008-144

Supervisor's Assistant

Monthly Report - September 2008

1. Completed processing all September 2008 Vouchers and Journal Entries.
2. Prepared Supervisor’s Monthly Report for September 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. Continues working with Town Clerk on the Minute Traq program.
7. Worked on the 2008 Cabbage Festival
8. Continued working of the 2009 Budget.
9. Need the following Budget Adjustments:

01-1410.0004	Town Clerk Contractual	\$ 1,500.00
01-14100002	Town Clerk Equipment	(1,500.00)
04-5110.0004	General Repairs Contractual	\$ 45,000.00
04-9901.0009	Transfer to Reserve	(45,000.00)
10. Resolution to transfer \$ 26,600.00 from Capital Projects to “A” Fund (Budgeted transfer)

RESULT: REPORT ISSUED

8. Resolution 2008-115

Budget Transfer

1. Need the following Budget Adjustments:

01-1410.0004	Town Clerk Contractual	\$ 1,500.00
01-14100002	Town Clerk Equipment	(1,500.00)
04-5110.0004	General Repairs Contractual	\$ 45,000.00
04-9901.0009	Transfer to Reserve	(45,000.00)

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

9. Resolution 2008-116**Transfer of Funds**

Resolution authorizing the transfer of \$26,600.00 from the Capital Projects, account 809-66073-3 to "A" Fund operating account 809-13516-7. This is a budgeted transfer.

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

10. Report 2008-145**Assessor**

Date: October 6, 2008
To: Town of Porter Town Board
Cc: Town Clerk
From: Karen Wieland-Schmidt, Assessor
RE: September 2008

- Completed monthly inspections for verification of sale and completion of building projects.
- Processed monthly sales transfers and splits.
- Attended one land use update committee meeting and assisted the consultant on delivering the new manual to all boards. Work session for the new manual is scheduled for October 27th at 7:00 p.m.
- Attended the monthly NCAA meeting. Topic of discussion was equalization rates and uniform percentage of value.
- Attended a Board of Directors meeting for the WNY-IAAO in Batavia.
- Attended ZBA meeting.

Assessor Schmidt wanted to clarify that the STAR rebate check is issued by the NYS Taxation and Finance Department, not issued locally.

She also strongly suggested that ALL members of the Town Board, Planning Board and Zoning Board review the final draft of the land use manual, and to also make suggestions and write down concerns.

RESULT: REPORT ISSUED

11. Report 2008-146

Highway Department

Monthly Report for September 2008

Highway Department:

1. Completed monthly brush pickup. The last brush pickup will be a town wide pickup on Monday November 3rd and Tuesday November 4th.
2. Provided assistance to the Village of Wilson with trucks hauling blacktop.
3. Completed final shoulder work and driveway aprons on Dickersonville Road.
4. Completed the final round of roadside mowing on town roads.
5. Received and mixed 300 tons of road salt with Caliber M-1000 additive
6. We are preparing trucks for winter maintenance.

Drainage Department:

1. We are finishing the off road ditch mowing program.
2. We are working on 2 off road ditch projects.

Water and Sewer Department:

1. Completed monthly meter readings.
2. Completed the installation of a new fire hydrant on Parker Road replacing a defective hydrant from 1951.
3. We are continuing the upgrades to our sewer SCADA System. The new flow metering equipment has been installed at Swain and Lake Road Lift Stations.
4. We are beginning the winterization of all fire hydrants.

I would like board approval to attend the annual Highway Expo in Syracuse on Wednesday October 15th.

Respectfully submitted,

Scott B. Hillman
Highway Superintendent

Bob Reese, Lake Road, asked whether Dietz Road could be designated a year-round road, rather than a seasonal one. Highway Superintendent Hillman said this will be

addressed.

RESULT: REPORT ISSUED

12. Resolution 2008-117

NYS Ice & Snow Contract

Authorize the Supervisor to sign the extension of the existing contract between the New York State Department of Transportation and the Town of Porter, from July 01, 2006 through June 30, 2009, to July 01, 2008 to June 30, 2011. The estimated amount for 2008/2009 is \$60,334.07. The Town Clerk will submit the signed contract to the NYSDOT.

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

13. Resolution 2008-118

Highway Expo

Authorize Superintendent Scott Hillman to attend the Highway Exposition in Syracuse October 15, 2008.

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

14. Report 2008-147

Building Inspector/Code Enforcement**TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF SEPTEMBER 2008**

NAME	PERMIT	DATE		CATEGORY	COST	FEE
BLACK, Dan	44-08	9/5	661 Lake Rd	demolition		25
HOLMES, Walter	45-08	9/8	3983 Ransomville Rd	demolition		25
STASCHAK, John	46-08	9/10	2575 Lake Road	new single family	520,000	275
BAIRD, Lynn	47-08	9/10	B21, 999 Balmer Rd	porch	500	25
OMNIPOINT	48-08	9/10	Blairville Rd	cell tower	150,000	500
BARNES, Martin	49-08	9/12	1178 Cain	pole barn	30,000	50
FREEMAN, James	50-08	9/15	1570 Lake	new single family	150,000	275
O'DONNELL, John	51-08	9/17	352 Brentwood	shed	1,500	25
SIMMONS, Clifford	52-08	9/17	1438 Lockport	pole barn	16,300	50
CANFIELD, Chris	53-08	9/18	1783 Yngstown-Wilson Rd	demolition		25
BLACK, Dan	54-08	9/19	661 Lake Rd	new single family	300,000	275
LARRABEE, Donald	55-08	9/19	1755 Harrison Lane	pole barn	26,000	50
COLLESANO, Wm	56-08	9/22	3803 River Rd	addition & alter	200,000	100
ZIMMERMAN, Pam	57-08	9/29	3738 Ransomville Rd	porch	800	25

1,395,100 1,725

CERTIFICATES OF OCCUPANCY ISSUED

None

BUILDING DEPARTMENT REPORT: Month of September, 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 Zoning Board of Appeals and Town Board meetings
- Pursued numerous zoning code violations and issued to the Supervisor "Order of Violations Report" for the month of September 2008.
- Continued 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

RESULT: REPORT ISSUED

15. Resolution 2008-119**Code Enforcement Violation**

Resolution to authorize the Code Enforcement Officer to contract for up to \$2,000.00 to bring the property, at 3759 Creek Road, into compliance with Local Law #2-2005, section 4, paragraph A#6 and, further;

A copy of this resolution shall be certified by the Town Clerk and filed with the Town Assessor, and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner of the affected premises.

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

16. Report 2008-148**Engineer****Drainage study for the northwest area of the Town (CRA Project # 630508)**

- Alternatives are being prepared with focus on Youngstown Estates.

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

- CRA completed a site plan review on October 1 for the DiRienzo property on East Avenue.
- This review consisted of the issuance of two comment letters from CRA as the applicant submitted a revised site plan.

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

- CRA completed a site plan review on September 11 for the Freeman property on Lake Road.

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

- CRA completed a site plan review on September 17 for the Tetrault property on Lake Road.

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

- CRA completed a site plan review on October 1 for the Verizon Wireless

Telecommunications Facility on Dickersonville Road.

- CRA completed a review of Part 1 of the State Environmental Quality Review Act (SEQR) Full Environmental Assessment Form (EAF) on October 3.

Annual Retainer - Drainage Reviews (CRA Project # 630556)

- CRA completed a drainage review on September 17 for a minor subdivision request from Berardino and Louise DiRienzo.
- CRA completed a drainage review on September 17 for a minor subdivision request from Marion Bax.

RESULT:	REPORT ISSUED
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17. Report 2008-153

Attorney

Attorney Dowd reported on the proposed amendment to the Town’s local law which deals with the alternate members of the Planning and Zoning Boards. This would allow them to vote, not only when someone abstains but, when a regular board member is absent, also. He said a public hearing is needed.

RESULT:	REPORT ISSUED
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18. Report 2008-149

Porter-On-The-Lake

**“PORTER-ON-THE-LAKE” PARK COMMITTEE MEETING
September 18, 2008**

Attending:

Norm Ault	John Bis	Jim Collins	Carl Fellows	Mark Mistrietta	Dick Roach	Meg
Whitmore						
Bill Baird	Don Burns	Roma Collins	Don Larrabee	Nancy Orsi	Pete Welsb	Mert
Wiepert						
Dan Bristol	Tony Collard	Peter Diachun	Ernest Lavigueur	Bob Reese	Linda White	Kathy
Zasucha						

The eleventh general meeting of the “Porter-on-the-Lake” Park Committee was held at the Porter Town Hall at 6:00

P.M. on Thursday, September 18, 2008. Representing the Town was Supervisor Wiepert, Councilwoman Orsi and Bookkeeper Ault.

Chairman Bristol called the meeting to order. The minutes from the prior meeting were read and approved. Correspondence was received from Linda and Councilman White regarding the addition of a trail around the perimeter of the park that would have mile markers for walkers, runners and cross country skiers in the winter months.

Chairman Bristol advised the committee that a cohesive plan for "Porter-on-the-Lake" is necessary to insure outside funding. Governmental sources of funding would be: the Environmental Protection Fund, the Niagara River Greenway Plan, the Recreation Trails Grant and the Department of Transportation's TEP Plan. The Chairman introduced Mark Mistrietta, a landscape architect employed by Wendel Duchscherer Architects and Engineers. Mr. Mistrietta gave an informative presentation on the aspects involved in the engineering, planning and development of a master plan for the park. He broke down the master plan into four tasks. The first involves project initiation and research. In this task the following would be completed: a topographic survey, a base map preparation, an environmental review, a vegetation audit and meetings between the town and committee would occur. The second task involves a detailed review and analysis of the entire facility. The third task involves design alternatives, supporting graphics, construction costs and informal informative meetings between the public, the park committee and other agencies. The last task involves the final design and supporting graphics, construction costs with a twenty percent contingency, a phasing plan and meetings between the public and the park committee. Mr. Mistrietta advised that all four tasks could be completed in as little as four or five months and with funding in place within thirteen months construction could begin. Supervisor Wiepert advised that he would look into the use of Greenway money for the front end planning of the master plan. Mr. Mistrietta answered the committee members' questions during and at the conclusion of his presentation. Chairman Bristol reiterated that this presentation was only for informational purposes on what is involved in the development of a park master plan.

Bob Reese requested that the park survey data be made available to the committee by the next meeting for discussion. Chairman Bristol directed the secretary to contact Bernie Rotella to see if he would be available to attend our next meeting. Norm Ault passed out copies of the park master plan survey to those members in attendance and the secretary was advised to email committee members with the survey file for their review prior to our next meeting. In addition, Chairman Bristol requested that if any committee members had any other ideas not contained in this survey and wished that they be addressed that they should email him prior to our next meeting.

Bob Reese advised that he had been contacted by Western New York Challenger Sports to use the park facilities for their programs. This request would be forwarded to the Recreation Commission for their input prior to Town Board approval.

Supervisor Wiepert advised that the Eagle Scout project was progressing and approximately fifteen scouts, their families and volunteers had completed painting in the pavilion. Approximately one hundred and seventy man-hours had been expended on the project as of this report.

Chairman Bristol reported that a recent storm had caused a very large tree in excess of fifty feet to fall. Supervisor Wiepert advised that he would contact someone to remove it.

The committee meeting adjourned at 8:30 P.M.

A WORK SESSION WILL BE HELD ON, OCTOBER 30, 2008 AT 6:30 P.M. AT THE PORTER TOWN HALL. ITEMS TO BE DISCUSSED ARE THE DATA OBTAINED BY THE PARK SURVEY AND WINTER OPERATION OF THE PARK FACILITIES.

Submitted by: Ernest A. Lavigueur

Supervisor Wiepert complimented Eagle Scout candidate, Matt Buerger, other Scouts and their families for completing a very difficult scraping and painting project at POTL.

Mr. Wiepert also said that he had someone remove the fallen tree for the price of the wood.

RESULT:	REPORT ISSUED
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19. Report 2008-150**Correspondance**

Received a letter of thanks from the Ransomville Volunteer Fire Company for the Town's support of their 2nd Annual Summer Raffle held on the Fire Company grounds.

Clyde Burmaster, Niagara County Legislator vice-chairman, was able to get \$5,000 from Niagara County for the purchase of 20 wreaths, for the Lighting of the Wreaths Festival November 30, 2008 in the hamlet of Ransomville.

RESULT:	REPORT ISSUED
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20. Report 2008-151**Town Board Comments**

No comments.

RESULT:	REPORT ISSUED
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21. Report 2008-152**Calendar of Events**

Zoning Board Mtg -	Thursday, 10/23/2008	7:30pm
TownwideTire Day -	Saturday, 10/25/2008	Rans. Fire Hall - 8am - 2pm
Halloween Hours -	Friday, 10/31/2008	5:00pm - 7:30pm
Election Day -	Tuesday, 11/04/2008	6:00am until 9:00pm
Planning Board Mtg -	Thursday, 11/06/2008	7:00pm
Town Board Mtg -	Monday, 11/10/2008	7:00pm
Veterans' Day -	Tuesday, 11/11/2008	OFFICE CLOSED

With no further business to discuss, the regular meeting of the Porter Town Board was adjourned at 8:00 pm.

Gail Zachary
Town Clerk

RESULT: REPORT ISSUED
