



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Gail Zachary

Tuesday, October, 13, 2009

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on October 13, 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	Absent	
Larry White	Town of Porter	Councilman	Present	
Dave Britton	Town of Porter	Engineer	Present	
Gail Zachary	Town of Porter	Town Clerk	Absent	
Mike Dowd	Town of Porter	Attorney	Present	
Susan Driscoll	Town of Porter	R. P. Appr Tech - Trainee	Absent	
Norm Ault	Town of Porter	Bookkeeper	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Absent	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Barbara DuBell	Town of Porter	Deputy Town Clerk	Present	

II. Public Hearing-Informational Meeting

1. Report 2009-149

Water Reserve Transfer Public Hearing

Please take notice that the Town of Porter will hold a public hearing at 7:00 pm at the Town Hall, 3265 Creek Road, Youngstown, New York, for the purpose of withdrawing \$15,000.00 from the Water Reserve Account to be used to cover expenses for the balance of 2009.

No comments were offered by the public. Councilwoman Nancy Orsi moved to close the Public Hearing, Councilman Thomas Baia seconded, all **ayes**, motion carried.

RESULT: REPORT ISSUED

2. Resolution 2009-118**Water Reserve Transfer Public Hearing**

Resolution to withdraw \$15,000.00 from the Water Reserve Account to cover expenses for the balance of 2009.

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

3. Report 2009-157**Special Informational Meeting**

Town of Porter Informational Meeting

There will be a public information session on Tuesday, October 13, 2009, at the Porter Town Hall, 3265 Creek Road, Youngstown, New York, 14174, at 7:15 p.m. to inform the public about the recent study completed regarding the consolidation of the Town of Porter and the Village of Youngstown Departments of Public Works.

Gerald Summe, Municipal Services Director, Wendel Duchscherer, started his presentation of the Feasibility Report concerning the Merging of the Village DPW and the Town Highway Department. There was a power point presentation to go along with the report. About 3 minutes into the report there was a computer malfunction, the audience could not follow along, so the presentation was cancelled and will be rescheduled.

RESULT:	REPORT ISSUED
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III. Public Portion

1. Report 2009-158

Public Comments

Public Comments

Greg Robertson, Youngstown Fire Company and Sue Hillman, Ransomville Fire Company together presented a check for \$3407.22 to the Town of Porter. The money represents proceeds from the beer tent at Porter on the Lake Labor Day event. The fire companies split the proceeds with the town. Supervisor Wiepert accepted the check and thanked them.

Ted Hogan wanted to know when the next budget meeting was scheduled.

Tony Collard inquired how Jeff Baker was doing after his surgery. Supervisor Wiepert informed him that Councilman Baker was up and getting around with activity restrictions.

Rusty Tower questioned the follow-up drainage plan for 1491 Lake Road, and stated that the ground water problem has still not been fixed. Nothing has changed, no revision, still no french drain.

Attorney Mike Dowd told Rusty to come to the October 15th Zoning Board meeting where this problem will be addressed.

At the end of the meeting, former Village Mayor Norm Swann, questioned why the \$42,000 grant money received from the State of New York was limited to the combination of the DPW's. He felt that the grant should have been expanded to include all facets of dissolving the village.

RESULT: REPORT ISSUED

IV. Reports/Resolutions

1. Resolution 2009-128

Minutes Approval

Resolution to approve the September 14, 2009 minutes of the regular Town of Porter Board meeting and the September 30, 2009 Special Town Board meeting.

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

2. Resolution 2009-129

Payment of Audited Vouchers

Resolution to approve the vouchers, as audited.

TOWN OF PORTER

WARRANT: POST AUDIT - SEPT, 2009 9/30/09

FUND 01	6,973.09
FUND 02	13.61
FUND 04	304.70
FUND 06	206.14
FUND 07	1,818.89
FUND 33	506.47
FUND 35	150.00
TOTAL	<u>9,972.90</u>

VOUCHER 'S 12895 12915

WARRANT: #10 OCTOBER, 2009 10/13/09

FUND 01	10,525.50
FUND 02	37,703.27
FUND 04	22,882.76
FUND 06	3,938.27
FUND 07	3,142.61
FUND 10	704.41
FUND 33	3,346.36
FUND 35	4,299.67
TOTAL	<u>86,542.85</u>

VOUCHER 'S 12916 THRU 13015

96,515.75

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

3. Report 2009-150

Town Clerk

September 2009 Revenue

Licenses and Fees	\$ 988.72
Water	\$39,953.86
Sewer	\$10,967.46
S.P.C.A. Contacts	21

Halloween Trick or Treat Hours: 5p.m. - 7:30p.m.

Zoning Board members William Tower, Peter Jeffery, John "Duffy" Johnston, Irene Myers and William "Hoppy" Leggett, and Planning Board Members Tony Collard and Donald McCollum received their re-certifications from a four-hour training session taught by George Spira, Planning Board Chairman.

The Town of Porter and the Village of Youngstown, through Modern Disposal, will hold a Tire Day, Saturday, October 17, 2009, at the Ransomville Fire Hall, 2551 Youngstown-Lockport Road, from 8:00 a.m. until 2:00 p.m.

The Village of Youngstown is hosting the Empire Safety Council Driver Safety class at the Village Center, 240 Lockport Street, Youngstown, New York, on Saturday, October 24th, 2009, from 9:00 a.m. until 3:00 p.m. This is an opportunity to save 10% on auto insurance. The cost is \$25.00 and there is no pre-registration. Call Dave at 692-3430 for any questions.

RESULT:	REPORT ISSUED
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4. Report 2009-144**Supervisor's Report**

- Supervisor's Monthly Report for September 2009 was distributed to all Town Board members.
- August Sales Tax \$77,006.19. The Town is up about \$3,847.02 for 2009.
- Resolution to accept the Supervisor's Report for September 2009.

NO Planning Board meeting for the month of November

RESULT: REPORT ISSUED

5. Resolution 2009-130**Acceptance of Supervisor's Report**

Resolution to accept the Supervisor's September 2009 Report.

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

6. Report 2009-145**Supervisor's Assistant**

Bookkeeper's Monthly Report - **September 2009**

1. Completed processing all September 2009 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for September 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. Continuing to work with Town Clerk on the Minute Traq program.
7. Continuing with Suzanne Raby's training
8. Turned in the Tentative Budget to the Town Clerk.

RESULT: REPORT ISSUED

7. Report 2009-146

Assessor

Monthly Report

From: Barbara J. Oaks, Acting Assessor

RE: September, 2009

1. Completed monthly inspections for verification of sales and completion of all building projects. Completed projects visited, and photographed. Project sketched from blueprint or on-site measurement, information added to computer, analyzed and assessed.
2. Processed monthly sales transfers and splits. Appropriate boards notified if any contracts were outside of the rules or codes of the town.
3. Continued to aid the public by answering assessment, property and exemption questions both on the phone and in person.
4. Processed responses to "primary residence" letter sent to owners with addresses different from parcel address to determine eligibility for exemptions
5. Corrected ownership of all parcels with "life use" or "life estate" making sure holders of these deed attachments were listed as primary owners so they can receive all exemptions they qualify for.
6. Unable to attend September's meeting of the Assessor's Association-obtained all information covered at meeting from ORPS liaison including newest listing of sales to be used for equalization. There also were updates to our software.
7. Continued reviewing all sales (including those on most recent list) that will be used by the state to determine Porter's equalization rate to assure only valid and uncompromised sales are used. Several sales eliminated from usability-based on state criteria.

8. New tax maps received from county-in process of being updated with current owner's names-for easy reference
9. Reviewed ownership of all parcels being sold on "Land Contract" listing purchasers as primary owners so they can receive all exemptions they are entitled to-listed with "land contract" designation.
10. Continued to receive and process exemptions-now for 2010 roll.

RESULT: REPORT ISSUED

8. Report 2009-147

Building Inspector/Code Enforcement Officer

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF SEPTEMBER 2009

NAME	PERMIT #	DATE	ADDRESS	CATEGORY	COST	FEE
VUILLEMOT, Lou	56-09	04-Sep	1459 Sunrise Ln	Porch	4,000	25
DIETZ, Raymond	57-09	10-Sep	1301 Lutts Road	Pole barn	14,300	50
TOWER, Melissa	58-09	11-Sep	1667 Groveland	Garage	20,000	50
SMYTON, Donald	59-09	14-Sep	347 Lake Rd	Addition	96,530	100
HOFFMAN, Kevin	60-09	21-Sep	1591 Lake Rd	Alteration	15,000	50
STASCHAK, John	61-09	23-Sep	2575 Lake Rd	In ground pool	40,000	25
VALINT, Mathew	62-09	28-Sep	3962 Calkins	Pool fence	3,600	25
SANGER, Dan	63-09	28-Sep	3399 Creek Rd	Shed greenhouse	1,500	50
				TOTAL	194,930	375

CERTIFICATES OF OCCUPANCY ISSUED

GOLBA, John 11-09 09-Sep 3909 Calkins Rd Single family

BUILDING DEPARTMENT REPORT: Month September 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, 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, 2009
- Continued review of draft new zoning law and subdivision regulations
- Attended State mandatory training on existing buildings as per the New York State Building Codes.
- Presented materials to Planning and Zoning Board training session.

RESULT: REPORT ISSUED

9. Report 2009-151

Highway

10/13/09

Department of Public Works
Monthly report for September 2009

Highway Department:

1. Completed monthly brush pickup. Last pickup is scheduled for Monday Nov.2nd and Tuesday Nov.3rd.
2. Completed roadside ditching on East Ave.
3. Completed Fog seal on Dickersonville Rd.
4. Completed final round of roadside mowing.
5. Preparing snow equipment for upcoming winter season.

Drainage Department:

1. Continuing ditch mowing program with both mowers.
2. Inspected proposed drainage improvements north from Youngstown Estates to Village Line.

Water and Sewer Departments:

1. Completed monthly meter reading.
2. Completed Orion meter installations in 8 residences and 28 meter pits.
We have 215 residential meters and 75 meter pits to change out to completely automate the meter reading system.
3. Installed 3 portable flow meters in sewer manholes to check levels and determine the

impact of inflow and infiltration into the system. This is an ongoing project with WPCC to meet permit requirements of the plant.

- 4. Completed GPS Training with the handheld device. We have asked for 2 more layers of information to be added to allow residential service shutoff boxes and residential meter pits log ins.
- 5. Two employees completed the Class D Water Operator Training. The third will be going to the session in the spring.

Respectfully submitted,

Scott B. Hillman
Highway Superintendent

RESULT: REPORT ISSUED

10. Resolution 2009-131

Water/Sewer Adjustments

Re: Account Adjustments for the month of September

The following adjustments were made to water/sewer accounts this month.

<u>Account #</u>	<u>Amount</u>	<u>Service</u>	<u>Reason</u>
10-0808	\$2.71	Water	Remove late charge bill paid on time
10-0457	\$4.65	Lakeshore	Remove late charge bill paid on time
10-0732	\$4.04	Lakeshore	Remove late charge bill paid on time
30-0442.01	\$1.43	Water	Requested by town clerk

Respectfully submitted,

Ramona M. Lockhart

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

11. Report 2009-152

Engineer

1. 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)
- Geotechnical evaluation and recommendations report

2 Annual Retainer - Drainage Reviews (CRA Project # 630645)

- CRA completed a drainage review on September 28 for a minor subdivision request from Gary and Gail Reid.
- CRA completed a drainage review on September 28 for a minor subdivision request from Halina Madra.
- CRA completed a drainage review on September 28 for a minor subdivision request from Robert E. Waddell and Robert B. Waddell.

RESULT: REPORT ISSUED

12. Report 2009-153

Attorney

no report

RESULT: REPORT ISSUED

13. Report 2009-148

Porter-On-The-Lake

**“PORTER-ON-THE-LAKE” PARK COMMITTEE MEETING
September 21, 2009**

Attending:

Norm Ault	Fran Boltz	Betsy Diachun	Ernest Lavigueur	Linda White
Gloria Baker	Cathy Burns	Peter Diachun	Bob Reese	Meg Whitmore
Jeff Baker	Tony Collard	Don Larrabee	Larry White	Mert Wiepert

The nineteenth general meeting of the "Porter-on-the-Lake" Park Committee was held at the Porter Town Hall on Monday, September 21, 2009. Representing the Town was Supervisor Wiepert, Councilmen Baker and White and Bookkeeper Ault.

Chairman Reese called the meeting to order at 6:30 P.M. The minutes from the special meeting of August 31, 2009 were distributed and were approved. E-mail correspondence was received from committee members Bill Warren and Kathy Zasucha advising that they would be unable to attend this meeting.

Under old business:

a. The committee thanked the co-chairs of the Labor Day Festival for all their hard work along with the volunteers in making the festival a success. Gloria Baker advised the committee that all but one of the sponsors' donations have been received and the final one is forthcoming. In addition, all vendors' fees have been received. The proceeds including admission, raffle and the two 50/50 draws were given to Bookkeeper Ault. Mrs. Baker reported that she would submit a final accounting to the Town Board, which will be available at the Town Hall. All proceeds from the Labor Day Festival will be used to enhance the park. Bookkeeper Ault reported that the park line item is approximately \$55,000.00.

Under new business:

- a. Peter Diachun commented on the Lewiston-Porter Sentinel letter by Mr. Mark Daul concerning the Labor Day Festival. The committee discussed the letter and continues to welcome public input on their concerns and ideas for the park. It was discussed that for future park events, if an admission charge is decided upon, it should be clearly explained in any advertising for that event.
- b. It was brought up that a resident of Sunrise Drive had complained about trespassing on their beachfront property. It was discussed that a sign be placed at the end of the *Porter-on-the-Lake* beach indicating that public beach access ends.
- c. The committee recommended monetary donations to Boy Scout Troop 829 and to the Niagara County Sheriff's Department's Mounted Division (\$1,000.00 and \$250.00 respectively) for their assistance at the Labor Day Festival. This recommendation will be acted upon by the Town Board at its October meeting.
- d. Two new sub-committees were formed:
 1. **DRAINAGE COMMITTEE:** Bob Reese, Larry White, Tony Collard and Don Larrabee to examine and report on park drainage issues.
 2. **PARK MEMORIALS COMMITTEE:** Linda White and Gloria Baker to investigate the feasibility of memorial benches placed throughout the park.

Chairman's Report:

- a. Chairman Reese reported that nine workers from the Niagara County Sheriff's

Department's Work Release

Program cleaned up the park the day after the festival.

- b. A hydraulic pump has been replaced on a park mower.

The committee meeting adjourned at 7:50 P.M.

THE NEXT MEETING WILL BE HELD ON MONDAY, OCTOBER 26, 2009 AT 6:30 P.M. AT THE PORTER TOWN HALL.

Submitted by: Ernest A. Lavigueur

RESULT: REPORT ISSUED

14. Report 2009-154

Correspondence

report

RESULT: REPORT ISSUED

15. Report 2009-155

Calendar of Events

- | | |
|--|---|
| Zoning Board Mtg @ Town Hall | Thurs., October 15, 2009 @ 7:30 pm |
| TOWNWIDE TIRE DAY w/without rims
8am-2:00pm | Ransomville Fire Hall Sat., October 17 th
Town & Village Residents |
| Empire Driver Safety Class | Saturday, October 24 th , 9:00am -
3:00pm - Youngstown Village Center |
| Final Bids - Surplus Equipment | Friday, October 30 th , 9:00 a.m. |
| Final TownWide Brush Pick-Up | Mon., Tues., Nov 2, 3, 2009 |
| General Election | Tues., November 03, 2009 6am-9pm |
| No Planning Board Mtg for November | |

Regular Town Board Mtg @ Town Hall

Mon., November 09, 2009 @ 7:00 pm

Halloween Hours, Town of Porter
And Village of Youngstown

Sat., Oct. 31st, from 5pm until 7:30 pm

RESULT: REPORT ISSUED

16. Report 2009-156

Town Board Comments

Comments:

With no further business before the Board the meeting was adjourned at 8:00 pm.

Barbara DuBell,
Deputy Town Clerk

RESULT: REPORT ISSUED
