



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

Gail Zachary

Monday, October 15, 2012

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on October 15, 2012 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	
Larry White	Town of Porter	Councilman	Absent	
Jeff Baker	Town of Porter	Councilman	Present	
Joe Fleckenstein	Town of Porter	Councilman	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Susan Driscoll	Town of Porter	R.P. Appraiser Tech	Present	
Chris Amico	Town of Porter	Engineer	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Barb Dubell	Town of Porter	Deputy Town Clerk	Present	

II. Public Comments

1. Report 2012-155

Public Comments

Ernest Lavigueur, East Avenue, thanked Highway Superintendent Hillman and Deputy Superintendent Gombert for fixing the "green" water which occurred at his home. Apparently, a water hydrant had been opened at the same time water in the home was being run.

He also asked if the Town got what they paid for regarding the newly installed solar panels. Councilman Baker responded that the Town received exactly what they requested in the bid proposal. It might be a year before any savings is shown. The panels will never provide us 100% power. Certain fees remain the same whether power is used or not.

Mr. Lavigueur also asked about the status of the recycling bins. The bins will be delivered between November 13 and 15 with the first pickup occurring December 6. A flyer will go out this month along with two newspaper ads. There will be an informational meeting on November 3 at Town Hall and one at Ransomville Fire Hall on November 10. Both meetings will be from 9 a.m. until noon.

Ted Hogan, from Ransomville, questioned the legality of two windmills on one parcel of land. Building Inspector Rogers stated that two was the limit.

Debbie Parker, from Ransomville, asked about the money that is given to the Chamber every year by the Town. Supervisor Wiepert said that the money has been tentatively reduced.

Ms. Parker also requested the Town Board become even more vocal about letting the community know

that the closure of W.H.Stevenson Elementary School (Wilson Central School District) would be devastating to the community, the district, the hamlet, and to all who care about quality education. Ms. Parker stated, "The school **is** our community." "[They] are not raising my taxes...[again]." Councilman Fleckenstein added, "Do we need a principal in each building?" Ted Hogan expressed concern that (if the school closes), ".....lose assessments and lose sales tax."

Dan and Darcy Seider and family attended the meeting. They are parents of children who attend Stevenson. Mr. Seider said that he knows of many young couples who have moved to the Ransomville area because of the *quality education* they knew their children would receive. They both voiced their deep concern about this possibility and stated that the members of the Wilson School Board **WANT** to hear from those who are displeased. A **large attendance** and the **concern of parents** will have a **huge** impact on their decision.

Councilman Fleckenstein reported that he and some town board member, have met with school board president, Timothy Kropp, and Superintendent Michael Wendt, have met with the school leaders and have told them of the concerns of the community.

Mr. Seider said that everyone should write letters to the school board members. It was suggested by a member of the audience that perhaps the local business association could help out.....?

RESULT:	REPORT ISSUED
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III. Reports/Resolutions

1. Resolution 2012-103

Minutes Approval

Approve the minutes of the regular Town Board meeting of September 10, 2012, and the Work session of October 1, 2012.

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

2. Resolution 2012-102

Audited Vouchers

Approve all audited vouchers.

TOWN OF PORTER

WARRANT: POST AUDIT - SEPT, 2012 9/30/12

FUND	01	6,064.42
FUND	02	7,448.01
FUND	04	97.89
FUND	06	403.87
FUND	07	818.23
FUND	33	123.71
FUND	34	288,710.00
TOTAL		<u>303,666.13</u>

VOUCHER 'S 17282 THRU 17304

WARRANT: # 10 OCTOBER, 2012 10/15/12

FUND	01	11,275.53
FUND	02	15,025.55
FUND	04	70,170.12
FUND	06	70,848.56
FUND	07	10,221.74
FUND	10	836.25
FUND	33	161.93
FUND	35	200.00
TOTAL		<u>178,739.68</u>

VOUCHER 'S 17305 THRU 17405

TOTAL 482,405.81

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

3. Report 2012-156

Town Clerk

September 2012 Revenue

Water	\$39,493.42
Sewer	\$10,072.53
License and Fees	\$ 1,091.88

The Town Clerk's office received a note from George Spira, Planning Board Chairman, stating the following people have been credited with four (4) hours training as a result of their session on September 13, 2012:

Planning Board

George Spira
 Donald McCollum
 Jip Ortiz
 Tom Oddy

Zoning Board

Peter Jeffery
 Jackie Robinson
 William Leggett

Mr. Spira thanked Roy Rogers, Code Enforcement Officer/Building Inspector, Susan Driscoll, Real Property Technician/Planning and Zoning Coordinator and Mike Dowd, Town Attorney, for instructing the class and discussing the numerous aspects of the planning and zoning manual.

A letter was received from the State Department which reported the population of all towns over 5,000 residents as a result of the 2010 Census. The Town of Porter shows a population of 6,771, down from 2000 which was 6,920. This represents a decrease of 2.2%.

Halloween hours for Wednesday, October 31, 2012, will be from 5:00 p.m. until 7:30 p.m. These hours are in conjunction with the Village of Youngstown.

RESULT:	REPORT ISSUED
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4. Report 2012-157

Supervisor

- Supervisor's Monthly Report for September, 2012 was distributed to all Town Board members.
- Resolution to accept the Supervisor's Monthly Report for September, 2012.
- August Sales Tax \$96,070.25 up from 2011, \$24,857.05 year to date.

The Supervisor requested two copiers be listed as surplus property. This was approved by the Board, subject to the clearing of all information/memory on said copiers. Councilman Baker made that motion with Councilman Baia seconding. This proposal was approved unanimously.

RESULT:	REPORT ISSUED
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5. Resolution 2012-107

Acceptance of Supervisor's September Report

Resolution to accept the September 2012 Supervisor's Report

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

6. **Resolution 2012-104**

Zoning Change/Blairville Road

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Porter, New York (the "Town"), at a regular meeting thereof, held at the Town Hall, 3265 Creek Road, Youngstown, New York, on the 15th day of October, 2012, duly adopted a resolution as follows:

THE TOWN BOARD HAVING conducted a public hearing on the 13th day of August, 2012, and

HAVING conducted a public hearing on the 15th day of October, 2012, and

HAVING given this matter due consideration and;

UPON the recommendation of the Town of Porter Planning Board and Niagara County Planning Board

HEREBY amends the Town Zone Ordinance and the Town Building Zone Map by changing from Rural Residential District to Rural Commercial District the following described property:

Tax Map Number 59.00-2-18 in the Office of the Town or Porter Assessor and being an 1.5 acre parcel fronting upon the northerly side of Blairville Road at or near its intersection with the west side of East Avenue.

Dated: October 15, 2012
By Order of the Town Board of
the Town of Porter, New York

_____, Town Clerk
Town of Porter

In order to complete this amendment, Attorney Dowd stated that now there needed to be a motion by the Board stating there was no adverse environmental impact to this proposal. Councilman Baia made this motion and Councilman Baker seconded it, with a unanimous "aye" vote. Councilman Baker made the motion that a notice of zoning **map** amendment needed to be issued. Councilman Fleckenstein seconded it with the motion being carried unanimously.

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

7. **Resolution 2012-105**

Zoning Change/Lake Road

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Porter, New York (the "Town"), at a regular meeting thereof, held at the Town Hall, 3265 Creek Road, Youngstown, New York, on the 15th day of October, 2012, duly adopted a resolution as follows:

THE TOWN BOARD HAVING conducted a public hearing on the 13th day of August, 2012, and

HAVING conducted a public hearing on the 15th day of October, 2012, and

HAVING given this matter due consideration and;

UPON the recommendation of the Town of Porter Planning Board and Niagara County Planning Board

HEREBY amends the Town Zone Ordinance and the Town Building Zone Map by changing from Rural Commercial District to Rural Residential District the following described property:

Tax Map Number 34.00-1-10 in the Office of the Town of Porter Assessor and being an 8.2 acre parcel fronting upon the southerly side of Lake Road at or near its intersection with the west side of Ransomville Road.

Dated: October 15, 2012

By Order of the Town Board of
the Town of Porter, New York

_____, Town Clerk
Town of Porter

In order to complete this amendment, Attorney Dowd stated that now a motion by the Board was needed stating there is no adverse environmental impact. Councilman Baker made that motion with Councilman Baia seconding it. The motion was carried unanimously. Mr. Baia made the motion to issue a notice of zoning map amendment. Mr. Baker seconded. Motion was carried unanimously. Attorney Dowd stated the change needs to be posted on the zoning map.

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

8. **Report 2012-158**

Supervisor's Assistant

Bookkeeper's Monthly Report - **September, 2012**

Completed processing all September 2012 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for September 2012 and distributed it to the Supervisor & Town Board members.

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Continued maintaining the town web page.

Submitted to 2013 Tentative budget

Working on recycling program

Worked on 2013 hospitalization

Founders' Day Celebration - The Festival Fund (35) started 2012 with \$15,027.59 in the bank. The Fund currently has \$15,048.47 in the bank. All revenue & expenses were run through this fund. This shows a net of \$20.88, but this net includes \$27.71 of interest, therefore the 2012 Founders' Day Celebration cost the Town of Porter \$6.83.

RESULT:	REPORT ISSUED
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9. **Report 2012-159**

Assessor

Town of Porter Assessor's Office

Monthly Report

1. Completed monthly field inspections for verification of sales and completion of all building projects.
2. Processed monthly sales transfers and splits.
3. Hosted September meeting of NCAA. Topics of discussion included school tax bills, field review of sales and joint meeting with Erie County.
4. Reviewed and took care of problems with school tax bills.
5. Working on providing Planning Board with list of landlocked parcels
6. Continued working on 2013 budget.
7. Susan continuing to learn all aspects of assessing.

RESULT:	REPORT ISSUED
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10. Report 2012-168

Justice Fines			
JUSTICE FINES 2012	01-1000.2610		
	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
JANUARY	6,080.00	(4,347.50)	1,732.50
FEBRUARY	7,530.00	(5,027.50)	2,502.50
MARCH	4,717.50	(2,182.50)	2,535.00
APRIL	3,915.00	(1,870.00)	2,045.00
MAY	6,340.00	(1,705.00)	4,635.00
JUNE	4,950.00	(1,790.00)	3,160.00
JULY	6,042.50	(2,747.50)	3,295.00
AUGUST	5,727.50	(2,112.50)	3,615.00
SEPTEMBER			0.00

OCTOBER		0.00
NOVEMBER		0.00
DECEMBER		0.00
	45,302.50	(21,782.50)
		23,520.00

RESULT:	REPORT ISSUED
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11. Report 2012-160

Building Inspector/Code Enforcement Officer

Town of Porter				Sept Permits			
<u>No.</u>	<u>Date</u>	<u>Owner</u>	<u>Type</u>	<u>Location</u>	<u>Value</u>	<u>Amt</u>	
082-12	9/10	Peter Zabel	Pole Barn	3963 Calkins Rd	20,000	50	
083-12	9/17	James Eismueller	Pole Barn	3735 River Rd	40,000	50	
084-12	9/17	Steven Sabey	Deck	3460 Creek Rd	999	25	
085-12	9/26	Jacek Mazur	Fence	2417 Lake Rd	2,000	25	
086-12	9/26	James Trzaska	Garage	3 Ptr Ctr Rd. Ext.	14,300	50	
087-12	9/28	Andrew Rawls	Deck	2217 Lake Rd	2,500	25	
088-12	9/28	Andrew Rawls	Addition	2217 Lake Rd	6,000	100	
					September	85,799	325
					Y - T - D	4,227,174	11,040

BUILDING DEPARTMENT REPORT: Month September 2012

- 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 Planning Board and ZBA meeting.
- Pursued numerous Zoning code violations and issued to the Supervisor "Complaints Report" for the month of September 2012.

- Continued to review Town Codification portfolio

RESULT:	REPORT ISSUED
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12. Report 2012-161

Highway

Department of Public Works

Monthly Report for September 2012

Highway Department:

- Completed monthly brush pickup. Last scheduled pickup will be November 5th for area Lutts Road and west. November 6th for area east of Lutts Road.
- Completed replacement of 1760 sq. ft. of deficient sidewalk on Curtiss Ave.
- Completed yard restoration around sidewalk job.
- Provided assistance to the Town of Pendleton and Niagara County with trucks hauling blacktop for their paving projects.

Drainage Department:

- Mowing program is completed for this year.
- Removed deadfalls in 4 Mile Creek north of Rt 93.

Water and Sewer Department:

- Completed monthly meter reading.
- Completed painting and maintenance on 143 fire hydrants.
- Completed installation of a water service on Youngstown/Wilson Rd.

I would like board approval to attend the Highway Expo in Syracuse on Wednesday October 17th.

Respectfully submitted,

Scott B. Hillman

Superintendent of Highways

RESULT:	REPORT ISSUED
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13. Resolution 2012-108**Highway Expo**

Permission for highway superintendent to attend the Highway Expo in Syracuse on Wednesday, October 17, 2012.

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

14. Report 2012-162**Attorney**

Attorney Dowd said he was still waiting to hear from Modern Disposal regarding the contract.

RESULT:	REPORT ISSUED
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15. Report 2012-163**Engineer****Engineering**

For the month of September:

- CRA completed one site drainage review (Balmer Road)
- Attended Town Board Meeting
- Provided an engineering estimate to prepare contract documents and provide bid phase and contract administration services for the replacement of the roof at Town Hall.

Engineering Support (future)

Cast iron pipe waterline replacement project: prepared conceptual drawings and cost estimate to replace the balance of the 6-inch cast iron pipe in the system and restore condition of 12 inch along River Road. Estimate and drawings have been submitted to the Town Board, Scott Hillman, and Rotella Grant Management. Next Step is to proceed

with SEQR determination and preliminary design.

Hydraulic Water Model: Developed and submitted a scope of work and engineering estimate (10k) to prepare a town-wide water model for purposes of capital planning and determining the need/ sizing of a new water tank(s).

Water Tank rehabilitation: Developed a budgetary cost estimate to replace the existing water tank in Ransomville. The estimate was based upon replacement in kind. Water tank literature and estimate have been submitted to the Town Board, Scott Hillman, and Rotella Grant Management.

RESULT:	REPORT ISSUED
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16. Report 2012-164

Grant Writer

No report received.

RESULT:	REPORT ISSUED
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17. Report 2012-165

Correspondance

report

RESULT:	REPORT ISSUED
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18. Report 2012-167

Calendar of Events

Saturday, October 27, 2012

Tire Drop-Off Day @ Ransomville Fire Hall Parking Lot

8:00 a.m. until 2:00 p.m.

Tires With Rims Also Accepted

Halloween Hours

Wednesday, October 31 - **5:00 p.m until 7:30 p.m.**

Monday, November 05, 2012

Regular Town Board Meeting @ Town Hall - 7:00 p.m.

Tuesday, November 06, 2012

General Election/ Polls open from 6:00 a.m to 9:00 p.m.

Monday, November 12, 2012

Veteran's Day - Office Closed

Thursday, November 15, 2012
(Please note date change)

Planning Board Meeting @ Town Hall - 7:00 p.m.

RESULT:	REPORT ISSUED
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19. Report 2012-166

Town Board Comments

The regular meeting of the Porter Town Board was adjourned at 7:50 p.m., with Councilman Baker making the motion and Councilman Baia seconding it.

Gail Zachary
Porter Town Clerk

RESULT:	REPORT ISSUED
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