



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Gail Zachary

Monday, November 9, 2009

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on November 9, 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	
Gail Zachary	Town of Porter	Town Clerk	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Susan Driscoll	Town of Porter	R. P. Appr Tech - Trainee	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Dave Britton	Town of Porter	Engineer	Absent	
Mike Dowd	Town of Porter	Attorney	Present	
Chris Amico	Town of Porter	Engineer	Present	

II. Minutes Approval

1. Resolution 2009-138

Minutes Approval

Approve minutes of the regular Town Board meeting, October 13, 2009; work session minutes of October 22, 2009, the work session minutes of October 29, 2009 and also the Public Hearing minutes of November 5, 2009.

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

III. Public Portion

1. Report 2009-160

Public Comments

Reeve Tower, Lake Road, questioned why his neighbor’s property had not yet been repaired. The building inspector said he would revisit and make sure the drainage was taken care of. Mr. Tower also questioned the square feet formula which was used to issue his neighbor’s permit. A certificate of occupancy has been issued. Mr. Dowd tried to explain to Mr. Tower that the formula was adhered to, and that it was legal. Councilman-Elect Joe Fleckenstein would like to meet with Mr. Tower and the building inspector to discuss this further..... when things “calm down.”

Mr. Edward McGreevy, Collingwood Estates, thanked Highway Superintendent, Scott Hillman for his help with the drainage problem behind him. He stated that Mr. Hillman was professional, knowledgeable, treated him with the utmost courtesy and answered all of his questions.

Supervisor Wiepert welcomed students from Lewiston-Porter who are in a government class at the high school.

RESULT: REPORT ISSUED

IV. Reports/Resolutions

1. Resolution 2009-139

Payment of Audited Vouchers

Resolution to approve the vouchers, as audited:

TOWN OF PORTER

WARRANT:	POST AUDIT - OCT, 2009	10/31/09
FUND 01		3,097.80
FUND 02		874.96
FUND 04		194.76
FUND 06		37,876.39
FUND 07		2,197.86
FUND 33		520.56
FUND 35		346.90
TOTAL		<u>45,109.23</u>

VOUCHER 'S 13016 THRU 13044

WARRANT: #11 NOVEMBER, 2009 11/9/09

FUND 01	13,998.63
FUND 02	30,111.48
FUND 04	66,672.83
FUND 06	1,782.74
FUND 07	69,046.08
FUND 10	785.58
FUND 33	77.87
FUND 35	218.07
TOTAL	<u>182,693.28</u>

VOUCHER 'S 13045 THRU 13141

227,802.51

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

2. Report 2009-173

Town Clerk

October 2009 Revenue:

Water	- \$31,852.36
Sewer	- \$15400.47
License and Fees	- \$ 1,143.58
S.P.C.A. contacts	- 50

RESULT:	REPORT ISSUED
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3. Report 2009-162

Supervisor's Report

- Supervisor's Monthly Report for October 2009 was distributed to all Town Board members.
- September Sales Tax \$132,469.22. The Town is up about \$24,000.03 for 2009.
- Resolution to accept the Supervisor's Report for October 2009.

Mr. Wiepert also thanked Matt Buerger for getting a group together, as part of his eagle scout project, to paint the inside of the Porter-On-The-Lake pavilion.

Supervisor Wiepert attended an Old Fort meeting and said that there are now about 200 signs along the Seaway trail that depict certain events during the War of 1812.

RESULT:	REPORT ISSUED
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4. Resolution 2009-140

Acceptance of Supervisor's Report

Resolution to accept Supervisor Wiepert's monthly report for October 2009.

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

5. Report 2009-163

Supervisor's Assistant

Bookkeeper's Monthly Report - October 2009

- Completed processing all October 2009 Vouchers and Journal Entries.
- Prepared Supervisor's Monthly Report for October 2009 and distributed it to the Supervisor and Town Board members.
- Completed Bi-weekly and Monthly payrolls.
- Completed Check registers for all check payments.
- Continued maintenance on the Web Page, www.townofporter.net
- Continuing to work with Town Clerk on the Minute Traq program.
- Continuing with Suzanne Raby's training
- Worked on preliminary budget.
- Assisted Water Billing clerk Ramona Lockhart with the 2009 Bad-debt write-off.

RESULT: REPORT ISSUED

6. Report 2009-164

Assessor

Assessor Monthly Report

RE: October 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-retained or eliminated exemptions based on responses.
5. Corrected some property class codes to establish consistency on the tax roll.
6. Unable to attend October's meeting of the Assessor's Association-obtained all information covered at meeting from ORPS including discussion on tax reform and writing a response from the association to suggested changes including other sources of taxation-such as encouraging eliminating the school tax funding from the property tax system by looking for alternative sources of funding and elimination of frivolous exemptions.

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. Processed all “former exempts”, unpaid water and unpaid sewer amounts as liens against property for upcoming county and town tax bills.
9. Processed list of owners not on “approved” list for automatic renewal of Star Enhanced exemptions-notified owners with request to provide proper documentation to continue receiving exemption.
10. Continued to receive and process applications for all exemptions- including all necessary documentation required by Real Property Tax Law.
11. 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.

RESULT: REPORT ISSUED

7. Report 2009-165

Building Inspector/Code Enforcement Officer

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF OCTOBER 2009

NAME	NO.	DATE	ADDRESS	CATEGORY	COST	FEE
SHAFFER, Carl	66-09	10/5	2070 Lake Rd	Garage/addition	3,000	100
WHITE, Michael	67-09	10/6	214 Lake Rd	Shed	2,200	25
ELIA, Lawrence A.	68-09	10/13	433 Lake Rd	Foundation only		
DIRIENZO, Bernard	69-09	10/19	3544 East Ave	Fence	1,700	25
KAZULAK, Heidi	70-09	10/21	1007 Meadow Dr	Addition	2,700	100
CARTER, Steven	71-09	10/26	2625 Lake Rd	Garage	14,800	50
				TOTAL	24,400	300

CERTIFICATES OF OCCUPANCY ISSUED

WADDELL, Robert	12-09	10/23	1143 Balmer Rd	Single family res.
DRENNAN, Jacqueline	13-09	10/30	1491 Lake Rd	Accessory building
DRENNAN, Jacqueline	14-09	10/30	1491 Lake Rd	Single family res.

BUILDING DEPARTMENT REPORT: Month October 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.
- Pursued numerous zoning code violations and issued to the Supervisor “Order of Violations Report” for the month of October, 2009
- Continued review of draft new zoning law and subdivision regulations
- Attended training on web-based Geographic Information System.

Mr. Rogers stressed that the Elia permit was for the foundation Only.

RESULT:	REPORT ISSUED
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8. Resolution 2009-142

Purchase of Intergrated Property System

Authorization to purchase from Business Automation Services, Inc. an Integrated Property System in the amount of \$14,820.00. The purchase is contingent upon issuance of the final contract for the LGRMIF Grant in the same amount.

Mr. Rogers went on to say that this would help track permits and inspections. It would help with the Planning and Zoning Boards and it would also have a parcel history attached.

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

9. Report 2009-166

Highway

11/09/2009

Department of Public Works
Monthly Report for October 2009

Highway Department:

1. Completed final town wide brush pick up.
2. Completed the resurfacing of Braley Road with assistance from the Town of Wilson, Town of Pendleton, Town of Cambria, and the Village of Lewiston.
3. Completed final round of roadside mowing.
4. Provided assistance to the Town of Newfane with a truck hauling blacktop for paving of the parking lot at their new town hall.
5. Continuing preparation of winter equipment.

Drainage Department:

1. Continuing the mowing as long as weather will allow.
2. Completed installation of the protective berm south of Youngstown Estates with assistance from the Town of Lewiston.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Continuing the winterization of all fire hydrants.

I would like to thank the board for allowing us to attend the Dival Safety Seminar. It was very informative.

We received bids on the surplus equipment. I need a board resolution awarding the sales to the high bidders. The sale made \$2,704.00.

Respectfully submitted,

Scott B. Hillman
Highway Superintendent

RESULT: REPORT ISSUED

10. Resolution 2009-143

Water/Sewer Adjustments

Date: November 2, 2009

Re: Account Adjustments for the month of October

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

<u>Account #</u>	<u>Amount</u>	<u>Service</u>
20-0680	\$ 43.13	Water
	\$ 81.00	Sewer

Reason: Meter was not working correctly and has been replaced.

20-0257.01	\$ 75.20	Lakeshore
	\$ 211.79	Water

Reason: previous adjustment added back to bill because there was no attempt to pay. Per bookkeeper and Scott.

Respectfully submitted,

Ramona M. Lockhart

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

11. Resolution 2009-141

Surplus Equipment-High Bids

Resolution to accept the high bids of \$72.00 for two Kaman pump controllers and \$27.00 for the Allen-Bradley circuit boards from Dan McGovern; \$150.00 for the 75hp three-phase electric motors, \$2,000.00 for the Onan 60KW generator diesel-powered with transfer switch and \$10.00 for the Campbell Air compressor from Moley Electric; \$167.00 for the MP Power Sweep broom and \$278.00 for the Ford snow blower from David Yash.

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

12. Report 2009-167

Engineer

Update - November 9, 2009

1. Drainage Reviews

- Site visits completed on October 15 to investigate various drainage complaints (NYSDOT/Town)
- Attended the ZBA meeting on October 15 in connection with 1491 Lake Road
- Submitted an engineering letter of opinion regarding facilities constructed at 1491 Lake Road

2. Storm System Capital Improvements

- CRA met with Scott Hillman and a representative from Geotechniques on October 20 as part of the investigation of Cain Road and culvert crossing near the highway garage.
- Supervisor Wiepert asked Chris Amico, CRA engineer, if there was any stimulus money for roads and bridges. Mr. Amico said that there was none for this area.

RESULT:	REPORT ISSUED
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13. Report 2009-168

Attorney

Supervisor Wiepert asked Mr. Dowd to please review the agreement between the Town of Porter and the Village of Youngstown concerning upgrades to the Sewer Treatment Plant in Lewiston. Mr. Dowd said there were some issues with the Village that needed

to be addressed before a contract should be signed. Mr. Wiepert reiterated the need to have this finalized.

RESULT:	REPORT ISSUED
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14. Report 2009-169

Porter-On-The-Lake

“PORTER-ON-THE-LAKE” PARK COMMITTEE MEETING October 26, 2009

Attending:

Norm Ault	Fran Boltz	Betsy Diachun	Don Larrabee	Bob Reese
Mert Wiepert				
Bill Baird	Tony Collard	Peter Diachun	Ernest Lavigueur	Bill Warren

The twentieth general meeting of the “Porter-on-the-Lake” Park Committee was held at the Porter Town Hall on Monday, October 26, 2009. Representing the Town was Supervisor Wiepert and Bookkeeper Ault.

Chairman Reese called the meeting to order at 6:35 P.M. The minutes from the meeting of September 21, 2009 were distributed and approved. Correspondence was received from the Boy Scouts of America Troop 829 regarding an “Eagle Court of Honor” and reception honoring Matthew Theodore Buerger on Saturday, November 7, 2009 at the First Presbyterian Church of Youngstown. Chairman Reese advised that the Town of Porter will recognize Eagle Scout Buerger for his project that involved the painting of the park’s pavilion.

Supervisor Wiepert advised the committee that he has had contact with grants writer Bernie Rotella and has advised him to look into available grants for recreational equipment and the construction of smaller pavilions due to the fact that Greenway funding for a park master plan would be at least two years away. In addition, the supervisor advised that corporate sponsorship of park improvements could be obtained through a five-year capital project program.

Bookkeeper Ault advised that the Porter-on-the-Lake Labor Day Festival has a net profit of \$12,616.98 with only two expenses outstanding. All proceeds will go into the town’s park line. Bookkeeper Ault anticipates that the park line will be approximately \$55,000.00 after the costs incurred to winterize the park’s facilities are paid.

Old Business:

- a. Chairman Reese reported that both the Hospice Dash and the Cerrone Company Family Picnic ran smoothly and that both organizers wished to schedule dates for the 2010 season. Chairman Reese estimated that at least five hundred persons attended the Cerrone Company event. Mr. Cerrone has volunteered to bring topsoil to repair damaged portions of the lawn in the spring. Chairman Reese reported that **a total of twenty scheduled events were held at the park during the 2009 season.**
- b. Chairman Reese reported that a Sunrise Lane homeowner has placed two signs indicating private property east of the park in the beach area. This is a response to an earlier complaint from a homeowner advising that persons were entering his property from the park and lying on his lawn.
- c. Chairman Reese advised that winterization of the park’s water facilities will occur in the next few weeks.
- d. Chairman Reese read a proposal from Niagara County that addressed the drainage problems in the park. The committee discussed this plan along with several alternatives at length and

agreed that the number one problem that has to be resolved is drainage in order to open the park in 2010. Chairman Reese was directed to contact a local trenching company for their input. The drainage sub-committee will report at the next meeting as to the best cost-effective method.

- e. Chairman Reese presented the committee with a pavilion fee schedule for pavilion rental at several county parks and Fort Niagara State Park. The sub-committee will review this schedule prior to setting the 2010 season pavilion rental fee.
- f. Chairman Reese showed the committee pictures of the prefabricated pavilions at Bonds Lake and Krull Park. After a discussion on corporate sponsorship for this project, he was advised to contact the manufacturer for pavilion pricing.

New Business:

- a. Supervisor Wiepert reported that the town will look into placing a larger and more visible sign identifying Porter-on-the-Lake at the corner of Lake and Dietz Roads. The possibility of obtaining funding for the sign from a grant through the Niagara Falls Bridge Commission will be investigated.
- b. Chairman Reese advised the committee that several residents had requested that a Town of Porter Community Day be held at the Park. The request will be discuss by the utilization sub-committee.

The committee meeting adjourned at 7:45 P.M.

THE DATE OF THE NEXT MEETING WAS NOT SET AT ADJOURNMENT.

COMMITTEE MEMBERS WILL RECEIVE AN EMAIL NOTIFICATION AS TO THE DATE OF THE NEXT MEETING.

Submitted by: Ernest A. Lavigueur

Bob Reese, caretaker, said that Bryk Plumbing winterized POTL's plumbing last Monday, at NO charge to the Town of Porter. Supervisor Wiepert directed a letter of thanks to be sent to Mr. Bryk.

RESULT: REPORT ISSUED

15. Report 2009-170

Correspondance

Supervisor Wiepert reported an Electronic Waste and Food/Clothing Collection Event, November 14, 2009, at the Niagara County Courthouse parking lot, from 10:00am until 2:00pm.

RESULT: REPORT ISSUED

16. Report 2009-171

Calendar of Events

- Town Hall CLOSED for Veterans' Day - Wednesday, November 11, 2009
- Town Hall CLOSED for Thanksgiving - Thursday, Nov. 26 and Friday, Nov. 27, 2009
- Planning Board Meeting - Thursday, December 03, 2009
- Regular Town Board Meeting - Monday, December 14, 2009

RESULT: REPORT ISSUED

17. Report 2009-172

Town Board Comments

Councilman Baia complimented Councilmen Baker and White on the Labor Day festival at Porter-On-The-Lake.

With no other business to discuss, the regular Town Board meeting was adjourned at 7:30pm.

Submitted by Gail Zachary, Town Clerk

RESULT: REPORT ISSUED
