



**Town of Porter**  
**Town Board Meeting**

3265 Creek Road  
Youngstown, NY 14174  
[TownofPorter.Net](http://TownofPorter.Net)

~ Minutes ~

Gail Zachary

**Monday, December 8, 2008**

**7:00 PM**

**Town Hall Auditorium**

**I. Call to Order**

7:00 PM Meeting called to order on December 8, 2008 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

| <b>Attendee Name</b> | <b>Organization</b> | <b>Title</b>             | <b>Status</b> | <b>Arrived</b> |
|----------------------|---------------------|--------------------------|---------------|----------------|
| 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       |                |
| 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       |                |
| Susan Driscoll       | Town of Porter      | Acting Assessor          | Present       |                |

**II. Public Hearings**

**1. Report 2008-169**

**Water Reserve Fund**

The Town Board will hold a public hearing to hear interested parties regarding the withdrawal of \$60,000 from the water reserve fund to pay principal and interest to reduce the renewal BAN.

|                                   |
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| <b>RESULT:      REPORT ISSUED</b> |
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**2. Resolution 2008-138**

**Public Hearing Closure - Water Reserve**

Resolution to close the Water Reserve Fund Public Hearing.

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

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**3. Resolution 2008-136**

**Water Reserve Fund Public Hearing**

Resolution to withdraw \$60,000 from the water reserve fund to pay principal and interest towards reducing the renewable BAN (This payment was made in June 2008).

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

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**4. Report 2008-170**

**Lakeshore Sewer BAN**

The Town will hold a public hearing, December 08, 2008, to hear any interested parties to discuss the increase of the Lakeshore Sewer BAN by an additional \$17,500 from Fund 32 (Capital Projects).

**RESULT:**      **REPORT ISSUED**

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**5. Resolution 2008-139**

**Public Hearing Closure - Lakeshore Sewer BAN**

Resolution to close the Lakeshore Sewer BAN Public Hearing.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>        |
| <b>MOVER:</b>    | Jeff Baker, Councilman            |
| <b>SECONDER:</b> | Nancy Orsi, Councilwoman          |
| <b>AYES:</b>     | Wiepert, Baia, Orsi, Baker, White |

## 6. Resolution 2008-137

### Public Hearing/ Lakeshore Sewer BAN

Resolution Authorizing Supervisor to Increase Investment of Funds in the Amount of \$17,500.00 of the Town in Bond Anticipation Notes Authorized for Improvements to Lakeshore Sewer District Phase I, II & III

At a duly constituted meeting of the Town Board of the Town of Porter, New York held at the Town Hall on the 8<sup>th</sup> day of December, 2008 at which a quorum was present and upon the resolution of the Board it was found that:

**Whereas** the Town of Porter Town Board has previously established the Lake Shore Sewer Improvement Area Phases I, II & III directing that certain improvements in said Area be constructed upon the required funds being made available or provided in accordance with certain plans now on file in the office Town Clerk of the said town; and

**Whereas**, the Town has previously invested the sum of \$20,000.00 from monies of the Town held in reserve upon resolution of the Town dated the 14<sup>th</sup> day of July, 2008 to pay for the cost associated with those improvements; and

**Whereas**, the Town has determined that it is in the best interest of the Lakeshore Sewer District Phase III to upgrade these improvements by the installation of electric flow meters on the lift stations servicing said District in an amount not to exceed \$17,500.00; and

**Whereas**, it is desirable to meet the obligations of said district for the cost associated with such improvements and upgrades; and

**Whereas**, monies to be awarded by grants and permanent financing may be obtained upon completion of said improvements and upgrades; and

**Whereas**, the Town Board believes it to be reasonable and prudent to invest monies of the Town held in reserve to the Lakeshore Sewer District Phase I, II & III in the form of properly inscribed Bond Anticipation Notes as permitted pursuant to New York State Finance Law Section 11(3)(a)(1);(b)(2) ;

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Porter, in the County of Niagara, that the Town Supervisor is hereby authorized and directed to execute all necessary documents and instruments required for the purpose of increasing the investment of allowable reserve funds in Bond Anticipation Notes not to exceed \$17,500.00 issued by the Lakeshore Sewer District Phase I, II & III; and it is further

**RESOLVED**, by the Town Board of the Town of Porter, in the County of Niagara, that the Town Supervisor is hereby authorized and directed to execute all necessary documents and instruments

necessary to issue Bond Anticipation Notes not to exceed \$17,500.00 in addition to presently issued Bond Anticipation Notes in the amount of \$20,000.00, on behalf of the Lakeshore Sewer District Phase I, II & III as permitted pursuant to law.

Ayes:

Nays:

\_\_\_\_\_  
Gail Zachary  
Town Clerk

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>        |
| <b>MOVER:</b>    | Jeff Baker, Councilman            |
| <b>SECONDER:</b> | Larry White, Councilman           |
| <b>AYES:</b>     | Wiepert, Baia, Orsi, Baker, White |

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**III. Public Comments**

**1. Report 2008-181**

**Public Comments**

No one in the audience chose to speak.

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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**IV. Reports/Resolutions**

**1. Resolution 2008-140**

**Minutes Approval - November 10, 2008**

Resolution to approve the November 10, 2008 minutes of the regular Town of Porter Board meeting.

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

## 2. Resolution 2008-141

### Payment of Audited Vouchers

#### TOWN OF PORTER

**WARRANT: POST AUDIT - NOV 2008 11/30/08**

|              |    |                        |
|--------------|----|------------------------|
| FUND         | 01 | 6,049.12               |
| FUND         | 02 | 838.26                 |
| FUND         | 04 | 112.31                 |
| FUND         | 06 | 327.03                 |
| FUND         | 07 | 1,112.65               |
| FUND         | 33 | 38.57                  |
| <b>TOTAL</b> |    | <b><u>8,477.94</u></b> |

**VOUCHER 11640 THRU 11665**

**WARRANT: # 12 DECEMBER 2008 12/8/08**

|              |    |                          |
|--------------|----|--------------------------|
| FUND         | 01 | 46,808.07                |
| FUND         | 02 | 30,324.22                |
| FUND         | 03 | 850.84                   |
| FUND         | 04 | 29,408.65                |
| FUND         | 06 | 7,607.39                 |
| FUND         | 07 | 3,755.76                 |
| FUND         | 10 | 889.40                   |
| FUND         | 33 | 5.45                     |
| FUND         | 35 | 137.44                   |
| <b>TOTAL</b> |    | <b><u>119,787.22</u></b> |

**VOUCHER 11666 THRU 11750**

**128,265.16**

|                  |                                   |
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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>        |
| <b>MOVER:</b>    | Jeff Baker, Councilman            |
| <b>SECONDER:</b> | Nancy Orsi, Councilwoman          |
| <b>AYES:</b>     | Wiepert, Baia, Orsi, Baker, White |

**3. Report 2008-171****Town Clerk**

## November 2008 Receipts:

|                   |              |
|-------------------|--------------|
| Water             | \$ 25,840.84 |
| Sewer             | \$ 67,862.71 |
| Licenses and Fees | \$ 554.49    |

|                   |    |
|-------------------|----|
| S.P.C.A. Contacts | 27 |
|-------------------|----|

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| <b>RESULT:      REPORT ISSUED</b> |
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**4. Report 2008-178****Supervisor**

- Supervisor's Monthly Report for November 2008 was distributed to all Town Board members.
- October Sales Tax \$76,094.49. For the year to date sales tax is up \$49,059.26.
- Resolution to accept the Supervisor's Report for November 2008.
- Resolution to set Year/End meeting for 4 pm, Tuesday, December 30<sup>th</sup> & the Organizational meeting for 4 pm, Monday, January 5<sup>th</sup>.
- Resolution accepting the 2009 Sewer Use Contract with the Town of Lewiston Water Pollution Control Center.

Bob Reese, volunteer member of the Porter-on-the-Lake committee, presented plaques to those who volunteered, supported and sponsored, the Labor Day grand opening at Porter-on-the-Lake, to co-chairs Larry and Linda White and Jeff and Gloria Baker; also Fran Boltz who facilitated 65 students from Niagara University to help paint structures, picnic tables and swing sets; Jeff Baker, for the Ransomville Business Association and the Town of Porter Cabbage Festival; Dave Britton, representing CRA Engineering, for their sponsorship; Don Larrabee, volunteer representative from the Niagara Vintage Aircraft Group, who set up a booth and who also arranged for an antique airplane to fly over the park that day, and Mike Dowd, attorney, who also sponsored. Supervisor Wiepert thanked Bob Reese for all his hard work on the plaques.

**RESULT:      REPORT ISSUED**

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**5. Resolution 2008-142**

**Supervisor's Report**

Resolution to accept Supervisor Wiepert's November '08 Report.

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

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**6. Resolution 2008-143**

**Year-End and Organizational Meetings**

Resolutions to set the Town of Porter Board's year-end meeting for Tuesday, December 30, 2008 at 4:00 pm and to set the organizational meeting for Monday, January 05, 2009 at 4:00 pm.

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

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**7. Resolution 2008-144**

**Sewer Use Contract**

Resolution to approve the 2009 Sewer Use Agreement for 2009 and for the Supervisor to sign any necessary paperwork. This agreement is between the Towns of Porter and Lewiston, and the Villages of Lewiston and Youngstown to share the cost of waste water treatment provided by the Water Pollution Control Center. The 2009 rate increases from \$2.70 per 1,000 gallons to \$2.75 per 1,000 gallons.



**CERTIFICATES OF OCCUPANCY  
ISSUED**

HOGAN, Karen            11-08    19-Nov   941 Lake Rd            Single family

**BUILDING DEPARTMENT REPORT: Month of November, 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 Planning Board and Town Board meetings
- Pursued numerous zoning code violations and issued to the Supervisor “Order of Violations Report” for the month of November 2008.
- Met with the Town Prosecutor and Judges pertaining to several court cases
- Continued review of draft new zoning law and subdivision regulations
- Attended training on erosion control and water run-of management, part of storm water management program.

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| <b>RESULT:      REPORT ISSUED</b> |
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**10. Report 2008-173**

**Highway Department**

Department of Public Works  
Monthly Report for November 2008

**Highway Department:**

1. Called out to plow and salt 3 times.
2. Completed 3 culvert installations.
3. Completed installation of wreaths and banners in Ransomville.
4. Completed installation of 3 historic markers.
5. Completed marking obstructions on all plow routes.

**Drainage Department:**

1. We have finished mowing for the present time. We will resume if it freezes up.

**Water and Sewer Department:**

1. Completed monthly meter reading.
2. Completed 3 service installations.
3. I met with Tim Lockhart and Bernie Rotella regarding the Jet/Vac truck grant. It is still progressing. Bernie is inviting a representative from the state to review the application. He is trying to improve on the use of the grant by incorporating the Pipe Patch equipment and Video Inspection equipment along with the truck.

Snow and Ice Policy: I have submitted a written Snow and Ice Policy to the Attorney for his review. A copy is included for each board member. The state recommends that we have a written policy on record to inform the public of how we will handle snow and ice.

Respectfully Submitted,

Scott B. Hillman  
Highway Superintendent

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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**11. Resolution 2008-145**

**Snow & Ice Policy**

Resolution to adopt the following Town of Porter Snow & Ice policy as written.

**Snow and Ice Policy for the Town of Porter**

**1. Town of Porter Department of Highways - Mission**

It is the Mission of the Town of Porter Department of Highways to ensure our customers- those who live, work and travel in the Town of Porter- have a safe, efficient, balanced and environmentally sound highway system in the Town.

**2. Snow and Ice Control on Town, County and State highways under the jurisdiction of the Town of Porter - Goal**

It is the departments goal to provide highways that are passable and reasonably safe for vehicular traffic as much of the time as possible within the limitations imposed by weather conditions and the availability of equipment, material and personnel. It is recognized that due to resource limitations and weather conditions, pavement surfaces will be snow covered and/or slippery some of the time. **The traveling public must exercise caution and drive appropriately in those situations.**

**3. Level of Service**

A regular level of service will be maintained on all highways under the jurisdiction of the department between 4:00AM and 10:00PM Monday thru Friday. A modified level of service will be provided on all roads at all times on Saturday, Sunday and Holidays.

**4. Call out Response and Personal Readiness**

The Superintendent of Highways or his designate will monitor weather conditions and patrol Town, County and State Highways prior to 4:00AM as needed. Call out of personnel will be initiated if weather and road conditions warrant a response. The public may report deficient road conditions to the highway office from 8:00AM - 3:30PM Monday thru Friday at 791-3831. After hours reports may be made to the Lewiston Water Pollution Control Center at 754-8291 or the Niagara County Sheriff's Office at 438 - 3393.

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

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**12. Report 2008-174**

**Engineer**

**Engineering Report**

Update - December 8, 2008

**1. Drainage study for the northwest area of the Town (CRA Project # 630508)**

- Next step is for the Town Board to schedule a meeting with CRA to review the recommendations.
  
- 2. **Annual Retainer - Drainage Reviews (CRA Project # 630556)**
  - CRA completed a drainage review on December 3 for a minor subdivision request from Geoffrey Hogan.
  
- 3. **Annual Retainer - (CRA Project # 630556)**
  - CRA attended the Community Coordination Meeting on December 3 regarding the Flood Map Modernization Program.

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| <b>RESULT:      REPORT ISSUED</b> |
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**13. Report 2008-175**

**Attorney**

Report

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| <b>RESULT:      REPORT ISSUED</b> |
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**14. Report 2008-176**

**Correspondance**

Letter from Town Clerk Gail Zachary and Bookkeeper Norm Ault recommending the Town of Porter not hire Systems East to process credit card payments. Even though the credit card fee would be passed on to the customer, the town would still be required to pay a \$20.00 per month fee per checking account used.

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| <b>RESULT:      REPORT ISSUED</b> |
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**15. Report 2008-179****Calendar of Events**

Zoning Board - Thursday, December, 11, 2008 @ 7:30 pm

Town Hall **Closed**- Thursday December 25<sup>th</sup> & Friday December 26<sup>th</sup> , 2008.

Year-End Town Board Meeting - Tuesday, December 30, 2008 @ 4 pm

Also, December 30th @ 4pm Swearing-In Ceremony for Justice Walter Holmes

Town Hall **Closed**- Thursday January 1<sup>st</sup> & Friday, January 2<sup>nd</sup>, 2009

Town Board Organizational Meeting - Monday, January 05, 2009 @ 4 pm

Planning Board - Thursday, January 08, 2009 @ 7 pm

Town Board meeting - Monday, January 12, 2009 @ 7 pm

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| <b>RESULT:      REPORT ISSUED</b> |
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**16. Report 2008-177****Town Board Comments**

There were no comments from the Town Board.

The regular meeting of the Town of Porter Board was adjourned at 7:45 pm.

Gail Zachary  
Porter Town Clerk

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| <b>RESULT:      REPORT ISSUED</b> |
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