



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Gail Zachary

Monday, December, 14, 2009

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on December 14, 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	
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	R. P. Appr Tech - Trainee	Present	

II. Public Portion

1. Report 2009-176

Public Comments

Mike Mahar, CWM District Manager, invited the public to attend CWM's informational session, Thursday, 6:00 pm until 8:00 pm, January 14, 2010 at the Porter Town Hall. He emphasized that this was about the site-wide renewal permit, not expansion.

RESULT: REPORT ISSUED

III. Reports/Resolutions

1. Report 2009-175

Consolidation Study

Gerald Summe, Municipal Services Director, Wendel-Duchsherer, continued his power-point presentation, from October 13th, concerning the merging of the Youngstown Village Department of Public Works and the Porter Town Highway Department.

He went through the process which included meeting with committee members, accounting of expenditures, expenditures within the public works, revenues from other governments, the actual facilities, equipment (needs and sharing), workforce, water/sewer utilities, sharing considerations, history of shared services between the two communities, sharing opportunities and finally, recommendations.

Mr. Summe felt that, all in all, the two municipalities are already working well together, but he does feels there should be a shared services agreement formally signed by both (municipalities).

RESULT: REPORT ISSUED

2. Resolution 2009-144

Minutes Approval

Resolution to approve the November 9, 2009 minutes of the Porter Town Board.

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

3. Resolution 2009-145

Audited Vouchers

Resolution to approve the vouchers, as audited.

TOWN OF PORTER

WARRANT:	POST AUDIT - NOV, 2009	11/30/09
FUND 01		1,866.87
FUND 02		6.45
FUND 04		254.43

FUND	06	263.32
FUND	07	1,331.12
FUND	33	81.45
FUND	35	320.00
TOTAL		<u>4,123.64</u>

VOUCHER 'S 13142 THRU 13166

WARRANT: #12 DECEMBER, 2009 12/14/09

FUND	01	42,400.05
FUND	02	32,093.96
FUND	03	1,069.77
FUND	04	47,452.08
FUND	06	5,558.62
FUND	07	4,316.25
FUND	10	812.52
FUND	33	260.00
FUND	35	825.99
TOTAL		<u>134,789.24</u>

VOUCHER 'S 13167 THRU 13276

138,912.88

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

4. Report 2009-177

Town Clerk

November 2009 Report

Water Receipts	-	\$	22,480.58
Sewer Receipts	-	\$	75,648.16
Licenses and Fees	-	\$	483.22

S.P.C.A. Contacts - 8

RESULT: REPORT ISSUED

5. Report 2009-185

Supervisor

1. Supervisor's Monthly Report for November 2009 was distributed to all Town Board members.
2. October Sales Tax \$76,695.87. The Town is up about \$24,601.41 for 2009.
3. Resolution to accept the Supervisor's Report for November 2009.
4. Resolution authorizing the Supervisor to sign the 2010 Sewer Use Contract

RESULT: REPORT ISSUED

6. Resolution 2009-146

Acceptance of Supervisor's Report

Resolution to accept Supervisor Wiepert's November 2009 report.

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

7. Resolution 2009-148

Sewer Use Contract

Resolution approving the 2010 Sewer Use Agreement and authorize the Supervisor to sign all 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 2010 rate remains at \$2.75 per 1,000 gallons.

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

8. Report 2009-178

Supervisor's Assistant

Bookkeeper's Monthly Report - November 2009

1. Completed processing all November 2009 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for November 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 MinuteTraq program.
7. Continuing with Suzanne Raby's training
8. Working on year end meeting and organizational meeting.
9. Need a resolution setting the year end meeting on December 29th at 4 pm and the organizational meeting on January 4, 2010 at 4 pm.
10. Met with grant writer Bernie Rotella and James Tammaro from State Archives concerning the building inspector's grant (Mr. Ault went on to say that the Town may receive as much as 90%).

RESULT:	REPORT ISSUED
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9. Resolution 2009-147

Year-End/Organizational Meeting Dates

Resolution to set the Town of Porter Year-End Meeting for Tuesday, December 29, 2009 at 4:00 pm., and the Town Organizational Meeting for Monday, January 04, 2010 at 4:00 pm and to rework two BAN's which are payable to the Town. Attorney Dowd will

advise the Town if a public hearing is necessary.

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

10. Report 2009-174

Assessor

Date: December 1, 2009
To: Town of Porter Town Board
Cc: Town Clerk
From: Barbara J. Oaks, Acting Assessor
RE: November 2009

1. Processed monthly sales transfers and splits. Appropriate boards notified if any contracts were outside of the rules or codes of the town.
2. Completed monthly inspections for verification of sales and completion of all building projects. Visited completed projects and photographed. Project sketched from blueprint or on-site measurement. All pertinent information added to computer. Information analyzed and assessed.
3. Continued to aid the public by answering assessment, property and exemption questions both on the phone and in person.
4. Continued to correct property class codes to establish consistency on the tax roll.
5. Attended monthly meeting of the NCAA. Topics included discussion of FVM (Full Value Measurement) and process used to determine annual "level of assessment" as well as annual equalization rate. Set date for Christmas party-Dec 8th- to be held this year at the Tuscarora Club in Lockport.
6. Continued reviewing all sales (including those on most recent list) that will be used by the state to determine Porter's level of assessment as well as equalization rate to assure only valid and uncompromised sales are used. Several sales eliminated from usability-based on state criteria.

7. Updated Pictometry files to enable access to aerial photos via SBL as well as address. Aerial photos have been updated this year.
8. Reviewing land codes and valuation as well as making sure all parcel breakdowns add up to correct acreage.
9. Continued to receive and process applications for all exemptions- including all necessary documentation required by Real Property Tax Law.
10. 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

11. Report 2009-183

Recreation

The Recreation Commission did not meet in December

RESULT: REPORT ISSUED

12. Report 2009-187

Highway

Department of Public Works
Monthly report for November 2009

Highway Department:

1. Called out to plow and salt 3 times.
2. Completed preparation of the winter equipment.
3. Erected snow fence off Lake Road and Church Street.
4. Put up wreaths and banners in Ransomville.

Drainage Department:

1. We removed trees blocking the creek south of RT 93 in Ransomville.

2. Lawn tree Landscaping has removed the tree blocking the outlet end of the culvert north of Riverview Drive in Youngstown Estates.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed 1 water service installation on Lake Road.
3. I attended the Lewiston/Porter Sewer Advisory board meeting. Plant Capital project funding and the 2010 budget were discussed.

Respectfully submitted,

Scott B. Hillman
Highway Superintendent

RESULT: REPORT ISSUED

13. Report 2009-180

Building Inspector/Code Enforcement Officer

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF NOVEMBER 2009

NAME	NO.	DATE	ADDRESS	CATEGORY	COST	FEE
HALL, Brian	75-09	11/9	365 Riverview	Porch	20,000	25
ELIA, Lawrence A.	76-09	11/9	433 Lake Rd	Pole barn	18,000	50
LEDERHOUSE, R	77-09	11/9	3939 Dickersonville	Demolition		25
WESTMORLAND, T	78-09	11/20	3565 Ransomville	Pole barn	3,000	50
WASHUTA, Lorie	79-09	11/30	Lake Rd	Demolition		25
				TOTAL	41,000	175

CERTIFICATES OF OCCUPANCY ISSUED

None

BUILDING DEPARTMENT REPORT - November 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 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 November, 2009.
- Continued review of draft new zoning law and subdivision regulations.
- Responded to one house fire.

RESULT: REPORT ISSUED

14. Report 2009-188

Engineer

No report this month.

RESULT: REPORT ISSUED

15. Report 2009-181

Attorney

Report on agreements between the Town of Porter, the Village of Youngstown and Niagara Frontier State Park Commission, completed in the early 70's concerning the “cost of operation and maintenance of the joint transmission system.”

Attorney Dowd will get back to the board, within a day or two, about holding a public hearing.

RESULT: REPORT ISSUED

16. Report 2009-182**Porter-On-The-Lake**

Report concerning park drainage and next years pavilion rental fees.

Pavilion Rental Fees Committee

It is our job to recommend a shelter rental fee for the 2010 park season.

As per the attached information on shelter pricing fees of area parks, and what the particular parks have to offer visitors, we should be able to make a reasonable assessment of what should be a fair pricing policy.

Please return your Input to all members as to these Ideas;

- 1) Set different fees for the type of event the shelter is needed for;
 - A) Family Functions - Birthdays, graduations, reunions, etc.
 - B) Business or corporate - picnics, parties, etc.
 - C) Non-profit Charities - Fund raisers (sponsored by section 501(c) (3) tax-exempt organizations) only registered 501(C) (3) charities.

My Thoughts (Bob Reese).....

- a) Family Functions - a fee of \$175.00 with a \$50.00 refund after clean up and no damages.
- b) Business or Corporate - \$300.00 with \$50.00 refund after clean up and no damages.
- c) Non-profit Charities - \$100.00 with a \$50.00 refund after clean up and no damages. That will leave \$50.00 to cover any utilities used so there is no cost to the taxpayers.

Input that I have received back to follow:

Fran Boltz - Proof of charity to be provided. (501-C-3 tax form). No more than one (1) fundraiser per calendar year, per charity. Form a 5 member sub-committee of volunteers (not appointed) to meet and decide if there's a question of status as to whether the applicant is in the non-profit, family, or business category.

Nancy Orsi It looks like we are way overpriced. I think that it should be a committee decision with a shared rational. I feel that family functions should be cheaper in order to promote/encourage family use of the park. Possibly make it the same as nonprofit charities Have Family Functions at \$100.00 with the \$50.00 refund for trash removal and no damage.

Norm Ault First, I hope we can find corporate sponsors to construct a couple of

additional smaller pavilions. Until then I feel the fees suggested by Bob are fair. I think we only had one incident where people thought the price was too high for pavilion. I also strongly feel the pavilion should not be split in halves or thirds, this would be a waste of park funds.

Tony Collard Family functions should only be \$150.00 plus clean-up deposit. Business and corporate should be \$200.00 plus \$50.00 deposit.

Krull Park. - Over 325 acres and is used year round. Shelter rental rates are \$25.00 for small shelters, \$40.00 for large shelters and \$75.00 for the Lion's Shelter. There are four larger shelters, several smaller shelters, a band shelter, and the newly built Lion's shelter available for daily rental. The park also offers five softball diamonds, soccer fields with shelters, a sprinkler pool, basketball courts, horseshoe pits, two playgrounds with new updated equipment and safety surfacing, tennis courts and a model airplane field. There are four restrooms located throughout the park. The Krull Park beach is open during the summer, weather permitting from 12-7PM with certified Lifeguards on staff.

Bond Lake Park - Two large shelters and picnic tables in various locations are for anyone wishing to have a picnic and relax around the main lake. These are available on a first come-first serve basis.

The Warming House located at the park is available for private rental from March 15th through November 15th for events such as weddings, family reunions, and retirement parties. Rental fees are \$200. Per day or \$300.00 per weekend (Fri, Sat, & Sun) During the winter months the park also provides a large ice skating rink for family oriented skating as well as a smaller rink used exclusively for hockey. There are 13 miles of cross-country skiing trails that are groomed and cared for by our staff. The Warming House at Bond Lake provides a warm break from the cold weather activities with its roaring fire, seating area and restroom facilities. Visitors are permitted to bring picnic style lunches. No equipment is provided for any on site activities

Oppenheim Park - Shelter rental rates are \$25.00 for small shelters and \$40.00 for large shelters. There are three large shelters, 14 smaller shelters, and a larger band shelter available for daily rental. Basketball courts, volleyball courts, tennis, courts, and a sprinkler pool are all available. A small lake located in the front of the park is stocked for fishing. There are restrooms and playgrounds at each end of the Park. Oppenheim Park is open form Memorial Day weekend through September, seven days a week from 7AM to 9PM.

.West Canal Marina - Reservation rates are \$25.00 for small shelters and \$40.00 for large shelters. There are two large shelters and three smaller shelters for rental as well as a playground and restroom facilities.

Royalton Ravine Park - The shelters are equipped with electricity and fees are \$40.00 per shelter. The park offers four shelters, a fishing pond, a baseball field and restrooms within its 146 acres. There are several miles of nature trails that wind through the park.

Beaver Island State Park - Pavilions - first come basis. Beaver Island Clubhouse has banquet and catering facilities for rental.

Fort Niagara Park - reservation Rental Fees for shelters are: \$40.00 per day for shelters by the Lake or river, \$30.00 per day for picnic area shelters.

RESULT:	REPORT ISSUED
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17. Resolution 2009-150

POTL Drainage Project

The Town of Porter has received three written bids to complete a drainage project at Porter on the Lake. DT Truesdell Trucking, Inc bid \$10,540.00 to complete the project. Both Robert Macvie, Inc and Mawhiney Trucking, Inc bid \$11,600.00. All bids were based on the Town furnishing all materials. The materials will cost about \$5,000.00 on state or county bid.

This resolution authorizes the Supervisor to hire DT Truesdell Trucking, Inc for \$10,540.00 and to sign all necessary paperwork, and have the project completed, as noted above. Work to commence this year.

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

18. Report 2009-186

Calendar of Events

Town Offices CLOSED - Thursday, December 24, Noon
 Friday, December 25, 2009 - Christmas
 Thursday, December 31, 2009, Noon
 Friday, January 01, 2010 - New Year's Day

End of Year Town Board Mtg - Tuesday, December 29, 2009 @4:00 pm

Swearing-In Ceremony - Friday January 01, 2010 @ 10:00am

Porter Town Hall - Public Invited

Organizational Meeting Mtg - Monday, January 04, 2010 @4:00pm

Planning Board Mtg @ Town Hall - Thursday, January 7th, 2010

Zoning Board Mtg @ Town Hall - Thursday, January 21, 2010

RESULT: REPORT ISSUED

19. Report 2009-184

Correspondance

No report

RESULT: REPORT ISSUED

20. Report 2009-189

Town Board Comments

Councilman Baia wished Councilwoman Nancy Orsi well and thanked her for her years on the Board. Mrs. Orsi quipped, "Coming from an educational background, never in a million years did I ever think I'd be concerned about manhole covers and drainage!"

With no further business to conduct, the regular Town of Porter Board meeting was adjourned at 7:45 p m.

Gail Zachary
Town Clerk

RESULT: REPORT ISSUED