



# Town of Porter

## Town Board Meeting

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

~ Minutes ~

Gail Zachary

Monday, December 12, 2011

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on December 12, 2011 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	Present	
Jeff Baker	Town of Porter	Councilman	Present	
Joe Fleckenstein	Town of Porter	Councilman	Present	
Dave Britton	Town of Porter	Engineer	Absent	
Gail Zachary	Town of Porter	Town Clerk	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Norm Ault	Town of Porter	Bookkeeper	Absent	
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. Resolutions/Reports

#### 1. Report 2011-200

#### Public Comments

Paul Beatty, Jr., chairman of the Hospice Dash, 5K Run/Walk & Half-Marathon, discussed the 2012 event tentatively scheduled for September 22, 2012. This event will provide revenue for Niagara Hospice, although all organizations are invited to be a part of this and do their own fundraising. This year, they are expecting approximately 5,000 runners to sign up.

Along the route, starting at Artpark and ending at Porter-On-The-Lake, there will be live music and entertainment.

Mr. Beatty anticipates asking local municipalities and organizations, at a later date, for assistance with safety issues, traffic control, etc.

**RESULT: REPORT ISSUED**

#### 2. Report 2011-208

#### Public Hearing Special Use Permits

Set a public hearing date to amend the 2011 zoning law, with recommendations from the Planning Board, to give back to the Zoning Board the Special Use authority.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**3. Resolution 2011-145**

**Special Use Public Hearing**

Resolution to set a public hearing on Monday, January 9, 2011 @ 7:00 PM at the Porter Town Hall to give the Zoning Board authority to issue special permits with the Planning Board *recommendations*. Attorney Dowd will prepare the appropriate paperwork and legal notice.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Jeff Baker, Councilman
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	Mert Wiepert, Thomas Baia, Larry White, Jeff Baker
<b>NAYS:</b>	Joe Fleckenstein

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**4. Resolution 2011-137**

**Minutes Approval**

Resolution to approve the minutes of the regular Town Board meeting on November 14, 2011 and the work session minutes of November 30, 2011.

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

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**5. Resolution 2011-138**

**Payment of Audited Vouchers**

Resolution to approve the vouchers, as audited.

**TOWN OF PORTER**

<b>WARRANT:</b>	<b>POST AUDIT - NOV 2011</b>	<b>11/30/11</b>
<b>FUND 01</b>		3,181.37
<b>FUND 02</b>		113.58
<b>FUND 04</b>		4,710.41
<b>FUND 06</b>		351.51
<b>FUND 07</b>		1,102.34
<b>FUND 33</b>		39.67
<b>FUND 35</b>		100.00
<b>TOTAL</b>		<b><u>9,598.88</u></b>

**VOUCHER 'S 16078 THRU 16101**

<b>WARRANT:</b>	<b># 12 DECEMBER, 2011</b>	<b>12/12/11</b>
<b>FUND 01</b>		13,109.62
<b>FUND 02</b>		41,484.64
<b>FUND 04</b>		65,002.21
<b>FUND 06</b>		1,141.74
<b>FUND 07</b>		149.74
<b>FUND 10</b>		886.15
<b>FUND 33</b>		7,742.11
<b>FUND 35</b>		596.00
<b>TOTAL</b>		<b><u>130,112.21</u></b>

**VOUCHER 'S 16102 THRU 16185**

**139,711.09**

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

## 6. Report 2011-192

### Town Clerk

#### November 2011 Revenue

Water	\$43,892.81
Sewer	\$90,369.33
Licenses and Fees	\$ 647.36

Resolution is needed to reappoint Edward Hogan to the Town of Porter Board of Assessment Review, effective October 01, 2011 and runs until September 30, 2016.

Received a letter from William Tower tending his resignation from the Town of Porter Zoning Board of

Appeals, effective December 31, 2011.

Mr. Tower's resignation was accepted, with regret. Councilman Baker made the motion, with Councilman White seconding.

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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**7. Resolution 2011-143**

**Board of Assessment Review Appointment**

Resolution to reappoint Edward Hogan to the Town of Porter Board of Assessment Review for another five-year term, from October 01, 2011 to September 30, 2016.

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

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**8. Report 2011-193**

**Supervisor**

- Supervisor's Monthly Report for November, 2011 was distributed to all Town Board members.
- Resolution to accept the Supervisor's Monthly Report for November, 2011.
- October Sales Tax \$86,286.58. We are up \$29,243.20 over 2011.
- Resolution to set a public hearing at the organizational meeting Tuesday, January 3, 2012 @ 3 PM to raise the Sewer rates from \$4.00 p/m to \$4.65 p/m. The increase is needed to offset the \$.50 p/m rate from the Lewiston Sewer Treatment Plant and \$.15 to help offset the Town's portion of the \$3 million update of the sewer treatment plant.

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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**9. Resolution 2011-139****Acceptance of Supervisor's Report**

Resolution to accept the supervisor's report for November 2011.

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

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**10. Resolution 2011-140****Set Public Hearing Date for Sewer Rate**

Resolution to set a public hearing to establish the new sewer rate, on January 3, 2012 at 3:00 p.m.

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

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**11. Report 2011-203****Bookkeeper**

Bookkeeper's Monthly Report - **November 2011**

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Completed processing all November 2011 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for November 2011 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.

Worked on update to Employee Manual

Worked on the 2011 year-end meeting and the 2012 organizational meeting.

Resolution to set year-end and organizational meeting.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 12. Resolution 2011-141

### Set Special Meeting Dates

Resolution to set the Town Board Year-End meeting on December 29, 2011 @ 3:00 pm in the Porter Town Hall, and set the Town Board Organizational meeting for January 3, 2012 @ 3:00 pm in the Porter Town Hall.

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

## 13. Report 2011-206

### Justice Fines

JUSTICE FINES 2011

01-1000.2610

	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
JANUARY	5,049.50	(3,607.50)	1,442.00
FEBRUARY	5,755.00	(3,345.00)	2,410.00
MARCH	3,915.00	(1,775.00)	2,140.00
APRIL	5,817.25	(1,838.50)	3,978.75
MAY	4,928.00	(2,231.00)	2,697.00
JUNE	4,955.00	(1,970.00)	2,985.00
JULY	5,988.50	(2,694.50)	3,294.00

<b>AUGUST</b>	6,325.00	(2,370.00)	3,955.00
<b>SEPTEMBER</b>	6,105.00	(2,705.00)	3,400.00
<b>OCTOBER</b>	4,127.50	(1,287.50)	2,840.00
<b>NOVEMBER</b>			0.00
<b>DECEMBER</b>			0.00
	<b>52,965.75</b>	<b>(23,824.00)</b>	<b>29,141.75</b>

Court Attendant Richard Schmidt, Jr. is moving out of the Town of Porter the end of January and will be giving up his position.

**RESULT:           REPORT ISSUED**

**14. Resolution 2011-144**

**Court Officer Appointment**

Resolution to hire Justin Stoelting as a court officer, effective December 13, 2011, at an hourly rate of \$10.95

This has been withdrawn from the agenda.

**RESULT:           WITHDRAWN**

**15. Report 2011-198**

**Highway**

Department of Public Works  
 Monthly Report for November 2011

Highway Department:

1. Installed Holiday Wreaths and Banners in Ransomville.
2. Working on preventative maintenance of summer equipment.
3. Received the new Medium Duty Dump truck. We are installing the plowing and spreading equipment.

Water and Sewer:

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

Respectfully submitted,

Scott B. Hillman  
Superintendent of Highways

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**16. Report 2011-196**

**Assessor**

November 2011 Report

Barbara J. Oaks, Acting Assessor

- 1. Completed monthly inspections for verification of sales and completion of all building projects.
- 2. Processed monthly sales transfers and splits.
- 3. Further review of sales to aid in determining equalization rate.
- 4. Attended NCAA meeting in Cambria. Topics of discussion were new software releases, Star, level of assessment. Also had a presentation on a different software application for property record cards and parcel info.
- 5. Attended presentation on " Workplace Violence" at Town Hall.
- 6. Researched various articles and discussed with state-and other assessors in area- valuation(as well as various exemptions available-or not available)for alternative energy project
- 7. Continued to train Susan in all aspects of assessing.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 17. Report 2011-204

## Building Inspector/Code Enforcement Officer

TOWN OF PORTER			NOVEMBER 2011			
<u>No.</u>	<u>Date</u>	<u>Owner</u>	<u>Type</u>	<u>Location</u>	<u>Value</u>	<u>Amount</u>
070-11	11/4	Thomas Freck	Pole Barn	1820 Balmer Rd	16,000	50
071-11	11/9	M Johannes	Garage	2304 Yngstwn-Wilson	11,000	50
072-11	11/16	John Lollis	Garage	1977 Lake Rd	8,000	50
073-11	11/18	Douglas Tuttle	Pole Barn	3497 East Ave	15,000	50
074-11	11/21	Judy Faetz	Garage	3945 River Rd	80,000	50
<b>Total</b>					<b>130,000</b>	<b>250</b>
<b>Y-T-D</b>					<b>2,161,615</b>	<b>6,325</b>

## BUILDING DEPARTMENT REPORT: Month November 2011

- 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 Town Board and Planning Board meetings.
- Pursued numerous Zoning code violations and issued to the Supervisor "Complaints Report" for the month of November 2011.
- Attending state mandated training in Lockport.
- Attended several meetings regarding Town WEC project.

When asked about the boat/trailer situation, Mr. Rogers said that there is 100% compliance in Youngstown and Collingwood and a couple residents non-compliant in the Ransomville area.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 18. Report 2011-207

Grant Writer

no report as yet

<b>RESULT:</b> <b>REPORT ISSUED</b>
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**19. Report 2011-197**

**Attorney**

Regarding the wind tower placement on Balmer Road, Attorney Dowd received a phone call from CRA Engineer, Bob Lannon, who stated the Army believes it owns the property on Balmer Road where the Town water tower stands.

Mr. Lannon will also address the electric line which appears to be nonfunctioning and, if cut, could enable another tower to be placed.

Councilman Fleckenstein made the motion, and Councilman White seconded, to authorize Bob Lannon to ask for a six-month extension on the grant. Motion was carried unanimously.

<b>RESULT:</b> <b>REPORT ISSUED</b>
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**20. Report 2011-199**

**Engineer**

**Engineering Report**

December 2011

**Engineering (November)**

- For the month of November, CRA completed two site drainage reviews
- Town Wind Turbine Project -Project siting and environmental quality review underway.

**Engineering Support (future)**

**Porter Pump Station Upgrades:** Pump station needs assessment underway.

**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.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**21. Report 2011-201****Correspondance**

report

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**22. Report 2011-202****Calendar of Events**

Town Offices Closed                      Monday, December 26, 2011 Christmas

Year-End Board Meeting                      Thursday, December 29, 2011 @ 3:00 PM

Oaths of Offices

Town Offices Closed            Monday, January 2, 2012 (New Year's Day Observed)

Organizational Meeting        Tuesday, January 3, 2012 @ 3:00 p.m. - Town Hall

Regular Town Board Meeting   Monday, January 9, 2012 @ 7:00 p.m. - Town Hall

There were no further comments from the audience or the Board. The meeting was adjourned at 7:40 p.m. Supervisor Wiepert made the motion and Councilman White seconded.

Gail Zachary  
Town Clerk

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