



# Town of Porter

## Town Board Meeting

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

~ Minutes ~

Gail Zachary

Monday, September 9, 2013

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on September 9, 2013 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	
Gail Zachary	Town of Porter	Town Clerk	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Dave Britton	Town of Porter	Engineer	Absent	
Susan Driscoll	Town of Porter	Assessor	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Bernie Rotella	Town of Porter	Grant Writer	Present	

### II. Public Comments

#### 1. Report 2013-161

#### Public Comments

Patricia McGrath, from East Oak Terrace, questioned why the Town Board would pay an outside entity for dog control and shelter when there was a person in Porter who would be available. Attorney Dowd stated that *that* person had not the proper legal qualifications; i.e. incorporation/not-for-profit regarding dog control. Using last year as a guideline, Attorney Dowd said that the five dogs picked up last year by the SPCA don't warrant the kind of money asked by the Porter resident. Ernest Lavigueur, East Avenue, suggested the dog agreement with Lewiston contain the contract length and name the shelter facility.

Mrs. McGrath also wondered how some residents are getting Star Basic exemptions when they don't actually live there for the majority of the year. Mrs. Driscoll, Assessor, explained that it is difficult but they are doing extensive "detective" work to correct this. Owners, claiming an exemption, must now sign a declaration stating it's their primary residence.

Eileen Putz, from Harrison Lane, presented the petition for the road dedication and reported that the majority (except two) of Harrison Lane residents are in favor of Town appropriation and upkeep. She said they had an estimate of what the cost would be, per year, on their tax bills. The required majority of road frontage would be based on assessed value of the property. Attorney Dowd explained that a work session/sessions will be needed to schedule the next steps. Town engineers would be creating the map, plan and report; a public hearing and a referendum would also be required.

A resolution was made by Councilman Fleckenstein to accept the petition as being complete. Councilman Baker seconded that motion, with all board members in agreement. Motion was carried.

In another matter, Mike Mahar, CWM Representative, reported their site plan was renewed August 26<sup>th</sup>, 2013 and that discharge began August 22<sup>nd</sup> and they are up to 10 million gallons.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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### III. Reports/Resolutions

#### 1. Resolution 2013-88

##### Minutes Approval

Resolution to approve the minutes of the August 12, 2013 regular meeting of the Porter Town Board and the August 15, 2013, Town Board work session..

<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

#### 2. Resolution 2013-89

##### Audited Vouchers

Resolution to approve the vouchers as audited by the Porter Town Board.

#### TOWN OF PORTER

**WARRANT: POST AUDIT - AUGUST, 2013 8/31/13**

<b>FUND</b>	<b>01</b>	58,411.18
<b>FUND</b>	<b>02</b>	1,987.13
<b>FUND</b>	<b>04</b>	124.73
<b>FUND</b>	<b>06</b>	755.35
<b>FUND</b>	<b>07</b>	1,312.27
<b>FUND</b>	<b>33</b>	144.62
<b>TOTAL</b>		<b><u>62,735.28</u></b>

**VOUCHER 'S 18587 THRU 18615**

**WARRANT: # 9 SEPTEMBER, 2013 9/9/13**

<b>FUND</b>	<b>01</b>	7,618.94
<b>FUND</b>	<b>02</b>	16,888.60

FUND	04	22,824.55
FUND	06	13,774.05
FUND	07	3,366.19
FUND	10	785.46
FUND	12	750.00
FUND	33	143.76
TOTAL		<u>66,151.55</u>

VOUCHER 'S	18616	THRU	18689
	TOTAL		<u>128,886.83</u>

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

### 3. Report 2013-162

#### Town Clerk

August 2013 Revenue  
Town Clerk

Water	\$24,695.25
Sewer	\$20,684.03
Licenses and Fees	\$ 1,077.01

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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### 4. Report 2013-163

#### Supervisor's Report

Supervisor's Monthly Report for August, 2013 was distributed to all Town Board members.

Resolution to accept the Supervisor's Monthly Report for August, 2013

July Sales Tax: \$104,875.74. The total for July, 2013, is up \$9,425.78 from 2012

Animal Control Officer Update.

Assessor Appointment

B.A.R Appointment

Dave Sheriff, dog control officer for the Town of Lewiston, explained that he has contacts with local animal rescue agencies but tries to find the owners of the dogs he picks up. The local vet will also try to place the animal before the five required days are over. He also clarified some of the procedures before and after a dog is picked up. Mr. Sheriff said, at times, he would briefly harbor the animal, if needed. He also said any dog, in order to be picked up, must be "confined," either secured in a building or tied to a tree, etc.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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5. **Resolution 2013-90**

**Acceptance of Supervisor's Report**

Resolution to accept the Supervisor's Report for August, 2013.

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

6. **Resolution 2013-91**

**Dog Control**

Resolution authorizing the supervisor to complete all necessary paperwork to go into a shared services agreement using the Lewiston A.C.O. to pick up strays in the Town of Porter. Contract to be for one year.

<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

**7. Resolution 2013-92****Assessor Appointment**

Pursuant to Real Property Tax Law &310, a resolution is made to appoint Susan Driscoll as Town of Porter Assessor, from October 01, 2013 until September 30, 2019.

<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

**8. Resolution 2013-93****BAR Member Reappointment**

Reappoint Dennis Greene to the Board of Assessment Review, starting October 01, 2013, term ending September 30, 2018.

<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, White, Baker, Fleckenstein

**9. Report 2013-164****Bookkeeper**

Bookkeeper's Monthly Report - **August, 2013**

Completed processing all August, 2013 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for August, 2013, 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.

New web-page should be launched soon.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**10. Report 2013-165**

**Recreation**

Recreation Director, Kathryn Zasucha, reported a total of 382 children registered for the 2013 summer recreation program. This total includes 131 from the Town of Lewiston, 28 from Wilson, 8 from Cambria and 12 from other areas.

She also reported excellent attendance for the 10 week yoga and tai chi programs at Porter-on-the-Lake. Mrs. Zasucha is recommending the continuation of these two programs.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**11. Report 2013-166**

**Assessor**

As part of an initiative to protect New Yorkers against the costs of inappropriate or fraudulent STAR exemptions, all New York homeowners receiving a Basic STAR property tax exemption must now register with the New York State Tax Department in order to receive the STAR exemption in 2014 and subsequent years.

All Basic STAR recipients will receive registration instructions by mail. Or, they can visit [www.tax.ny.gov](http://www.tax.ny.gov) <<http://www.tax.ny.gov>> to register now. Registration deadline is 31 December 2013. Residents with questions may call (518) 457-2036, or visit the website.

Seniors receiving Enhanced STAR benefits are not affected by the new registration requirement. In order to continue to receive Enhanced STAR, seniors must continue to either apply annually, or participate in the income verification program. The deadline to do this, the Assessor's office, is 1 March 2014.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**12. Report 2013-167**

**Building Inspector/Code Enforcement Officer**

**Town of Porter**

**August Permits**

<u>No.</u>	<u>Issue</u>	<u>Owner</u>	<u>Type</u>	<u>Location</u>	<u>Value</u>	<u>Amt</u>
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	<u>Date</u>					
040-13	8/6	Jeffrey Smith	Add.	3880 Dickersonville	3,000	100
060-13	8/13	James Phelps	Porch	319 Riverview	1,000	25
064-13	8/6	Marg. Naab	Shed	2125 Lake Rd	5,000	25
065-13	8/8	Michael Welch	Shed	425 Hawthorne Pl	1,200	25
066-13	8/9	David Joseph	Fence	1471 Lake Rd	7,191	25
067-13	8/9	Rob. Howard	Demo	3392 Lutts Rd	-	25
068-13	8/9	Gerald Carver	Porch	2505 Lake Rd	7,500	25
069-13	8/9	Gerald Carver	Deck	2505 Lake Rd	2,000	25
070-13	8/16	Charles lamb	Shed	335 Walnut Ln	3,500	25
071-13	8/27	Rob. Krueger	Comm.	2534 Lkpt Rd	150,000	125
<b>August Total</b>					<b>180,391</b>	<b>425</b>
<b>Y.T.D. Total</b>					<b>1,225,679</b>	<b>4,126</b>

Mr. Rogers added that he supervised the Town Hall roofing project and authorized the bookkeeper to pay the company.

**RESULT:            REPORT ISSUED**

**13. Report 2013-168**

<b>Justice Revenue</b>			
<b>JUSTICE FINES 2013</b>	01-1000.2610		
	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
<b>JANUARY</b>	4,515.00	(2,415.00)	<b>2,100.00</b>
<b>FEBRUARY</b>	3,860.00	(1,670.00)	<b>2,190.00</b>
<b>MARCH</b>	4,807.00	(3,437.50)	<b>1,369.50</b>

APRIL	3,990.00	(1,795.00)	2,195.00
MAY	3,507.50	(1,252.50)	2,255.00
JUNE	3,952.50	(1,877.50)	2,075.00
JULY	5,005.00	(1,975.00)	3,030.00
AUGUST			0.00
SEPTEMBER			0.00
OCTOBER			0.00
NOVEMBER			0.00
DECEMBER			0.00
	<u>29,637.00</u>	<u>(14,422.50)</u>	<u>15,214.50</u>

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**14. Report 2013-169**

**Highway**

**Highway Department:**

1. Completed monthly brush pickup.
2. Completed fog sealing of pavement on Creek Lane and East Ave.
3. Completed Slurry sealing of pavement on Lutts Road.
4. Completed final round of centerline striping.
5. Provided assistance to the Town of Lewiston and Wheatfield with trucks hauling blacktop for their paving projects.
6. Provided assistance to the Town of Lewiston with trucks hauling stone for their oil sealing projects.

**Drainage Department:**

1. Continuing the off road mowing program.

**Water and Sewer Department:**

1. Completed monthly meter reading.
2. Completed repairs on two fire hydrants.

**Porter on the Lake:**

1. Completed 8 mowings of the park.
2. Met with the parks committee regarding the layout of the new playground.

Respectfully submitted,

*Scott B. Hillman*

Superintendent of Highways

The Town can "piggyback" on Nassau's request for school traffic lights through State bid. Superintendent Hillman informed the Board that the Snow/Ice Contract is up for renewal soon. Mr. Hillman also stated the *final* Town brush pickup will occur the first Monday and Tuesday in November depending on where the resident's property is located. Apparently Niagara University students cleaned up the beach at the end of Dietz Road.

Councilman White, also Porter-on-the-Lake chairman, gave a brief report. He and his committee are hopeful the playground equipment will be installed soon. There are two sets, one for 2-5 age group and one for the 5-12 bracket. They are also looking into another set for adults, benches and picnic tables.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 15. Report 2013-170

### Engineer

#### Engineering

For the month of August:

- Completed one general site drainage review
- Completed a site/ grading & drainage plan review (3030 Creek Road)
- Completed grading/drainage plan review (Lake Road)
- Attended Town Board Meeting

#### Engineering Support (future)

**Water Tank rehabilitation:** Developed a budgetary cost estimate to replace the existing water tanks (Ransomville, Balmer) with a single tank at the Balmer Road site. 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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**16. Report 2013-171****Attorney**

No formal report.

<b>RESULT:</b> <b>REPORT ISSUED</b>
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**17. Report 2013-172****Grant Writer**

Mr. Rotella said that he would get with the Town Clerk to discuss the newest New York State Archive grant for records management.

<b>RESULT:</b> <b>REPORT ISSUED</b>
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**18. Report 2013-173****Correspondance**

The Supervisor received a letter from Maureen Rizzo, Advancement Coordinator at Niagara Hospice Alliance, thanking the Town of Porter for their continued support of the Hospice Dash and the Niagara Half Marathon.

In the letter, they are requesting a date for their race next year, September 20, 2014. They plan to keep the same race route as last year, and hold their post-race party at Porter-on-the-Lake on the 20<sup>th</sup>. Councilman Baia moved to approve their requested date and Councilman Fleckenstein seconded. All board members were in favor. Motion carried.

The Town has received six letters in the past ten days in support of Shank's Pet Grooming to replace the S.P.C.A.

<b>RESULT:</b> <b>REPORT ISSUED</b>
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**19. Report 2013-174**

**Calendar of Events**

Thursday , September 19, 2013      Zoning Board of Appeals - 7:00 PM @ Town Hall  
Thursday, October 3, 2013      Planning Board - 7:00 PM @ Town Hall  
Monday, October 7, 2013      Town Board Meeting - 7:00 PM @ Town HALL

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**20. Report 2013-175**

**Town Board Comments**

Councilman Baia made a motion to adjourn the regular meeting of the Porter Town Board at 8:05 p.m. Councilman White seconded the motion, with all members in agreement. Motion carried.

Submitted by Gail Zachary, Porter Town Clerk

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