



# Town of Porter

## Town Board Meeting

3265 Creek Road  
Youngstown, NY 14174

[TownofPorter.Net](http://TownofPorter.Net)

~ Minutes ~

Gail Zachary

Monday, October 7, 2013

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on October 7, 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	
Scott Hillman	Town of Porter	Highway Superintendent	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	Absent	
Dave Britton	Town of Porter	Engineer	Absent	
Susan Driscoll	Town of Porter	Assessor	Present	

### II. Public Comments

### III. Reports/Resolutions

#### 1. Report 2013-180

#### Public Comments

Ernie Lavigueur, East Avenue, asked how long the Town would have to pay for the harboring at the Village Vet of any stray dog. Attorney Dowd stated that, per the contract with the Town of Lewiston, our obligation ends after five days.

Mike Mahar, CWM, reported that their discharge, started at the end of August, was completed the end of September, totally 14 million gallons.

**RESULT: REPORT ISSUED**

#### 2. Resolution 2013-99

#### Minutes Approval

Resolution to approve the minutes of the September 9, 2013 regular meeting of the Porter Town Board, and the Work Session of September 19, 2013 and the Special Meeting, October 02, 2013, presenting the Town 2014 tentative budget to the Town Board..

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

### 3. Resolution 2013-100

#### Payment of Audited Vouchers

Resolution to approve the Vouchers, as audited:

#### TOWN OF PORTER

**WARRANT: POST AUDIT - SEPT, 2013 9/30/13**

<b>FUND</b>	<b>01</b>	5,314.22
<b>FUND</b>	<b>02</b>	85.32
<b>FUND</b>	<b>04</b>	25.44
<b>FUND</b>	<b>06</b>	180.99
<b>FUND</b>	<b>07</b>	834.11
<b>FUND</b>	<b>33</b>	145.69
<b>TOTAL</b>		<b><u>6,585.77</u></b>

**VOUCHER 'S 18690 THRU 18710**

**WARRANT: # 10 OCTOBER, 2013 10/7/13**

<b>FUND</b>	<b>01</b>	12,350.84
<b>FUND</b>	<b>02</b>	51,959.95
<b>FUND</b>	<b>04</b>	62,230.89
<b>FUND</b>	<b>06</b>	38,736.14
<b>FUND</b>	<b>07</b>	4,354.75
<b>FUND</b>	<b>10</b>	824.53
<b>FUND</b>	<b>33</b>	157.22
<b>TOTAL</b>		<b><u>170,614.32</u></b>

**VOUCHER 'S 18711 THRU 18795**

**TOTAL 177,200.09**

<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

#### 4. Report 2013-181

##### Town Clerk

September 2013 Revenue

Water	\$40,521.62
Sewer	5,226.22
Clerk Fees	1,045.49

Town Clerk, Gail Zachary, read a letter of resignation from Story Hour Director, Ramona Lockhart:

"It has been an enormous pleasure to be the Town of Porter Story Hour Director/Assistant Director for the last twenty-eight years.

I hope I was able to bring as much enjoyment to the children of Porter as I have taken away.

I will, however, be resigning my position at the end of the year; my last day will be 12/31/2013.

Thank you for the opportunity to have been involved in this wonderful program.

I am planning on coming back and attending with my grandson (my reason for leaving) in a few years."

Sincerely,

Ramona M. Lockhart

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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#### 5. Report 2013-178

##### Dog Control/Harbor Contract

### DOG CONTROL AND HARBORING AGREEMENT BETWEEN

**The Town of Lewiston, New York  
&  
The Town of Porter, New York**

This Agreement made as of October 1, 2013, by and between, the Town of Lewiston, New York

1375 Ridge Road, Lewiston, New York 14092, a New York State municipal corporation, referred to as Lewiston and the Town of Porter, New York, 3265 Creek Road, Youngstown, NY 14174 a New York State municipal corporation, referred to as Porter.

#### RECITALS

WHEREAS, Lewiston has in its employ a Dog Control Officer whose duties include, among others, locating, securing and transporting stray dogs to a facility for harboring stray dogs within the Town of Lewiston; and

WHEREAS, The Town of Porter licenses dogs pursuant to Article Seven of the New York State Agriculture and Markets Law; and

WHEREAS, the Town of Porter does not employ a Dog Control Officer and wishes to enter into contract with the Town of Lewiston for Dog Control Officer services pursuant to New York State Agriculture and Markets Law §114 (2); and

WHEREAS, the Town of Lewiston harbors stray dogs in compliance with New York State Agriculture and Markets Law with the "Village Vet of Lewiston" pursuant to a contract between the Town of Lewiston and the Village Vet of Lewiston; and

WHEREAS, the Town of Lewiston has reached an agreement with the Village Vet of Lewiston will accept stray dogs captured in the Town of Porter pursuant to their contract;

NOW THEREFORE, for good and valuable consideration, receipt of which is acknowledged, the parties agree as follows:

1. Lewiston will provide the services of its Dog Control Officer to Porter for the purpose of locating, securing and transporting stray dogs to the Village Vet for harboring.
2. The term of this Agreement will commence with the date of this agreement and end at midnight, September 30, 2014. This Agreement will be automatically renewed each year thereafter for successive one-year periods, unless Lewiston or Porter receive written notice from each to the other on or before July 31<sup>st</sup> of each year that one or another wishes to terminate the Agreement.
3. The Town of Porter will pay the Town of Lewiston one hundred dollars for each stray captured by the Lewiston Dog Control Officer during the normal business hours of the Town of Lewiston, Town Hall and one hundred fifty dollars for all strays captured by the Lewiston Dog Control Officer at any other time.
4. Porter shall pay all costs charged to the Town of Lewiston by the Village Vet pursuant to their contract for harboring and care services for dogs captured by the Lewiston Dog Control Officer and delivered to the Village Vet.
5. Lewiston shall invoice Porter monthly for the fees described in paragraphs 3 and 4 above and Porter shall pay such invoice within thirty days of it receipt of invoice.
6. All calls received by Porter notifying Porter that a stray dog has been seen or secured within the Town of Porter will be communicated to the Lewiston Dog Control Officer or other Lewiston official or employee during regular business hours. Upon receiving notice of a stray dog being

seen or secured in the Town of Porter the Town of Lewiston Dog Control Officer will respond to the call in the time and manner he would exercise were the stray dog to have been seen or secured in the Town of Lewiston, taking into consideration the circumstances which may affect his response, e.g. inclement weather, responses to other calls, etc.

7. Calls received during all other hours will be directed to the Town of Lewiston Waste Water Treatment Plant which provides twenty-four hour telephone coverage. Notice will then be given by the Town of Lewiston Waste Water Treatment Plant to the Lewiston Dog Control Officer who will respond in a manner consistent with paragraph 6 above.

The parties have executed this Agreement as of the date first written above.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**6. Report 2013-179**

**Planning/Zoning Boards' Training**

Received a report from George Spira, Planning Board Chairman, that the four-hour mandatory training class for planning and zoning boards, which he conducted on September 13, 2013, was well attended:

Tony Collard, Bill Leggett, Jipp Ortiz, Tom Oddy, Don McCollum, Irene Meyers, Peter Jeffrey, Jackie Robinson and George Spira

Presenters were:

George Spira - Porter Growth (one hour)

Roy Rogers - Duties of a zoning official and explanation, and explanation of code (one hour)

Mike Dowd - 617.20 Revision of section  
NYS SEQR effective October 07, 2013  
"How to Interpret, and use, the new code"

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**7. Report 2013-177**

**Supervisor's Report**

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

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

August Sales Tax: \$103,195.05. The total for August, 2013, is up \$7,124.80 from 2012

*The Town of Porter Insurance Committee, after a lot of discussion, is at a stalemate.*

*Two members of the committee would like to switch Insurance Brokers to Bene-Care, which is located in Williamsville, NY. The balance of the committee believes the Town should remain with Crown Benefits located in Niagara Falls. The Town has been with Crown Benefits for a number of years, and they administrator out Medicare "B" and our Health Reimbursement accounts.*

*Two members feel a new broker brings in new blood, new ideas and are less expensive.*

*If the Town Board decides to change brokers, it needs to be done tonight, unless the Town wished to remain with Nova handling the debit cards as they are now.*

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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#### 8. Resolution 2013-101

##### Acceptance of Supervisor's September Report

Resolution to accept the Supervisor's Report for September 2013.

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

#### 9. Report 2013-183

##### Bookkeeper

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

Completed processing all September, 2013 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for September, 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.

Need resolution to update the Employee Handbook.

Councilman Fleckenstein moved to change health insurance brokership from CrownBenefits to BeneCare. He felt BeneCare was more experienced were more able to taken on complaints from employees, directly. Councilman Baker seconded that motion.

Roll Call Vote:

Councilman Fleckenstein	- Yes
Councilman White	- Yes
Councilman Baia	- Yes
Councilman Baker	- Yes
Supervisor Wiepert	- No

Motion carried.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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10. Resolution 2013-102

**Employee Manual**

**The following paragraphs need to be inserted into the Employee Manual to bring it into agreement with the resolution by the Town Board concerning employee contribution toward health insurance.**

**Premium Payment (Full-Time Employees)** - The Town will pay the full premium for individual or family medical insurance coverage, as the case may be, for each eligible full-time employee hired before January 1, 2007. For Full-Time employees hired after January 1, 2007 the Town will pay 90% of individual or family medical insurance coverage, as the case may be.

**Premium Payment (Elected officials)** - The town will pay the full premium for individual or family medical insurance coverage, as the case may be, for each eligible full-time Elected official who were elected prior to January 1, 2007. For Full-Time elected officials whose initial term begins on or after January 1, 2007 the Town will pay for individual or family coverage using the following formula: The Town will pay 90% of medical insurance premiums (If employees are on the Town medical insurance coverage prior to January 1, 2007, and get elected on or after January 1, 2007, the premiums will still be paid 100% by the Town. Any part-time Elected Official whose term began prior to January1, 2004 and whose term extends beyond that date and who participated in the Town Health Plan as of January 1, 2004 may continue to participate with the Town paying the full premium. Any part-time Elected Official whose term begins on or after January 1, 2004 may participate in the Town Health Plan by paying 100% of the premium.

**810 Prescription Drug Plan**

**This section is being eliminated. Prescription Drug Plans are incorporated in the Towns health insurance covered, in detail in section 806 Medical Insurance on page 800-8.**

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

**11. Report 2013-192**

**Building Inspector/Code Enforcement**

BUILDING DEPARTMENT REPORT: Month September 2013

- 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 Zoning code violations and issued to the Supervisor “Complaints Report” for the month of September 2013.
- Reviewed several portions of the Town Codification portfolio final draft.
- Attended Zoning Board of Appeals meeting.
- Provided close-out documents for re-roofing project.
- Participated in Web Conference with DEC & FEMA regarding remapping of the Ontario shoreline
- Attended and presented at the Joint Planning and ZBA training secession.
- Completed Niagara County reports for 2012 as requested by Niagara County Planning Board.

Town of Porter			September Permits			
<u>No.</u>	<u>Issue Date</u>	<u>Owner</u>	<u>Type</u>	<u>Location</u>	<u>Value</u>	<u>Amt</u>

073-13	9/4	Free Methodist	F. W.	3924 Ram Rd	-	50
074-13	9/5	Darrel Ecker	S F R	3030 Creek	80,000	800
075-13	9/13	Free Methodist	Misc	3924 Ransom Rd	475	25
076-13	9/17	Nancy Fees	Pole Barn	2272 Lkpt Rd	9,000	50
077-13	9/17	Theresa Cusatis	Carport	675 Johnson Dr	1,500	25
078-13	9/19	R. Calandrelli	Garage	2994 Orchard Dr	17,000	50
079-13	9/20	Peter Vickers	Fencs	3215 Creek	2,500	25
080-13	9/23	D. Krawczyk	Add	2463 lake	110,000	100
081-13	9/24	Gary Rose	Add	3485 east Ave	25,000	100
082-13	9/25	T. Westmorland	Porch	3565 Ransom Rd	2,000	25
<b>Sept Total</b>					<b>247,475</b>	<b>1,250</b>
<b>Y.T.D. Total</b>					<b>1,473,154</b>	<b>5,376</b>

Because Roy Rogers is out of town until Monday, Ken Candella, from Lewiston, and John Stevens, from Youngstown, will fill in for him during that time.

**RESULT: REPORT ISSUED**

**12. Report 2013-186**

**Highway**

**Department of Public Works**

**Monthly Report for September 2013**

**Highway Department:**

1. Completed monthly brush pickup. *Final* brush pickup will be Monday Nov.4<sup>th</sup> and Tue. Nov. 5<sup>th</sup>.
2. Completed a driveway culvert installation on Dickersonville Rd.
3. Provided assistance with trucks hauling blacktop to the towns of Wheatfield and Lewiston for their road paving projects.

**Drainage Department:**

1. We continuing the off road mowing program.

**Water and Sewer Department:**

1. Completed monthly meter reading.
2. We are beginning winter maintenance of fire hydrants.
3. Completed installation of a water meter pit on Lake Rd.

Truck sandblasting and painting of 2 tandem axle trucks:

Received quotes from.	Carpenter Industries	\$12,270.00
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Colden Enterprises	\$12,680.00
Blastoff Inc.	\$ 8,200.00

Quote includes dump body and frame. Because the first two were over budget, Councilman Baia moved and Councilman Baker seconded the purchase from Blastoff, Inc. Motion was carried unanimously.

Highway Garage Overhead Door Replacement:

Received quotes to replace 2 overhead doors in main garage;

Sunrise Door and Woodworks	\$8,986.00
R&R Door Corporation	\$9,200.00
Vaughan Door Center	\$8,173.00

Councilman Fleckenstein moved and Councilman White seconded the motion to purchase the overhead from Vaughn Door. Motion was carried unanimously.

**POTL:**

The contractor has the new playground equipment and will be installing it, hopefully, by the end of the week. Councilman White reported his committee has ordered 20 picnic tables. Money was raised from *SummerFest*. Playground equipment purchased from grant money.

**School Zone Warning Beacons:**

The beacons have been ordered and delivery should be late October. The permits from Niagara County have been issued.

I would like board approval to attend the NYS Highway Expo in Syracuse on Wednesday October 16<sup>th</sup>.

Respectfully submitted,

*Scott B. Hillman*

Superintendent of Highways

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**13. Resolution 2013-103**

**NYS Highway Expo**

Requesting permission to attend the New York State Highway Expo in Syracuse, Wednesday, October 16, 2013.

<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

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**14. Report 2013-182**

**Assessor**

TOWN OF PORTER

ASSESSOR'S OFFICE

MONTHLY REPORT - SEPTEMBER 2013

- The State updated the Assessor's office RPSV4 database to the latest build 2013.
- Continued to assist community members with a flood of Star State registration enquiries.
- Attended SCAR hearing in Lockport.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**15. Report 2013-184**

**Recreation**

Recreation Commissioner, Debbie Parker, informed the audience that the Wilson School Board is having a meeting tomorrow to make the decision on whether to close W.H.Stevenson Elementary in Ransomville. Bussing the children to Lewiston-Porter, continuing education programs if its closed, the town purchasing the property, [tax status? surplus property? Rent?]. Running a charter school was also suggested, as there are enough children for that.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**16. Report 2013-185**

**Justice Court**

**JUSTICE**

01-1000.2610

**FINES 2013**

	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
JANUARY	4,515.00	(2,415.00)	2,100.00
FEBRUARY	3,860.00	(1,670.00)	2,190.00
MARCH	4,807.00	(3,437.50)	1,369.50
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	5,111.50	(2,651.50)	2,460.00
SEPTEMBER			0.00
OCTOBER			0.00
NOVEMBER			0.00
DECEMBER	<u>                    </u>	<u>                    </u>	<u>0.00</u>
	<b>34,748.50</b>	<b>(17,074.00)</b>	<b>17,674.50</b>

<b>RESULT:           REPORT ISSUED</b>
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**17. Report 2013-187**

**Engineer**

report

<b>RESULT:           REPORT ISSUED</b>
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**18. Report 2013-188**

**Attorney**

Attorney Dowd discussed the status of Harrison Lane. There are parts of the road where ownership is in question. Dowd talked about the possibility of the Town

purchasing it and the price could be included in the bond...if Mr. Ries agrees to sell. If he doesn't, the Town has the option to go through a condemnation process, or a negotiated sale, in order to acquire the property.

Mr. Dowd also said the County Health Department was demanding a lot of standards, rules and regulations to be followed in order for the summer recreation to continue; the Town disagreed and, last week, received a letter from the State agreeing with the Town that the summer program is a "neighborhood drop-in recreation program," not a "day care."

In order for the Town to not incur any more cost, Attorney Dowd said he would *continue* with the procedures to adopt the code book as a local law.

**RESULT:           REPORT ISSUED**

**19. Report 2013-189**

**Grant Writer**

report

**RESULT:           REPORT ISSUED**

**20. Report 2013-190**

**Correspondence**

report

**RESULT:           REPORT ISSUED**

**21. Report 2013-193**

**Calendar of Events**

Halloween		Thursday, October 31 5:00 pm - 7:30 pm
Columbus Day	Town Hall Closed	Monday, October 14
Zoning Board	Town Hall	Thursday, October 17 7:30 PM

**ELECTION DAY**

		Tuesday, November 5, 6 am - 9 pm
Planning Board	Town Hall	Thursday, November 7 7:00 pm
Veterans' Day	Town Hall CLOSED	Monday, November 11
Town Board Meeting	Town Hall	Tuesday, November 12 7:00 pm



<b>RESULT:           REPORT ISSUED</b>
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**22. Report 2013-191**

**Town Board Comments**

The regular meeting of the Porter Town Board was adjourned by Supervisor Wiepert, with Councilman Baker seconding, at 7:55 p.m. All were in favor and motion was carried.

Gail Zachary  
Town Clerk

<b>RESULT:           REPORT ISSUED</b>
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