



# Town of Porter

## Town Board Meeting

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

~ Minutes ~

Barb Dubell  
716-745-3730

Monday, February 10, 2014

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on February 10, 2014 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert Wiepert	Town of Porter	Supervisor	Absent	
Thomas Baia	Town of Porter	Deputy Supervisor	Present	
Larry White	Town of Porter	Councilman	Absent	
Jeff Baker	Town of Porter	Councilman	Present	
Joe Fleckenstein	Town of Porter	Councilman	Present	
Barb Dubell	Town of Porter	Town Clerk	Present	
Kara Hibbard	Town of Porter	Deputy Town Clerk	Absent	
Mike Dowd	Town of Porter	Attorney	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Absent	
Susan Driscoll	Town of Porter	Assessor	Absent	

### II. Public Comments

#### 1. Report 2014-34

#### Public Hearing

The Town of Porter Board will hold a Public Hearing at the Town Hall, 3265 Creek Road, 14174, on the 10th day of February, 2014, at 7:00 pm, to hear all interested parties and citizens for or against the adoption of Local Law #1, 2014. The proposed law would restrict the development of certain industrial/commercial ponds or lagoons.

Barbara DuBell, Town Clerk

February 10, 2014

By Order of the Porter Town Board

A local law amending and adding to the Town of Porter Zoning Law by providing for the regulation of anaerobic digestion facilities located within its boundaries by adding:

§86. Anaerobic Digestion Facilities

Section1. Purpose.

Commercial, non-agricultural, anaerobic digestion facilities pose a potential threat

to the health and safety of residents of the Town of Porter. Their potential for contamination of adjacent property and water supplies by leaking, discharging untreated effluent, and the transportation of materials used in operating such facilities on and over highways and roads in the Town of Porter constitutes a potential health hazard to the community. It is the purpose of this local law to provide for the health, safety and general welfare of the residents of the Town of Porter by controlling the future use of anaerobic digestion facilities within the Town of Porter. The Town of Porter further recognizes that the properly regulated use of some forms of anaerobic digestion practices for agricultural purposes provides an ecologically and environmentally sound method for agricultural operations to dispose of, treat and/or reuse agricultural waste, such as livestock manure, farming wastes and food processing wastes and other waste generated from legitimate agricultural practices. These agricultural uses of stabilization ponds and other anaerobic digestion facilities are regulated by New York State Public Service Law, The New York State Agriculture and Markets Law and other laws, ordinances and regulations promoting agricultural activity.

#### Section 2. Definitions.

For the purposes of this local law, the following terms shall have the meanings set forth hereinafter:

- (a) "Person" means any individual, public or private corporation, political subdivision, government agency, department, board or bureau of the state or federal government, municipality, industry, partnership, co-partnership, association, firm, trust, estate, or any other legal entity.
- (b) "Anaerobic digestion facility" shall any facility which accepts, manure, food waste, fats, oils, greases, sludges resulting from the treatment process at wastewater treatment plants (biosolids), energy crops, glycerin, silage and wastes from the production of ethanol and bio-diesel for the purpose of treating such materials by process of anaerobic digestion for the purpose of producing biogas and digestate. A manure lagoon as defined in the Town of Porter Zoning Law for the treatment of only animal waste generated from farming activities is not included in this definition.
- (c) "Biogas" shall mean any gas produced from the anaerobic digestion process which is used for the production of electricity.
- (d) "Digestate" shall mean the liquid, solid or semi-solid by-product of the anaerobic digestion process which may be used for fertilizer or other purposes.

#### Section 3. Prohibitions

No person shall construct, create or cause to be constructed or created, any anaerobic digestion facility within the Town of Porter other than those facilities defined and permitted by New York State Public Service Law § 66-J.

#### Section 4. Enforcement.

A violation of this local law shall be deemed an offense and the person committing such an offense shall be subject to the enforcement provisions of Article X of the Town of Porter Zoning Law.

#### Section 5. Separability Clause.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this local law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that shall be directly involved in the controversy in which such judgment shall have been rendered.

#### Section 6. Effective Date

The provisions of this local law adopted on the date set forth below, shall take effect upon the filing of this local law with the Secretary of State.

A motion to close the Public Hearing was made by Councilman Baker and seconded by Councilman Fleckenstein. Motion carried.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 2. Resolution 2014-30

### Local Law #1

A resolution was made to adopt Local Law #1-2014 to amend the Town of Porter Zoning Law by providing for the regulation of anaerobic digestion facilities.

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

## III. Reports/Resolutions

### 1. Report 2014-35

#### Public Comments

Wendy Shaw asked why it is taking so long to get the meeting minutes posted on the town website. Norm Ault responded that there will be a new web system installed in a few weeks that will expedite posting of the meeting minutes.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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2. **Resolution 2014-24**

**Minutes Approval**

Resolution to approve the minutes of the January 13, 2014 regular meeting of the Porter Town Board and the Work Session of January 29, 2014.

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

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3. **Resolution 2014-25**

**Audited Vouchers**

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

## TOWN OF PORTER

<b>WARRANT: # 2</b>	<b>FEBRUARY, 2014</b>	<b>2/10/14</b>
<b>FUND</b>	<b>01</b>	173,211.86
<b>FUND</b>	<b>02</b>	34,454.55
<b>FUND</b>	<b>04</b>	59,164.69
<b>FUND</b>	<b>06</b>	557.48
<b>FUND</b>	<b>07</b>	25,247.91
<b>FUND</b>	<b>10</b>	1,207.57
<b>FUND</b>	<b>20</b>	261,078.00
<b>FUND</b>	<b>21</b>	164,424.00
<b>TOTAL</b>		<b><u>719,346.06</u></b>
<b>VOUCHER 'S</b>	<b>19195</b>	<b>THRU 19291</b>

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

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4. **Report 2014-19**

**Town Clerk**

Water:	\$18,998.73
Sewer;	\$ 47,384.71
Clerk Fees;	\$ 734.60

Received notice by certified mail, that Ray's Tavern, 1694 Lake Road, Youngstown, NY 14174, has applied to the New York State Liquor Authority for the renewal of their liquor license.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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5. **Report 2014-36**

**Supervisor's Report**

- Supervisor's Monthly Report for January, 2014 was distributed to all Town Board members.
- Resolution to accept the Supervisor's Monthly Report for January, 2014.
- December Sales Tax: \$123,880.12. The annual sales tax figures show an increase of \$41,410.50 over 2012.
- Resolution to appoint George Spira as the Town of Porter representative to the Association of Towns in New York City, February 16-19, 2014.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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6. **Resolution 2014-26**

**Acceptance of Supervisor's Report**

Resolution to accept the Supervisor's Report for the January 13, 2014 meeting.

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

7. **Resolution 2014-31**

**Association of Towns Delegate**

Resolution to appoint George Spira as the Town Delegate to the Association of Towns' Convention in New York City and appoint David Truesdale as the Town Alternate to the Association of Towns' Convention February 16-19, 2014 in New York City.

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

8. **Report 2014-20**

**Bookkeeper**

Bookkeeper's Monthly Report - **January, 2014**

Completed processing all January, 2014 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for January, 2014, 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.

Finished working on year end closing and set-up of 2014.

Working with auditors on 2013 annual audit

**RESULT: REPORT ISSUED**

**9. Report 2014-21**

**Recreation**

No report

**RESULT: REPORT ISSUED**

**10. Report 2014-37**

**Tax Collector**

RE: 2014 TOWN/COUNTY COLLECTIONS

Dear Supervisor Wiepert and Town Board Members:

Paid Supervisor Wiepert the amount of \$1,281,057.15 in settlement as per warrant the Town's share of the 2014 Town/County taxes, and \$.80 for the check returned to homeowner for overpayment that was not cashed in 2013.

A payment of \$2,500,000.00 will be made to the Niagara County Treasurer before February 15, 2014 as partial settlement of County monies owed per 2014 warrant.

The Tax Collector's account has \$2,893,149.81 as of February 5, 2014. This represents all payments collected to date.

Of the 3484 bills owed-I collected 2973 from January 3 to January 31, 2014.

I have finished the process of mailing over 1000 tax receipts to the homeowners who have an escrow account pay their tax bill.

Respectfully yours,

Sally A. Hogan, Collector  
Town of Porter

**RESULT: REPORT ISSUED**

## 11. Report 2014-38

**Historian Report for 2013**

Re: Town of Porter Historian's Annual Report for 2013

I am excited to cross off my "to do list" by this letter, prior to the gentle reminder of our Niagara County historian of a municipal historian's responsibility for an annual report.

From January through March, I was editing and finishing up work for the Souvenir History book for the town's bicentennial. For the remainder of the year, I focused on the War of 1812 and preparations for the commemoration of the burning of the town by the British on December 19, 1813.

The main project was a rather "dry" but important 42-page document *Early Town of Porter Residents 1800 - 1829* working with a retired University of Buffalo professor and member of the Porter Historical Society. When Porter was incorporated, the town included all of the Town and Village of Wilson and the western half of the Town of Newfane; so our efforts took us outside the present-day boundary. In addition I researched to develop a map, which included the early known roads between 1800 and 1829 and the lot divisions created by Joseph Ellicott.

The booklet of early residents lists the landowners and the lots (which can be followed on the map) that purchased from the Holland Land Company. A copy of the map was given to 640 area school children that came for the December 19th program. Copies of the booklet and map were given to Fort Niagara, historians, libraries, schools, and others.

I coordinated with Norm Ault, Town's Bookkeeper, and the Historical Society Museum personnel for an exhibit of the town's birthday celebration and bicentennial quilt that took place on December 14th.

Additionally, I attended Porter Historical Society meetings and wrote several pieces for the Society's newsletter. Even though the historian is not a genealogist I often receive telephone calls, letters, and emails and assist with the requests for information for old family information and records.

I am most appreciative that the War of 1812 is almost over in our neck of the woods!

Cordially,

Suzanne Simon Dietz  
Town of Porter Historian

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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12. Report 2014-22

**Assessor**

Assessor Report  
January 2014

- Building permit information reviewed with both Town and Village; extensive work commenced on data collection, recording and valuation for the 2014 roll.
- Leased solar panel issue decided - value added and exemption applications distributed.
- Processed December 2013 deed transfers including splits and merges.
- Continued exemption data collection for 2014 roll.

**RESULT:            REPORT ISSUED**

13. Report 2014-23

**Building Inspector/Code Enforcement Officer**

**TOWN OF PORTER    JANUARY 2014    MONTHLY PERMIT REPORT**

<u>DOC #</u>	<u>DATE</u>	<u>OWNER</u>	<u>TYPE</u>	<u>LOCATION</u>	<u>VALUE</u>	<u>AMT</u>
001-14	1/9	E. Rehm	S.F.R.	6 P.C.R. Ext	200,000	300
002-14	1/16	R Howard	S.F.R.	3392 Lutts Rd	<u>300,000</u>	<u>300</u>
<b>MTD Total</b>					<b>500,000</b>	<b>600</b>
<b>YTD Total</b>					<b>500,000</b>	<b>600</b>

BUILDING DEPARTMENT REPORT: January 2014

- 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 January 2014
- Attended Zoning Board of Appeals & Planning Board meetings
- Attended meeting with DEC & FEMA regarding remapping of the Ontario shoreline
- Attended mandatory NY State Training

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 14. Report 2014-24

## Justice Revenue

JUSTICE  
FINES 2013

01-1000.2610

	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
JANUARY	4,515.00	(2,415.00)	<b>2,100.00</b>
FEBRUARY	3,860.00	(1,670.00)	<b>2,190.00</b>
MARCH	4,807.00	(3,437.50)	<b>1,369.50</b>
APRIL	3,990.00	(1,795.00)	<b>2,195.00</b>
MAY	3,507.50	(1,252.50)	<b>2,255.00</b>
JUNE	3,952.50	(1,877.50)	<b>2,075.00</b>
JULY	5,005.00	(1,975.00)	<b>3,030.00</b>
AUGUST	5,111.50	(2,651.50)	<b>2,460.00</b>
SEPTEMBER	5,599.50	(3,109.50)	<b>2,490.00</b>
OCTOBER	5,371.00	(2,251.00)	<b>3,120.00</b>
NOVEMBER	1,545.00	(115.00)	<b>1,430.00</b>
DECEMBER	<u>1,948.00</u>	<u>(713.00)</u>	<u><b>1,235.00</b></u>
	<b>49,212.00</b>	<b>(23,262.50)</b>	<b>25,949.50</b>

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 15. Report 2014-25

## Highway

Department of Public Works

Monthly Report for January 2014

**Highway Department:**

1. Called out to plow and salt 25 times.
2. Received and pug mill mixed 300 tons of road salt.
3. We have purchased 100% of our 2013/2014 salt commitment. There is currently a shortage of road salt in our area. I have ordered an additional 300 ton however none has been delivered yet. We will restrict the usage of salt until the situation improves.

**Water and Sewer Department:**

1. Completed monthly meter readings.
2. Completed round 2 of the Stage 2 water testing.
3. Repairs to the Swain Rd Pump Station Manhole have been completed. The engineer has added the locations of the new manholes onto the drawings for the station.

Respectfully submitted,

*Scott B. Hillman*  
Superintendent of Highways

Deputy Supervisor Baia complimented Highway Superintendent Hillman and his crew on the good job they have done plowing the roads.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**16. Report 2014-26****Engineer****Harrison Lane - Private to Public Roadway evaluation and Map Plan & Report**

- Deed and mapping research completed
- Preliminary site investigation and boundary survey completed
- Preliminary survey overlay map to be issued prior to March 2014 TB meeting
- Preliminary cost estimate and summary of dedication requirements to be issued prior to March 2014 TB meeting

**Swain Road Pump Station**

- Field survey of field changes completed; record plan with construction photo log to be provided week of February 17<sup>th</sup>.

**Misc. Support Services**

- Town hall water service break - Chris Amico from CRA attended a meeting with the Town and Insurance Adjuster. Town to follow-up with retained contractor to locate leak in wall within garage area.

**Engineering Support (future)**

**Water Tank rehabilitation:** (March 2013) 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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17. Report 2014-27

**Attorney**

Attorney Dowd commented that Local Law #1 will not affect agricultural operations, it strictly applies to commercial operations.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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18. Report 2014-28

**Grant Writer**

No report received

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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19. Report 2014-29

**Correspondance**

report

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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20. Report 2014-31

**Calendar of Events**

<b>Town Office Closed</b>	Presidents' Day, Monday, February 17
Zoning Board Meeting	Thursday, February 20 @ 7:30 pm - Town Hall
Planning Board Meeting	Thursday, March 06 @ 7:00 pm - Town Hall
Regular Town Board Meeting	Monday, March 10 @ 7:00 pm - Town Hall

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**21. Report 2014-30****Town Board Comments**

Councilman Fleckenstein made a motion to have all work sessions at 6:00 p.m., one (1) hour before the regularly scheduled Town Board meeting. Councilman Baker seconded. Motion carried.

With no further business to discuss, a motion was made by Councilman Baker and seconded by Councilman Fleckenstein to adjourn the regular meeting of the Porter Town Board. All were in favor and the motion was carried. The meeting was adjourned at 7:23 p.m.

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