



# Town of Porter

## Town Board Meeting

3265 Creek Road  
Youngstown, NY 14174

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

~ Minutes ~

Barb Dubell  
716-745-3730

Monday, May 12, 2014

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on May 12, 2014 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	
Barb Dubell	Town of Porter	Town Clerk	Present	
Kara Hibbard	Town of Porter	Deputy Town Clerk	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Dave Britton	Town of Porter	Engineer	Present	
Susan Driscoll	Town of Porter	Assessor	Present	

### II. Public Portion

#### 1. Report 2014-87

#### Public Comments

Nancy Donald, 3117 Oak Avenue. Questioned the Board about an issue that started in 2008 and was addressed to the board at that time. There is a neighbor who is encroaching on their property. It was checked out by the Building Inspector. It is now 6 years later and the problem still remains. It's in their deeds that the lake frontage is own by the community property. It has gotten worse. Also mentioned that their only access to that area is the dead end. There is a new build that had no driveway. The electric line is laying on their roof. They don't have a driveway, the neighbors use access area for their parking area.

The DEC has jurisdiction 25 feet in from the top of the bank. No one can build anything there. They have to remove their fence off our property with in 30 days. Roy will be down there tomorrow to check things.

Board made a Resolution to install "No Parking" signs on the dead end roads at Beech Avenue, Oak Avenue and Park Avenue. The motion was made by Councilman Baker and seconded by Councilman Baia. All were in favor , the motion carried.

Irene Putz, 1737 Harrison Lane. Just wanted to know if there have been any new developments on the Harrison Road project. Dave Britton, Engineer, needs to prepare a list of improvement that are necessary in order for the town to assume public right of way. Lane widths, power poles have to be located, trees trimmed. I need to work with the highway superintendent. Finalize cost estimates. Timing wise have

everything worked out with the highway department over the next few weeks then I will have something to present to the board. The next step will be an informational meeting with the neighbors to discuss it.

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

#### 1. Resolution 2014-51

##### Minutes Approval

Resolution to approve the April 14th minutes for the Town Board Work Session and Town Board meeting with the following addition.

Tim Lockhart, Village of Youngstown Deputy Mayor wanted it noted that at the public hearing portion of the April 14th, Town Board minutes, that the Village of Youngstown was waiting for a invoice to pay their portion of the BAN at no interest to the Village.

<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

#### 2. Resolution 2014-52

##### Audited Vouchers

Resolution authorizing the payment of the following vouchers:

##### TOWN OF PORTER

<b>WARRANT:</b>	<b>POST AUDIT - APRIL, 2014</b>	<b>4/30/14</b>
<b>FUND</b>	<b>01</b>	9,767.77
<b>FUND</b>	<b>02</b>	451.35
<b>FUND</b>	<b>04</b>	102.29
<b>FUND</b>	<b>06</b>	169.36
<b>FUND</b>	<b>07</b>	1,681.70
<b>FUND</b>	<b>28</b>	
<b>TOTAL</b>		<b><u>12,172.47</u></b>
<b>VOUCHER 'S</b>	<b>19497</b>	<b>THRU 19515</b>

<b>WARRANT:</b>	<b># 5</b>	<b>MAY, 2014</b>	<b>5/12/14</b>
<b>FUND</b>	<b>01</b>	47,457.96	
<b>FUND</b>	<b>02</b>	37,267.83	
<b>FUND</b>	<b>04</b>	16,005.11	
<b>FUND</b>	<b>06</b>	2,600.16	
<b>FUND</b>	<b>07</b>	68,595.06	
<b>FUND</b>	<b>10</b>	839.27	
<b>TOTAL</b>		<b><u>172,765.39</u></b>	
<b>VOUCHER 'S</b>	<b>19516</b>	<b>THRU</b>	<b>19589</b>
	<b>TOTAL</b>	<b><u>184,937.86</u></b>	

<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

### 3. Report 2014-88

#### Town Clerk

Water: \$37,531.71  
 Sewer: \$58,339.36  
 Clerk fees: \$793.33

Town Clerk Barb DuBell attended a three day conference for the New York State Town Clerks Association from April 27 to 30, 2014, in Saratoga Springs, New York. Classes attended included:

Annual Business Meeting  
 Records Management  
 Safety in the Workplace  
 DEC  
 FOIL and Open meetings Law  
 Town Basics  
 The Minutes Process  
 Q&A with Assoc. Of Towns Attorneys

Received a certificate of attendance for Board of Assessment Review training from Dennis Greene.

Received a letter from Peter Jeffery, resigning from the Zoning Board of Appeals effective May 10, 2014

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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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4. **Resolution 2014-62**

**Planning Board Appointment**

Resolution appointing Peter Jeffery to the Planning Board, filling the open seat which runs through 12/31/2017.

<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

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5. **Resolution 2014-63**

**Zoning Board of Appeals Appointment**

Resolution appointing Terry Duffy to fill Peter Jeffery's term, which expires 12/31/2018

<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

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6. **Report 2014-89**

**Supervisor's Report**

Supervisor's Monthly Report for April, 2014 was distributed to all Town Board members.

Resolution to accept the Supervisor's Monthly Report for April, 2014.

March sales Tax: \$121,053.07. We are \$24,338.97 lower than 2013 for the same period.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**7. Resolution 2014-53****Supervisor's Report**

Resolution accepting the Supervisor's Report for April, 2014.

<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

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**8. Report 2014-90****Supervisor's Assistant**

Bookkeeper's Monthly Report - April, 2014

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Completed processing all April, 2014 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for April, 2014, and distributed it to the Supervisor & Town Board members.

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Working on launch of new web site

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**9. Report 2014-91****Tax Collector**

RE: 2014 TOWN/COUNTY COLLECTIONS

Dear Supervisor Wiepert and Town Board Members:

As of April 9, 2014 Town Tax Collector's account has the sum of \$594,644.14. This represents all payments and penalties collected to date. Final remittance to the County Treasurer will be

made on/or April 11, 2014.

Respectfully yours,

Sally A. Hogan, Collector

May 1, 2014

Supervisor Merton Wiepert

Town of Porter

3265 Creek Rd

Youngstown, NY 141714

**RE: TOWN /COUNTY TAX COLLECTIONS FOR 2014**

Dear Supervisor Wiepert and Town Board Members:

Paid to Supervisor Wiepert the sum of \$6162.00. This amount included the following:

Penalties collected in March	\$5910.00
Return of Petty Cash	100.00
\$1.00 surcharge on unpaids returned	152.00

This (152 unpaids) is the lowest number of unpaids in all my years as a Collector.

Paid to County Treasurer on April 11, 2014 the sum of \$588,480.14 as final remittance to the County. The following figures reflect the final results of my collection for the 2014 Town/County Tax Roll in and for the Town of Porter:

Paid to Supervisor	1,281,057.15
Paid to County in February	2,800,000.00
Collected by County Treasurer (Utilities County Owned)	94,596.07
April remittance due County	588,632.14
Total Collected	4,764,285.36
Total Uncollected (152 bills)	293,865.09
	5,058,150.45

**ADJUSTMENTS-CORRECTED BILLS**

Time Warner-No Town Tax	404.09
Corrected bill-Pica	511.61
Total Adjustments	915.70
Total Warrant	5,059,066.15

April remittance	588,632.14
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\$1.00 unpaids surcharge	-152.00
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Paid to County Treasurer	588,480.14
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There was no interest credited this year to this account.

Total of \$8059.69 in penalties was collected this year. This amount includes \$100.00 for five returned checks at \$20.00 each.

Town Tax Collector's account now reflects a balance of \$4.09-\$2.00 to keep the account open and \$2.09 checks for overpayment by homeowners that still have not been cashed.

  
Sally A. Hogan, Collector  
Town of Porter

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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10. Report 2014-100

Recreation Committee

Update from the Recreation Commission:

1. The Town's insurance company has issued the Town a check in the amount of \$5,833.70 for the Actual Cash Value of the Recreation equipment damaged during the water break at Town Hall. The replacement equipment (computer towers, monitors, etc) is currently being ordered.
2. Interviews will be held on Monday, June 2<sup>nd</sup> for the Summer Recreation leaders positions. Resumes are due at Town Hall by May 23<sup>rd</sup>. The Summer Program will run from July 7<sup>th</sup> through August 15<sup>th</sup>, with registration being held on July 2<sup>nd</sup> and 3<sup>rd</sup> at Stevenson Elementary.

Kathy Zasucha, Recreation Director, announced that the Summer Recreation Program will start on July 7th thru to August 14th. Registration will be on July 2nd and July 3rd from 10:00 am to 3:00 pm at Stevenson Elementary School gym. Interviews will be held on June 2nd for Supervisor positions. They will be interviewing 20 people.

The computers that were destroyed by the water damage are being replaced by insurance.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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#### 11. Report 2014-92

	<b>2014 Justice Fines</b>		
	<b>GROSS REVENUE</b>	<b>DISTRIBUTION</b>	<b>NET REVENUE</b>
<b>JANUARY</b>	3,058.00	(1,348.00)	1,710.00
<b>FEBRUARY</b>	2,835.00	(1,815.00)	1,020.00
<b>MARCH</b>	4,100.00	(1,945.00)	2,155.00
<b>APRIL</b>			0.00
<b>MAY</b>			0.00
<b>JUNE</b>			0.00
<b>JULY</b>			0.00
<b>AUGUST</b>			0.00
<b>SEPTEMBER</b>			0.00
<b>OCTOBER</b>			0.00
<b>NOVEMBER</b>			0.00

<b>DECEMBER</b>			<b>0.00</b>
	<b>9,993.00</b>	<b>(5,108.00)</b>	<b>4,885.00</b>

**RESULT: REPORT ISSUED**

**12. Report 2014-93**

**Assessor**

Assessor Report  
April 2014

- Finalized 2014 tentative roll

**RESULT: REPORT ISSUED**

**13. Report 2014-95**

**Building Inspector/Code Enforcement Officer**

**TOWN OF PORTER APRIL 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>
008-14	4/3	J Fair	P. B.	3474 Rans Rd	4,000	50
009-14	4/7	E Krieger	Fence	1836 Y-W Rd	2,500	25
010-14	4/9	T Dodson	Garage	811 Lake	25,000	50
011-14	4/14	S Zasucha	Garage	1762 Lake	20,000	50
013-14	4/22	M Dwoizzanski	S.F.R.	2561 Y-E Rd	170,000	300
014-14	4/24	D Oakes	Garage	1884 Lkpt Rd	6,500	50
015-14	4/25	S Rycyna	S.F.R.	717 Lake	340,000	300
016-14	4/29	C Simon	S.F.R.	973 Lake	<u>180,000</u>	<u>300</u>
April Total					\$748,000	\$1,125
Year-to-Date					\$1,313,600	\$1,875

BUILDING DEPARTMENT REPORT: April 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 April 2014
- Attended meeting for Niagara County hazard mitigation
- Attended Court for several Zoning Code infractions

Councilman Fleckenstein asked the Building Inspector for monthly copies of his fine and penalties.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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#### 14. Report 2014-94

### Highway

#### Monthly report for April 2014

##### Highway Department:

1. Completed the town wide brush pickup.
2. Completed cleaning and painting of winter equipment.
3. Completed installation of a driveway culvert on Braley Rd.
4. Completed restoration of plow damage to yards and road shoulders.
5. Received assistance from the Town of Wheatfield . They provided their bucket truck and operator to change out the seasonal banners in Ransomville.
6. We have received the Storage Container and can now accept electronic waste for recycling. Details regarding drop off are on the town website.

##### Drainage Department:

1. Removed dead falls from creek on Calkins Rd.
2. We are preparing the drainage mower. We will start mowing as the weather permits.

##### Water and Sewer Department:

1. Completed monthly meter readings.
2. Completed 2 water service installations.
3. We are working on the site restoration at Swain Road.

##### POTL:

1. Completed pickup of limbs and debris throughout the park .
2. The water has been turned on and the restrooms are open.
3. We are working on assembling the new picnic tables.

##### Highway Garage Roof and Office Window replacement Project:

1. CRA has inspected the roof and are preparing bid specs. For both projects.

**Service lift and Gas powered compressor quotes:**

**12000lb Rotary SPO12-TA Service Lift:**

Loomis-Root - Delivered and installed by Loomis- Root	\$6,175.00
CarQuest - Delivered by CarQuest	\$5,566.99
Installation by Atlas Lift	\$ 800.00
	\$6,366.99
Newfane Automotive - Delivered and installed by NAPA	\$6,529.00

**Ingersoll Rand Model 2475F13 GH Gasoline powered compressor:**

Loomis-Root	\$2,895.00
CarQuest (Does not handle Ingersoll-Rand)	
Newfane Automotive NAPA	\$2,899.00
Lakeland Supply	\$3,599.00

**WNY APWA Beaver Island Breakout Road Work Safety Class and Equipment Show**

I would like board authorization to send all employees to the Road Work Safety Class and Equipment Show at Beaver Island State Park on Thursday May 22<sup>nd</sup> from 10 until 2PM. Registration cost is \$15.00 per person and includes the Safety class, lunch and equipment show. Total cost would be \$165.00.

Respectfully submitted,

Scott B. Hillman  
Superintendent of Highways

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**15. Resolution 2014-55**

**12000 Lb. Rotary SPO12-TA Service Lift**

Resolution authorizing the purchase of a 12,000 lb. Rotary SPO12-TA Service Lift from Loomis-Root for \$6,175.00 installed.

<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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**16. Resolution 2014-56****Ingersoll Rand Model 2475F13 GH Gas Powered Compressor**

Resolution authorizing the purchase of an Ingersoll Rand Model 2475F13 GH Gas Powered Compressor from Loomis-Root for \$2,895.00.

<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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**17. Resolution 2014-57****Road Work Safety Class & Safety Show**

Resolution approving all DPW employees to attend the WNY APWA Beaver Island Breakout Road Work Safety Class & Equipment Show on Thursday, May 22nd.

<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

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**18. Resolution 2014-58****Asbestos Inspection Services**

Resolution authorizing the Town to enter into a contract with Sienna Environmental Technologies in the amount of \$2,275.00, to test for asbestos on the DPW roof prior to going out for bid to replace the roof.

<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

## 19. Report 2014-96

### Engineer

#### **Harrison Lane - Private to Public Roadway evaluation and Map Plan & Report**

- Deed, mapping, and preliminary site investigation/ research completed
- Preliminary site investigation and limited boundary survey completed
- Preliminary survey overlay map completed and issued to the Town Board for review
- Prepare a preliminary budget based upon conceptual improvements

NEXT STEP: finalize improvements and cost estimate for resident information

#### **Highway Garage - Roof Replacement CIP**

- Site investigation complete
- Draft Contract documents complete
- Asbestos Survey

NEXT STEP: Set Advertisement and Bid opening dates

#### **Highway Garage - Window replacement CIP**

- Site investigation and code review complete
- Project manual complete

NEXT STEP: Solicit and obtain quotes

#### **Engineering Support (future)**

**Water Tank rehabilitation:** (March 2013) CRA developed a budgetary cost estimate to replace the existing water tanks (Ransomville, Balmer) with a single tank at the Balmer Road site. Aquastore prepared an updated cost estimate on May 02, 2014.

**NEXT STEPS:**

- a) Meet with the Health Department to review goals;
- b) Complete limited hydraulic study and prepare Engineering Report for NCHD;
- c) Prepare preliminary design

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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20. Report 2014-97

**Grant Writer**

**Grants Status Report:**

**Projects we are currently working on:**

- **AED Application:** Is ready and will be submitted on 5/13/2014.
- **Traffic sign reimburse has been submitted.** We have a balance of over \$7,000 to re purpose. Still need to have the project for this balance.
- **LWRP:** Committee needs created to discuss the LWRP and we will meet with the supervisor to begin that process. Spoke with DOS Coastal Resources and our time frame is June 2014 with a projected completion date of 7/2016. Need to have a kick off meeting.
- **CFA is OPEN.** Suggestions: Park Improvements, Shoreline stabilization.
- **FEMA:** FEMA will open this summer and a possible joint application can be submitted for a generator. Need to discuss with our fire department on this joint application.
- **Greenway:** Need to install an authorized Greenway Sign.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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21. Report 2014-105

**Attorney**

Attorney Dowd has heard nothing on the property where we want to put the water tank. We take ownership in April 2015.

The Planning Board made a recommendation that the Town Board consider an update to the new Zoning Manual to amend some things that were left out, in pertaining to the

sales and service of farm equipment.

A Public Hearing will be scheduled for the next town board meeting to update the Zoning Manual.

There was much discussion about storm water runoff. Every municipality has to have a storm water control officer. They check the water quality, do a report annually on storm water runoff, for construction he's the guy who oversees the sediment control. So anything that has to do with water runoff, he has to report to the state. Jeff Reiter is currently doing it for the town.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 22. Report 2014-98

### Calendar of Events

Town Hall Closed	Monday-May 26 <sup>th</sup>	Memorial Day
B. A. R.	Tuesday-May 27 <sup>th</sup>	3:00 pm - 5:00 pm 6:00 pm - 8:00 pm Town Hall
Planning Board	Thursday-June 5 <sup>th</sup>	7:00 pm - Town Hall
Town Board Work Session	Monday-June 9 <sup>th</sup>	6:00 pm - Town Hall
Town Board	Monday-June 9 <sup>th</sup>	7:00 pm - Town Hall

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 23. Resolution 2014-54

### Ramp Repairs

Resolution requesting the New York State Department of Transportation to repair the On & Off ramps on the Robert Moses Parkway from Lewiston, NY north to the end of the parkway. The Town Clerk will forward a copy of the resolution to both the Local & State offices of the Department of Transportation, along with Senator George Maziarz, and Assembly persons Jane Corwin and John Ceretto.

<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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**24. Report 2014-99****Town Board Comments**

Councilman Baia wanted to invite everyone to attend the ceremony held on Memorial Day at 11:00 am at Fort Niagara Cemetery. During the ceremony they read off the names of the deceased veterans.

With no further business to discuss the meeting was adjourned at 8:15 pm. Motion to adjourn made by Councilman Fleckenstein and seconded by Councilman Baker. All in favor, motion carried.

Barb DuBell, Town Clerk

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