



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

Barb Dubell
716-745-3730

Monday, June 9, 2014

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on June 9, 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	Absent	
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	
Chris Amico	Town of Porter	Engineer	Present	
Susan Driscoll	Town of Porter	Assessor	Present	

II. Public Hearing

1. Report 2014-106

Zoning Amendment Public Hearing

Public hearing for the purpose of amending the Town of Porter Zoning Law to permit sales and service of agricultural equipment in areas zoned Rural Agricultural.

Local Law permitting sales and service of garden/farm equipment in areas zoned Rural Agricultural.

Whereas; the Town of Porter adopted a Town Zoning Law on November 8, 2010, and

Whereas; said Town Zoning Law replaced and superseded an existing Town Zoning Law after the adoption of a Master Plan; and

Whereas; the Master Plan provided for the Town's continued efforts to maintain and support the use of land in the Town for agricultural purposes; and

Whereas; the Town of Porter, prior to the adoption of the current Town Zoning Law, permitted the sales and service of garden/farm equipment in rural residential areas; and

Whereas; it is the Town of Porter desires to continue permitting the sales and service of garden/farm equipment in rural residential areas; it is hereby

Resolved; that the Town adopt a local law amending Article II, Section 7, Figure II-1 of the Town of Porter Zoning Law related to the sales and service of garden/farm equipment in the Town of Porter by amending the Permitted Primary Use Table as follows:

Use	RA	LDR	WR	MDR	CMU	RC	M-1	M-2	M-3
Sales and Service of Garden/Farm Equipment		SP				SP	SP	SP	SP

RESULT:	REPORT ISSUED
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2. Resolution 2014-65

Close Public Hearing

Attorney Dowd commented that this was something that we overlooked when we did the Zoning Manual changes. This will allow the sales and maintenance in the Rural Agricultural areas.

Resolution to close the Public Hearing.

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

3. Resolution 2014-71

Approve Local Law

Local Law permitting sales and service of garden/farm equipment in areas zoned Rural Agricultural.

Whereas; the Town of Porter adopted a Town Zoning Law on November 8, 2010, and

Whereas; said Town Zoning Law replaced and superseded an existing Town Zoning Law after the adoption of a Master Plan; and

Whereas; the Master Plan provided for the Town’s continued efforts to maintain and support the

use of land in the Town for agricultural purposes; and

Whereas; the Town of Porter, prior to the adoption of the current Town Zoning Law, permitted the sales and service of garden/farm equipment in rural residential areas; and

Whereas; it is the Town of Porter desires to continue permitting the sales and service of garden/farm equipment in rural residential areas; it is hereby

Resolved; that the Town adopt a local law amending Article II, Section 7, Figure II-1 of the Town of Porter Zoning Law related to the sales and service of garden/farm equipment in the Town of Porter by amending the Permitted Primary Use Table as follows:

Use	RA	LDR	WR	MDR	CMU	RC	M-1	M-2	M-3
Sales and Service of Garden/Farm Equipment	SP				SP	SP	SP	SP	

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

III. Public Comments

1. Report 2014-107

Public Comments

comments

COMMENTS - Current Meeting:

Irene Putz, 1733 Harrison Lane, wanted to say “thank you” for all the support and continued work on this project.

Nancy Donald, 3117 Oak Avenue, attended the Town Board meeting last month, inquired about the status on the fences that are on community property. Building Inspector Rogers told her that we have had some compliance and he will continue to pursue those issues that are still a problem. Ms. Donald asked about the no parking signs that were approved at the last board meeting, Superintendent Hillman stated that the signs were ordered and would be put up as soon as they were received.

Also, the neighbors have dug up the lake bank to put a trench in, and they ran piping down the bank from their cellar. Councilman Fleckenstein commented that when it comes to the lake you have to be careful, that DEC or Army Corp. are the ones that would govern all that. The electric lines are still on the house. Bldg Inspector Rogers has talked to owner and they are waiting for Niagara Mohawk to move the line and there is a 6 month back-up.

The hole that had snow fencing, is now back to the caution tape. Inspector Rogers informed her that

there's an order for a cover, then they will fill in the hole with gravel and there's a plastic dome that goes over it.

Ernie Lavinguer, 3451 East Avenue, made a suggestion for the employee handbook, one of the resources we have is the county personnel, risk management. They have to keep up with the job descriptions and they are similar to ours. Get ahold of your county legislature, Clyde Burmaster, and maybe you can save some money. On Calkins Road, are they continuing the cleaning up of 4 Mile Creek? Councilman Fleckenstein responded that the work is continuing this year, we are trying to make a better flow thru there.

Ron Peters, was at the March 10th meeting, to discuss his mother's drainage problems at 2133 Lake Road. On 5/23 he stopped in to see Roy, nothing had been done at that point. Since then the problem has escalated, there have been truckloads of concrete and road debris delivered. The owner has been sent a court summons and is scheduled to appear in July.

RESULT:	REPORT ISSUED
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IV. Reports/Resolutions

1. Resolution 2014-66

Minutes Approval

Resolution approving the minutes of the May 12th Town Board Work Session and Regular meeting.

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

2. Resolution 2014-67

Audited Vouchers

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

TOWN OF PORTER

WARRANT:	POST AUDIT - MAY, 2014	5/31/14
FUND	01	4,490.72
FUND	02	36.26
FUND	04	102.29
FUND	06	836.70

RESULT:	REPORT ISSUED
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4. Resolution 2014-68**Audit/Financial Reports/Changes (Town Clerk/Town Justice/Tax Collector)**

Resolution to acknowledge that the Statement of Changes in Cash Balances and Statements of Cash Receipts of the Tax Collector, Town Clerk and Town Justices, as of December 31, 2013, have been examined by the Town Board and have been audited by Brown & Company, LLP, Certified Public Accounts. After approval by the Town Board these will be sent to the State Comptroller and the Unified Court System by the Town Clerk.

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

5. Report 2014-109**Supervisor's Report**

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

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

April sales Tax: \$98,509.64. We are \$17,423.82 lower than 2013 thru April.

Mortgage Tax from N.C. is \$43,380.65. This is the first of two payments.

RESULT:	REPORT ISSUED
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6. Resolution 2014-69**Supervisor's Report**

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

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

7. **Report 2014-110**

Bookkeeper

Bookkeeper's Monthly Report - May, 2014

Completed processing all May, 2014 Vouchers & Journal Entries.

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

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Launched the new web site

Need a resolution authorizing the following budget transfer:

01-1355.0002	Assessor Equipment	\$ 781.00
01-1355.0004	Assessor Contractual	(781.00)

I keep getting asked how much the solar panels are saving the Town. Below are the total dollar costs of electricity for the Town Hall & DPW since 2011. The Solar Panels were operational July 31, 2012.

	Town Hall	DPW
2013	\$2,653	\$ 4,154
2012	4,529	5,379
2011	6,674	8,357

RESULT:	REPORT ISSUED
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8. **Resolution 2014-70**

Budget Adjustment

Resolution authorizing the following budget transfer:

01-1355.0002	Assessor Equipment	\$ 781.00
01-1355.0004	Assessor Contractual	(781.00)

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

9. Report 2014-111

Recreation

RE: Summer Staff

The Town of Porter Recreation Commission has hired the following adult supervisors for its summer program. Employment is from June 30 - August 15, 2014.

Vicki Price 648 Blairville Road Youngstown, NY 14174	John Choboy 2641 New Road Ransomville, NY 14131	Shauna Fischer 3843 Ransomville Road Ransomville, NY 14131
Joshua Smith 3659 Ransomville Road Ransomville, NY 14131	Jeanne LePage 252 Glenvale Road Youngstown, NY 14174	Alison Hastings 3226 Porter Center Road Youngstown, NY 14174
Jordynn Koroschetz 3156 Dickersonville Rd Ransomville, NY 14131	Peter Munno 647 Blairville Road Youngstown, NY 14174	Jack Tewsley 402 Lynnbrook Drive Youngstown, NY 14174
Jessica Rodino 3018 Orchard Drive Youngstown, NY 14174	Kelli Mooradian 3653 Dickersonville Road Ransomville, NY 14131	Stephanie Kowalski 1399 Youngstown-Lkport Rd Youngstown, NY 14174
Emily Marin 295 Glenvale Road Youngstown, NY 14174	Jordin Puzan 559 Parkside Place Youngstown, NY 14174	Daniel Kish 2646 Youngstown-Lkport Rd Ransomville, NY 14131
Rachel Cannova 3660 Hillview Drive Youngstown, NY 14174	Lara Stella 358 Carrollwood Drive Youngstown, NY 14174	Morgan Susice 3213 Ransomville Road Ransomville, NY 14131
Morgan Casal 1139 Cain Road	Jacob Zuber 3660 Hillview Drive	

Youngstown, NY 14174

Youngstown, NY 14174

The Town of Porter Summer Recreation will run from July 7th to August 14th, 2014.

RESULT:	REPORT ISSUED
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10. Resolution 2014-72

Summer Recreation Leaders P/T

Resolution hiring the following individuals as Summer Recreation Leaders P/T at the budgeted rates noted. Employment from June 30, 2014- August 15, 2014.

<u>Name</u>	<u>Rate</u>
Re-Hires	
Choboy, John	9.50 hr
Fischer, Shauna	9.50 hr
Hastings, Alison	9.50 hr
Koroschetz, Jordynn E	9.50 hr
Kowalski, Stephanie	9.50 hr
LePage, Janeanne	9.50 hr
Mooradian, Kelli A	9.50 hr
Munno, Peter	9.50 hr
Price, Vicki	9.50 hr
Puzan, Jordin	9.50 hr
Rodino, Jessica	9.50 hr
Smith, Joshua C	9.50 hr
Tewsley, Jack	9.50 hr
New Hires	
Cannova, Rachel	8.75 hr
Casal, Morgan	8.75 hr
Kish, Daniel	8.75 hr
Marin, Emily	8.75 hr
Stella, Lara	8.75 hr
Susice, Morgan	8.75 hr
Zuber, Jacob	8.75 hr

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

11. Report 2014-113

Building Inspector/Code Enforcement Officer

TOWN OF PORTER			MAY PERMITS			
<u>#</u>	<u>Date</u>	<u>Owner</u>	<u>Type</u>	<u>Property Location</u>	<u>Valuation</u>	<u>Amount</u>
018-14	5/2	Kenneth Diez	Pole Barn	1417 Y /W Rd	15,000	50
019-14	5/5	Joan Gentilucci	A G P	409 Dansworth Rd	750	25
020-14	5/6	J. Anthony Collard	Fence	840 Lockport Rd	1,500	25
021-14	5/8	Michael McCabe	Pole Barn	2384 Lake Rd	15,000	50
022-14	5/9	Francis Rooney	Add - Alt	3795 River Rd	200,000	150
023-14	5/12	Karen Penale	Fence	3022 Creek Rd	500	25
024-14	5/14	William Collesano	Porch	3803 River Rd	18,000	25
025-14	5/14	Julie Johnston	Garage	3604 Curtiss Ave	15,100	50
026-14	5/16	Gordon Nelson	A G P	535 Blairville Rd	5,000	25
027-14	5/19	Melrose MHP LLC	Demo	999 Balmer Rd	-	25
028-14	5/19	Melrose MHP LLC	Demo	999 Balmer Rd	-	25
029-14	5/19	Melrose MHP LLC	Demo	999 Balmer Rd	-	25
030-14	5/19	Melrose MHP LLC	Demo	999 Balmer Rd	-	25
031-14	5/19	Lynn Funk	Shed	1483 Sunrise Ln	-	25
032-14	5/19	Edward Webster	Shed	1009 Meadow Dr	3,000	25
033-14	5/20	Pauline Ghougasian	Shed	1237 Lockport Rd	2,500	25
034-14	5/20	Jason Buttery	A G P	896 Balmer Rd		

					2,500	25
035-14	5/27	Paul Beakman	Porch	2473 Lake Rd	7,000	25
036-14	5/28	Debra Brenot	Sunroom	2507 Parker Rd	24,500	25
					310,350	675
					1,623,590	2,550

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

RESULT:	REPORT ISSUED
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12. Report 2014-112

Assessor

May 2014

- 3 onsite inspections
- BAR - 4 property owners appeared in person before the Board; 2 grieved but did not attend in person; 4 homeowners stipulated prior to BAR.

RESULT:	REPORT ISSUED
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13. Report 2014-114

Justice Revenue

JUSTICE FINES 2014

01-1000.2610

GROSS

NET

	<u>REVENUE</u>	<u>DISTRIBUTION</u>	<u>REVENUE</u>
JANUARY	3,058.00	(1,348.00)	1,710.00
FEBRUARY	2,835.00	(1,815.00)	1,020.00
MARCH	4,100.00	(1,945.00)	2,155.00
APRIL	4,833.50	(3,018.50)	1,815.00
MAY			0.00
JUNE			0.00
JULY			0.00
AUGUST			0.00
SEPTEMBER			0.00
OCTOBER			0.00
NOVEMBER			0.00
DECEMBER			0.00
	<u>14,826.50</u>	<u>(8,126.50)</u>	<u>6,700.00</u>

RESULT:	REPORT ISSUED
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14. Report 2014-115

Highway

6/9/2014

Department of Public Works

Monthly Report for May 2014

Highway Department:

1. Completed the monthly brush pickup.
2. Completed full dept reclamation of Dietz Road.
3. Hauling stone to stock for resurfacing Dietz Road.
4. Provided assistance with 2 trucks hauling stone for the Town of Cambria oil sealing projects.
5. Received assistance from the Town of Lewiston, they supplied their bulldozer and operator to construct a waste wood storage area at Balmer Rd. water tower site.
6. Completed the installation of a driveway culvert on Dickersonville Road.
7. All employees attended the Traffic Safety seminar put on by the WNYAPWA.

Drainage Department:

1. We will be starting the off road ditch mowing program this week.

Water and Sewer:

1. Completed monthly meter reading.
2. We are currently inspecting and weed trimming around all fire hydrants.
3. WE have completed the inspection of the manholes along the gravity sewer line between Collingwood subdivision and Youngstown Estates.

I would like to thank the board for allowing me to attend this years Cornell Local Roads School for Highway Superintendents. I attended classes on pavement preservation, Roadside Safety, Workplace Violence, Legal panel discussion and Culvert repair and maintenance.

Respectfully submitted,

Scott B. Hillman

Superintendent of Highways

RESULT:	REPORT ISSUED
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15. Report 2014-116

Engineer

Engineering Report

June 2014

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

- Preliminary design and cost estimate to be completed for discussion at the July 2014 meeting

Highway Garage - Roof Replacement CIP

- Contract documents complete, advertisement pending asbestos survey results
- Tentative Advertisement (June 11, 2014)
- Bid Opening (July 2, 2014)
- Award (July 14, 2014)

Highway Garage - Window replacement CIP

- Bids Due June 4, 2014

Town Hall Entrance Enclosure

- Site visit completed May 29, 2014

- CRA to prepare sketch and budget cost estimate to enclose front entrance

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

Only 1 bid was received for the Highway Garage Window Replacement CIP, it was for \$8000. It will be re-bid a second time.

Councilman Fleckenstein inquired about the water tank in Ransomville, what is the process if you take it down? Does it require annual inspections? Is it more cost effective to take it down or leave it up. The engineer will review.

RESULT:	REPORT ISSUED
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16. Report 2014-117

Attorney

Waiting to hear back from the Village - will follow up again.

RESULT:	REPORT ISSUED
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17. Report 2014-118

Grant Writer

Projects we are currently working on:

- **AED Application:** Was submitted 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 to be created to discuss the LWRP and kick off meeting. 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 soon.

- **CFA is OPEN.** Suggestions: Was to submit to Coastal Resources a perimeter trail and connecting trail to the main pavilion, the shoreline stabilization and promenade development. The original estimate was round \$900,000 after review with the supervisor was scaled down to \$450,000 (with a 50% match) to install the trail system only. After a review with Renee Parson from NYS DOS Coastal Resources, our grant application would not be eligible because our LWRP is not complete. (Therefore securing an LWRP would open this funding stream for projects along the lake). WE will submit next round (after our LWRP has been approved).
- **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. We would appreciate some assistance in working with one of the two Fire companies to discuss this option.
- **Greenway:** Still need to install an authorized Greenway Sign. And we need to complete our original project on the pavilions.

RESULT:	REPORT ISSUED
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18. Report 2014-119

Correspondance

Received the following letter dated May 27, 2014 from Robert Emerson, Old Fort Niagara:

On behalf of Old Fort Niagara, I would like to thank the Town of Porter for your continued support in 2014. The \$20,000 grant provided to the Fort by the Town of Porter allows us to hire additional summer staff to present dynamic public programs. This in turn brings more visitors to the area. Our visitation has grown significantly in the last few years allowing us to undertake additional restoration and preservation projects and to present more programs of public interest both on and off the historic site.

Your continued support is much appreciated.

Yours Truly,
Robert L. Emerson
Executive Director

Supervisor Weipert: "We lost a very valuable volunteer in the Town of Porter, Mr. Doug Dietz passed away on May 31, 2014. Doug volunteered in the church, he was the vice president of the library in Ransomville. He helped with the car show that's held every Thursday in Ransomville. Doug was a great asset to the Town of Porter. We're going to miss him."

RESULT:	REPORT ISSUED
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19. Report 2014-120

Calendar of Events

Zoning Board Meeting June 19, 2014 @ 7:30 pm - Town Hall

Planning Board Meeting July 3, 2014 @ 7:00 - Town Hall

Town Hall Closed July 4th - Independence Day

Town Board Work Session July 14, 2014 @ 6:00 pm - Town Hall

Regular Town Board Meeting July 14, 2014 @ 7:00 pm - Town Hall

RESULT: REPORT ISSUED

20. Report 2014-121

Town Board Comments

The regular meeting of the Porter Town Board was adjourned at 7:40 pm. The motion to adjourn was made by Councilman Fleckenstein and seconded by Councilman White.

Barb DuBell
Town Clerk

RESULT: REPORT ISSUED