



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

~ Minutes ~

Barb Dubell
716-745-3730

Monday, September 8, 2014

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on September 8, 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	
Dave Britton	Town of Porter	Engineer	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Absent	
Norm Ault	Town of Porter	Bookkeeper	Absent	
Susan Driscoll	Town of Porter	Assessor	Present	

II. Public Hearings

1. Report 2014-168

Local Law #3 - Public Hearing

LEGAL NOTICE IS HEREBY GIVEN that the Town Board of the Town of Porter will hold a Public Hearing at the Town Hall, 3265 Creek Road, Youngstown, New York 14174 on the 8th day of September, 2014 at 7:00 PM to hear all interested parties and citizens for or against the adoption of Local Law #3, 2014. The proposed local law would amend the current zoning law to provide that public hearings would be required for all site plan review applications made to the Town of Porter Planning Board and for all special use permit applications made to the Town of Porter Zoning Board of Appeals. A copy of the proposed text of the law as amended is on file in the Town Clerk's office where it may be examined during normal business hours.

BY ORDER OF THE TOWN BOARD

Barbara DuBell
Town Clerk

Attorney Dowd explained that the Planning Board asked that the Town consider requiring a public hearing for site plan approval. The law was unclear whether or not there had to be public hearing for special use permits. It's been cleaned up so that now it's very clear that this applies to special use permit requests that go before the Zoning Board of Appeals. It also applies to public hearings related to site plan review applications that go before the Planning Board.

It will then be published in the official newspaper at least 10 days before the hearing.

RESULT:	REPORT ISSUED
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2. Resolution 2014-93

Close the Public Hearing

Resolution to close the Public Hearing

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

3. Resolution 2014-94

Approve Local Law #3

Resolution that the Town adopt Local Law #3.

Local Law Amending Article VIII §100 (C) (1), (3)(b) and §106 (F) (2) and providing for public hearing related to applications for Site Plan review and Special Use Permits.

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; it is the desire of the Town to conduct timely public hearings related to the issuance of special use permits by the Town of Porter Zoning Board of Appeals; and

Whereas; it is the desire of the Town to conduct timely public hearings related to Site Plan Review Applications heard by the Town of Porter Planning Board; it is hereby

Resolved; that the Town adopt a local law amending Article VIII §100 (C) (1), by adding subdivision (e) as follows:

§100 (C) (1) (e) Site Plan Approval Applications.

and it is further;

Resolved, that the Town adopt a local law amending Article VIII §100 (C) (3) (b), as follows:

§100 (C)(3)(b) Published Notice

A published notice shall be placed in an official newspaper or newspaper of general circulation in the Town at least once, not more than twenty (20) or less than ten (10) days before the hearing.

and it is further;

Resolved, that the Town adopt a local law amending Article VIII §106 (F) (2) (3) (4), as follows:

(2) The Planning Board, upon receipt of a site plan from the Zoning/Code Enforcement Officer shall review the application at the next scheduled Planning Board meeting which the application can be placed on the agenda. The Planning Board will review the application with the Zoning/Code Enforcement Officer and any other persons deemed relevant by the Planning Board to determine the completeness of the application. Once deemed complete a public hearing will be scheduled in accordance with section 100 of this law.

(3) At the public hearing all persons interested in the application will be heard. Following the public hearing, the Planning Board shall make a determination on the application within 30 days to approve, disapprove, or approve with modification. The time period may be extended by mutual agreement of the Planning Board and the applicant. If the proposed development is determined to require further environmental review pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR 617, the time period for approval may be extended until such review is completed.

(a) If a permit is denied the Planning Board shall state, in writing, to the applicant the reasons for such denial.

(b) If the site plan is approved with modification, such modifications shall be stated in writing and considered as a condition for approval.

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

4. Report 2014-169

Public Hearing - Harrison Lane

PLEASE TAKE NOTICE that the Town Board of the Town of Porter will hold a Public Hearing at the Town Hall, 3265 Creek Road, Youngstown, New York 14174 on the 8th day of September, 2014 at 7:00 PM on the Establishment of Harrison Lane Road Improvement.

Order for Public Hearing on Establishment Harrison Lane Road Improvement

WHEREAS, a petition signed by not less than one half of the resident owners owning or abutting either side Harrison Lane in the Town of Porter dated September 13, 2013, has been duly presented to the Town Board of the Town of Porter, New York (the "Town"), according to law, proposing that the said Town Board authorize and

approve the improvement of that portion of Harrison Lane and Pursuant to New York State Town Law Section 200, by the construction of proposed street improvements to include milling and paving of the existing private road and applying 3 inches of binder and 2 inches of top on Harrison Lane in an amount not to exceed \$140,000.00 and;

WHEREAS on September 9th, 2013 the Town Board of the Town of Porter, after hearing all interested parties, duly adopted a resolution directing R&D Engineering, the Town Engineer of the Town of Porter to supervise the preparation of a map, plan and report for providing the facilities, improvements or services in a portion of the Town of Porter, wherein a road improvement area was proposed to be established, and

WHEREAS, on August 4, 2014, the Town Engineer duly filed said map, plan and report in the office of the Town Clerk of the Town of Porter, and

WHEREAS, the boundaries of the proposed improvement area are as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Porter, County of Niagara and State of New York being further described as follows:

WHEREAS, the map, plan and report describing such improvement are on file in the office of the Town Clerk of the Town of Porter, for public inspection, and

WHEREAS, the improvements proposed are as follows: milling and paving of the existing private road and applying 3 inches of binder and 1.5 inches of top on Harrison Lane,

WHEREAS, the map, plan and report referenced above estimates the maximum amount proposed to be expended for such improvement is One Hundred Ninety Thousand (\$ 190,000.00) Dollars, and

WHEREAS, such amount exceeds the estimate set forth in the above referenced petition, it is

ORDERED, that pursuant to town Law Section 200 (9) the Town Board of the Town of Porter, shall meet at the Town Hall, 3265 Creek Road, Youngstown, New York, on the 8th day of September, 2014, at 7:00 o'clock P.M., for the purpose of conducting a further public hearing on the proposal to establish Harrison Lane Improvement Area with the improvements specified above in an amount not to exceed \$190,00.00, at which time and place all persons interested in the subject thereof may be heard concerning the same, and it is further

ORDERED, that the Town Clerk mail by first class mail to the last known address of each person having signed the above referenced petition, a copy of this Order, and it is further

ORDERED, that the Town Clerk of the Town of Porter, is hereby authorized and directed to publish a copy of this order in the Niagara Gazette to post a copy of the same on the signboard of the Town of Porter, and to post the notice in five conspicuous places along the area to be improved, in the time and manner required by law.

BY ORDER OF THE TOWN BOARD

Barbara DuBell, Town Clerk
Notice of Public Hearing

Mary Wallace, 1790 Harrison Lane, questioned if the road was going to be a one way street. Dave Britton, Town Engineer, confirmed that it would be a one way road going to the right. Highway Superintendent Hillman stated that after it becomes a dedicated town highway, the town will ask the DOT to conduct a traffic and safety study. Then New York State will determine a safe speed limit and they will instruct the town to erect and maintain the signs thru there. Until it becomes a dedicated highway the town cannot request a traffic study.

Attorney Dowd: Once this becomes a dedicated road, if you have someone who is causing trouble, you can call the police. Right now you have nothing because it's a private road.

Irene Putz, 1737 Harrison Lane, wanted to thank the all the Town Board members for their support and guidance thru this 15 month process, especially Scott Hillman, who has gone over and above, has always

answered his phone and met with property owners to hear their concerns, Dave Britton too and everyone else. Also, Mr. Ries because without the acquisition of his property this wouldn't have been possible. Thank you.

Tom Adamson, POA for Jane Cutler, 1713 Harrison Lane, looking over the file, he would object. There is a small adjacent property that is next to the homestead. Now they are trying to tax that adjacent property. I feel that is unfair. He doesn't want to merge it with the main property. Attorney Dowd responded that the parcel is being benefited by the construction of this road and everybody has to pay equally for it.

There was a lengthy discussion between several of the residents, the Board members and Town Engineer Dave Britton, about their driveway aprons and the right of way. The residents were trying to understand how their individual driveways would connect to the apron and the road. Engineer Britton explained and showed them on the map how it would work.

Joe Rychlik, 1701 Harrison Lane, was concerned that he would have to change his address due to the fact that he lived on the corner of Lake Road and Harrison Lane. He was advised to move his mailbox to the south road, the first road to the right when you go in, his property is on the corner, put the mailbox across from Vernon Wallace , 1709 Harrison Lane.

RESULT:	REPORT ISSUED
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5. **Resolution 2014-95**

Close the Public Hearing

Resolution to close the Public Hearing

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

6. **Resolution 2014-96**

Establish Harrison Lane Special District

Resolution from Town Attorney Dowd authorizing the Establishment of a Special District for the Improvement of Harrison Lane.

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

III. Public Portion

1. Report 2014-170

Public Comments

Comments

RESULT:	REPORT ISSUED
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IV. Reports/Resolutions

1. Resolution 2014-97

Minutes Approval

Resolution accepting the Town Board work session and board meeting minutes of August 11th, along with the minutes of the August 15th and 18th work sessions.

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

2. Resolution 2014-98

Audited Vouchers

Resolution accepting the audited vouchers as follows:

TOWN OF PORTER

WARRANT:	POST AUDIT - AUGUST, 2014	8/29/14
FUND	01	12,652.67
FUND	02	68.47
FUND	04	7,059.31
FUND	06	2,180.02
FUND	07	1,790.36
FUND	28	
TOTAL		<u>23,750.83</u>

VOUCHER 'S	19955	THRU	19973
WARRANT:	# 9	SEPTEMBER, 2014	9/8/14
FUND	01		17,793.11
FUND	02		45,670.82
FUND	04		166,286.68
FUND	06		246.37
FUND	10		743.44
FUND	12		600.00
FUND			
TOTAL			<u>231,340.42</u>
VOUCHER 'S	19974	THRU	20035
	TOTAL		<u>255,091.25</u>

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

3. Report 2014-171

Town Clerk

Water	\$24,775.52
Sewer	\$51,845.89
Clerk Fees	\$ 792.19

E-Z Pass On-The- Go Tags are now being sold at the Town of Porter and we have already sold 2 of them. As required, we have put up signs and stickers and have posted it on our website to let our customers know that "E-Z Pass is Sold Here". The tags are sold for \$25.00 and we make a \$4.00 profit on each one that is sold.

RESULT:	REPORT ISSUED
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4. Report 2014-172

Supervisor's Report

Supervisor's Monthly Report for August, 2014 was distributed to all Town Board

members.

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

July Sales Tax: \$107,408.92. We are \$19,447.41 lower than 2013 thru July.

Board of Assessment Review appointment

RESULT:	REPORT ISSUED
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5. Resolution 2014-99

Supervisor's Report

Resolution accepting the August 2014 Supervisor's Report

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

6. Resolution 2014-100

BAR Member Reappointment

Resolution to reappoint James Carminati to the Board of Assessment Review for another term, which will run from October 1, 2014 to September 30, 2019.

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

7. Report 2014-173

Supervisor's Assistant

Bookkeeper's Monthly Report - August, 2014

Completed processing all August, 2014 Vouchers & Journal Entries.

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

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Working on 2015 health care.

Working on 2015 Tentative Budget.

RESULT:	REPORT ISSUED
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8. Report 2014-174

Recreation

TO: Town of Porter Town Board

FROM: Recreation Commission

DATE: September 1, 2014

RE: August Recreation Report

- The Wilson School Board has given us permission to store our supplies and equipment in 3 rooms at Stevenson Elementary School. We will submit a building use form at the end of the year to hopefully get permission to use the school again for our summer program.
- Our Summer Recreation Program ended August 14th; final numbers are forthcoming.
- Tai Chi and Yoga will continue. They will move from Porter-on-the-Lake Park to the Cora Gushee Room at the Youngstown Library as the weather gets cooler.
- Registration for our Story Hour program will be held on September 9th and 10th at the Ransomville and Youngstown Libraries.
- Our next meeting is Monday, September 8, 2014.

RESULT:	REPORT ISSUED
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9. Report 2014-175**Assessor**

Assessor report
August 2014

- Prepared and mailed Senior Star Enhanced renewal for 2015 roll.
- On-site inspection on Lake Rd.

RESULT:	REPORT ISSUED
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10. Report 2014-176**Building Inspector/Code Enforcement Officer**

BUILDING DEPARTMENT REPORT: August 2014

- Building permits issued as per the report
- Periodic progress inspections on ongoing construction projects throughout the Town
- Prepared materials for and attended the Planning Board and Zoning Board of Appeals
- Pursued Zoning code violations and issued the Supervisor 'Complaints Report' for the month of August 2014
- Attended Court for several Zoning Code infractions
- Completed Census building reports
- Attended meeting of Niagara Frontier Building Officials
- Safety inspection of Heritage Manor

Town
of
Porter

August Permits

Doc #	Date	Owner	Type	Location	Value	Fee
052-14	7/11	A Giarrizzo	Pole Barn	2008 Lake	20,000	50
057-14	8/4	D Woods	Shed	1931 Lake	4,100	25
058-14	8/5	S Gruttadauir	Alt	1941 Lake	9,260	50
059-14	8/6	R Krueger	Signs	2534 Lkpt Rd	3,000	50
060-14	8/13	J Barbero	Garage	435 Powell	10,000	50
061-14	8/13	R Sparacio	Fence	3441 East Av	2,000	25
063-14	8/19	J Austin	Porch	1810 Lkpt Rd	5,700	25
064-14	8/21	R Tower	Deck	3589 Ransv	300	25
065-14	8/25	E Martin	Pole Barn	Ransv Rd	25,000	50
066-14	8/26	G Webb	Shed	1973 Lake	3,000	25
067-14	8/26	M Blenk	Shed	426 Dansworth	3,000	25

068-14	8/27	D Bruening	S.F.R.	1390 Lkpt	100,000	300
069-14	8/27	D Ecker	Shed	3030 Creek	1,000	25
070-14	8/29	E Busch	S.F.R.	2600 Y-W Rd	100,000	300
071-14	8/29	Free Meth	Fireworks	3924 Ransv	0	50
072-14	8/29	P Baker	Pole Barn	Lkpt Rd	25,000	50
Total					311,360	1,125
YTD Total				2,738,510	5,325	

RESULT:	REPORT ISSUED
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11. Report 2014-177

Justice Fines

JUSTICE FINES 2014

01-1000.2610

	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET 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	4,300.00	(2,265.00)	2,035.00
JUNE	3,046.00	(1,501.00)	1,545.00
JULY	4,344.00	(2,912.00)	1,432.00
AUGUST			0.00
SEPTEMBER			0.00
OCTOBER			0.00
NOVEMBER			0.00
DECEMBER			0.00
	<u>26,516.50</u>	<u>(14,804.50)</u>	<u>11,712.00</u>

RESULT:	REPORT ISSUED
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12. Report 2014-178**Highway****Highway Department:**

1. Completed monthly brush pickup.
2. Completed Nova-Chip resurfacing on Lake Rd from the Village line to 2 mile creek with assistance from the towns of Lewiston, Wilson, Cambria, Wheatfield, Pendleton, Newfane and Lockport.
3. Assisted with trucks hauling Nova-Chip the towns of Pendleton and Newfane.
4. Assisted with trucks hauling Blacktop for the towns of Lewiston, Lockport, Niagara and Wilson.
5. Completed the 8th round of roadside mowing.
6. Completed the oil seal of Dietz Rd. with assistance from the Town of Wilson truck and roller.

Drainage Department:

1. Continuing off road mowing program we're about 60% done.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed trimming of fire hydrants
3. Started repainting fire hydrants.
4. Completed 1 grinder pump change out.

Highway Garage Office Window replacement project:

I solicited quotes to replace the 6 windows (5) with fixed light windows and 1 emergency egress window.

Twin City Glass	No quote
Sterling Glass Dual Pane	\$4,550.00

I recommend the project be awarded to Sterling Glass.

Highway Garage Roof Replacement:

Grove Roofing has started the project.

Old Lake Road Speed limit:

I received a request to have a Traffic Safety study done for Old Lake Road between Lake Rd and Lake Rd. The current speed limit is 55 MPH I believe a 30 MPH speed limit would be appropriate.

Respectfully submitted,
Scott B. Hillman

Superintendent of Highways

RESULT:	REPORT ISSUED
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13. Resolution 2014-101**DPW Window Replacement**

Resolution authorizing the replacement of 6 windows (5) with fixed light windows and (1) emergency egress window. Awarding the contract to Sterling Glass Dual Pane in the amount of \$4,550.00.

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

14. Resolution 2014-102**Traffic Study Old Lake Road**

The Town of Porter Town Board requested a traffic study for the speed limit reduction for Old Lake Road and Lake road. The current speed is 55 MPH, a reduction to 30 MPH is requested.

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

15. Report 2014-179**Engineer**

No report

RESULT:	REPORT ISSUED
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16. Report 2014-189**Grant Writer****Grants Status Report:****Projects we are currently working on:**

- **AED Application:** Was signed and returned by the Supervisor for processing
- **Traffic sign reimburse has been submitted.** We have a balance of over \$7,000 to re purpose. The proposed activities to spend this money is to setup a Bike Helmet program followed with coloring books for kid safety (example Halloween Safety)
- **URGENT: LWRP:** Committee needs to be created to discuss the LWRP and kick off meeting. We will attend the planning meeting on September 11th and begin the project.
- **FEMA:** No update on the opening of the grant
- **Greenway Sign:** Still need to install an authorized Greenway Sign. Councilman White provided a contact and John Cooper from Cooper Signs will be call to review parameters and discuss verbiage. (Cooper will call Bernie)
 - **Need Decision on sign (style) verbiage**
 - **Cost Estimate**

Grant Writer Rotella gave the board members copies of 3 different templates for the signage at POTL. Still looking for a committee and a chairman to head the LWRP. Councilman White commented that it looks like a lot of work to put into a booklet that will sit on a shelf.

Grant Writer Rotella: The money is for POTL, money for businesses that are on Lake Road that will be in that LWRP. There are a lot of benefits down the road, if we don't do it, then we don't have access to those funds. Coastal resources are designed for projects like POTL. Without having that LWRP in place we don't qualify.

Supervisor Wiepert reported that we've received the boxes for the AED units. We haven't got the units yet. When we get them, one goes here and the other goes down to the highway garage.

RESULT:	REPORT ISSUED
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17. Report 2014-180**Attorney**

No report.

RESULT:	REPORT ISSUED
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18. Report 2014-181**Correspondance**

Supervisor Wiepert received a letter from George Spira, Chairman of the Planning Board. He is retiring from the Planning Board at the end of the year after 31 years of service. We're sorry to see him go, he will be missed. We want to thank George for all the hard work he's done.

RESULT:	REPORT ISSUED
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19. Report 2014-183**Calendar of Events**

Zoning Board	Thursday Sept 18 th	7:30 PM - Porter Town Hall
Tentative Budget	Wednesday October 1 st	3:00 PM - Porter Town Hall
Planning Board	Thursday October 2 nd	7:00 PM - Porter Town Hall
Town Hall CLOSED	Monday October 13 th	Columbus Day
Town Board Work Session	Tuesday October 14 th	6:00 PM - Porter Town Hall
Town Board Meeting	Tuesday October 14 th	7:00 PM - Porter Town Hall

RESULT:	REPORT ISSUED
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20. Report 2014-182**Town Board Comments**

RESULT:	REPORT ISSUED
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