



# Town of Porter

## Town Board Meeting

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

~ Minutes ~

Barb Dubell  
716-745-3730

Tuesday, October 13, 2015

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on October 13, 2015 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

| Attendee Name    | Organization   | Title                    | Status  | Arrived |
|------------------|----------------|--------------------------|---------|---------|
| Mert Wiepert     | Town of Porter | Supervisor               | Present |         |
| Larry White      | Town of Porter | Deputy Supervisor        | Present |         |
| Thomas Baia      | 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               | Absent  |         |
| Kara Hibbard     | Town of Porter | Deputy Town Clerk        | Present |         |
| Chris Amico      | Town of Porter | Engineer                 | Present |         |
| Mike Dowd        | Town of Porter | Attorney                 | Present |         |
| Roy Rogers       | Town of Porter | Code Enforcement Officer | Absent  |         |
| Scott Hillman    | Town of Porter | Highway Superintendent   | Present |         |
| Norm Ault        | Town of Porter | Bookkeeper               | Present |         |
| Susan Driscoll   | Town of Porter | Assessor                 | Present |         |

### II. Public Comments

#### 1. Report 2015-179

#### Public Comments

Multiple resident from Lake Road were in attendance to again revisit and discuss the problems at the McCabe property.

Vicky Waterson, 2395 Lake Road, problem continues with McCabe. He is continuing with his commercial business. What happened with the cease and desist order? Why is a new building being put up on his property?

Bill Dean, 2359 Lake Road: How come a rusty trailer went into his shop and came out looking like new? Why is there dirt being trucked off his property and then taken out of town?

Shelia Mooney, 2407 Lake Road: Is considering hiring a private investigator to look into McCabe's business.

George Ashker, 2355 Lake Road: Has Roy cited McCabe?? If McCabe gets fined, what happens after that? Can law enforcement get involved?

Fredericka Dean, 2359 Lake Road: Have we heard from the Planning Board or Ag and Markets yet? Has the Town Board discussed the McCabe issues with the Planning Board yet?

Supervisor Wiepert advised the residents that Code Enforcement Officer Roger was not in attendance at

the meeting and could not provide answers to their questions.

**RESULT:           REPORT ISSUED**

### III. Resolutions/Reports

1. Resolution 2015-83

**Minutes Approval**

Resolution to approve the minutes of the September 14, 2015 regular meeting of the Porter Town Board. Also approve the minutes of the September 24th and October 1st work sessions.

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

2. Resolution 2015-84

**Audited Vouchers**

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

**TOWN OF PORTER**

**WARRANT:                   POST AUDIT - SEPT., 2015                   9/30/15**

|              |           |                         |
|--------------|-----------|-------------------------|
| <b>FUND</b>  | <b>01</b> | 13,717.81               |
| <b>FUND</b>  | <b>02</b> | 68.50                   |
| <b>FUND</b>  | <b>04</b> | 5,969.91                |
| <b>FUND</b>  | <b>06</b> | 2,043.14                |
| <b>FUND</b>  | <b>07</b> | 1,431.00                |
| <b>FUND</b>  | <b>28</b> |                         |
| <b>FUND</b>  | <b>36</b> |                         |
| <b>TOTAL</b> |           | <b><u>23,230.36</u></b> |

**VOUCHER 'S                   21380    THRU    21396**

**WARRANT:                   #10   OCTOBER, 2015                   10/13/15**

|             |           |           |
|-------------|-----------|-----------|
| <b>FUND</b> | <b>01</b> | 19,910.95 |
| <b>FUND</b> | <b>02</b> | 44,024.86 |

|       |    |                   |
|-------|----|-------------------|
| FUND  | 04 | 196,695.91        |
| FUND  | 06 | 44,156.05         |
| FUND  | 07 | 2,461.59          |
| FUND  | 10 | 837.04            |
| FUND  | 36 | 4,848.25          |
| TOTAL |    | <u>312,934.65</u> |

|            |       |      |                   |
|------------|-------|------|-------------------|
| VOUCHER 'S | 21397 | THRU | 21488             |
|            | TOTAL |      | <u>336,165.01</u> |

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

3. Report 2015-164

**Town Clerk**

|             |             |
|-------------|-------------|
| Water       | \$34,859.52 |
| Sewer       | \$ 5,519.70 |
| Clerks Fees | \$ 835.98   |

**RESULT:** REPORT ISSUED

4. Report 2015-177

**Supervisor's Report**

Supervisor's Monthly Report for September, 2015 was distributed to all Town Board members.

Resolution to accept the Supervisor's Monthly Report for September, 2015

August Sales Tax: \$105,535.52. The Town is up \$5,882.90 over 2014 year to date

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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5. **Resolution 2015-85**

**Acceptance of Supervisor's Report**

Resolution to accept the Supervisors Report for September 30, 2015.

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

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6. **Report 2015-165**

**Bookkeeper**

Bookkeeper's Monthly Report - September, 2015

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Completed processing all September, 2015 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for September, 2015, and distributed it to the Supervisor & Town Board members.

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Completed the 2016 Tentative Budget and filed it with the Town Clerk.

Resolution to declare the Tentative Budget the Preliminary Budget with the A Fund tax rate \$1.91 and set the Budget Public Hearing October 26<sup>th</sup> at the Porter Town Hall @ 7:00 PM.

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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7. **Resolution 2015-87**

**Set Preliminary Budget and Budget Public Hearing.**

Resolution to declare the Tentative Budget the Preliminary Budget with the A Fund tax rate

\$1.91 and set the Budget Public Hearing October 26<sup>th</sup> at the Porter Town Hall @ 7:00 PM.

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

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8. **Report 2015-166**

**Recreation**

**RE:** September 2015 Recreation Report

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- Tai Chi continues on Tuesday mornings and Yoga continues on Wednesday evenings.
- Story Hour started its Fall Program this month. It meets at the Youngstown Library on Tuesdays and the Ransomville Library on Wednesdays.
- The Summer Recreation Program went very well. There were a total of 373 children registered.
- We completed and submitted our 2016 Budget Request. This request includes plans to expand both our Story Hour and Recreation Programs.
- Our next meeting will be October 5, 2015.

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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9. **Report 2015-167**

**Assessor**

Assessor report  
September 2015

- Attended Town Board work session to discuss a potential collaborative town wide reassessment project.
- Defended three SCAR hearings.
- Attended informational meeting in Cambria with State representatives and five Niagara County Assessors, on the topic of a potential collaborative reassessment project. Issued report to Town Board re same.
- Attended an informational discussion presentation with Town Board and guest speaker Cindy Baire of GAR Associates Inc, on the topic of a potential town wide reassessment project.
- Prepared and distributed agricultural assessment renewal applications for the 2016 roll.

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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10. Report 2015-168

**Building Inspector/Code Enforcement Officer**

BUILDING DEPARTMENT REPORT: September 2015

Building permits issued as per the report  
 Periodic progress inspections on ongoing construction projects throughout the Town  
 Prepared materials for and attended the Planning meeting.  
 Pursued Zoning code violations and issued the Supervisor 'Complaints Report' for the month of September 2015  
 Attended coastal erosion training  
 Completed Census building reports  
 Reviewed CWM application for site plan review.

| Sep-15 |        | September Permits |        |                 |                  |              |
|--------|--------|-------------------|--------|-----------------|------------------|--------------|
| No.    | Date   | Name              | Type   | Address         | Value            | Fee          |
| 070-15 | 9/1    | J FLECKENSTEIN    | W.T.   | 1953 BALMER     | 70,000           | 100          |
| 071-15 | 9/1    | B WILLIAMS        | SHED   | 3127 PARK AVE   | 1,000            | 25           |
| 072-15 | 9/8    | E MITCHELL        | FENCE  | 3954 CALKINS RD | 1,800            | 25           |
| 073-15 | 9/9    | T WALKER          | GARAGE | 1340 CAIN RD    | 15,000           | 50           |
| 074-15 | 9/15   | \$ GEN            | COMM   | 3661 RANSM RD   | 350,000          | 500          |
| 075-15 | 9/15   | B COON            | GARAGE | 2481 LAKE RD    | 18,000           | 50           |
| 076-15 | 9/23   | R RIES            | F.W.   | 3025 DIETZ RD   | 0                | 50           |
| 077-15 | 9/25   | D ROBERTSON       | SHED   | 3989 DCKSONVIL  | 2,800            | 25           |
|        | F. W.= | FIREWORKS         |        | Sept Total      | <b>458,600</b>   | <b>825</b>   |
|        | W.T.=  | WIND TOWER        |        | Y-T-D Total     | <b>1,577,175</b> | <b>5,650</b> |

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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**11. Report 2015-169**

**Justice**

**JUSTICE FINES 2015**

01-1000.2610

|                  | <u>GROSS<br/>REVENUE</u> | <u>DISTRIBUTION</u> | <u>NET<br/>REVENUE</u> |
|------------------|--------------------------|---------------------|------------------------|
| <b>JANUARY</b>   | 4,638.50                 | (2,753.50)          | 1,885.00               |
| <b>FEBRUARY</b>  | 5,097.50                 | (2,752.50)          | 2,345.00               |
| <b>MARCH</b>     | 3,352.00                 | (970.00)            | 2,382.00               |
| <b>APRIL</b>     | 3,521.00                 | (1,314.00)          | 2,207.00               |
| <b>MAY</b>       | 4,605.00                 | (2,045.00)          | 2,560.00               |
| <b>JUNE</b>      | 4,363.50                 | (2,353.50)          | 2,010.00               |
| <b>JULY</b>      | 7,229.00                 | (2,968.00)          | 4,261.00               |
| <b>AUGUST</b>    | 5,591.00                 | (2,403.00)          | 3,188.00               |
| <b>SEPTEMBER</b> |                          |                     | 0.00                   |
| <b>OCTOBER</b>   |                          |                     | 0.00                   |
| <b>NOVEMBER</b>  |                          |                     | 0.00                   |
| <b>DECEMBER</b>  |                          |                     | 0.00                   |
|                  | <u>38,397.50</u>         | <u>(17,559.50)</u>  | <u>20,838.00</u>       |

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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**12. Report 2015-170**

**Highway**

1. Completed monthly brush pickup.
2. Provided assistance to NCHD with trucks hauling millings for a paving project.
3. Completed installation of fuel accountability system equipment.

- 4. Completed installation of the binder course on Harrison Lane.

**Drainage Department:**

- 1. Continuing off road mowing program.

**Water and Sewer Department.**

- 1. Completed monthly meter readings.
- 2. Completed installation of water service on Lake Rd.
- 3. Continuing winterization of Fire Hydrants.

The New Tandem Axle truck has been delivered.

Respectfully submitted,

Scott B. Hillman

Superintendent of Highways

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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**13. Resolution 2015-86**

**Water Adjustment**

Re: Account Adjustment for the month of September

The following adjustments were made to water/sewer accounts this month.

| <u>Account #</u> | <u>Name</u> | <u>Address</u>        | <u>Amount</u> | <u>Service</u> |
|------------------|-------------|-----------------------|---------------|----------------|
| 10-0152          | Baker       | 2799 Ransomville Road | -\$50.00      | Water          |

Reason: Customer was mistakenly charged for water turn on and off. Customer did the work himself.

Respectfully submitted,

Ramona M. Lockhart

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

14. Report 2015-171

**Engineer**

**General Engineering Support**

- Met with Scott Hillman on October 1 regarding sewer improvements for the Lakeshore Sewer District.
- Submitted a proposal to develop a Town-wide model of the existing water system for the purpose of capital planning and to establish the criteria for restoration of the Town-owned water tanks.
- LWRP
  - Initial coordination meeting held with the Town in June. Committee meeting held on October 7.

**Harrison Lane - Private to Public Roadway Dedication**

- Assisting the Town as needed.

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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15. Report 2015-172

**Attorney**

No report

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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16. Report 2015-173

**Grant Writer**

**Grants Status Report: Projects we are currently working on:**

- **NYS Archives:** Final report has been accepted and reimbursement should be made anytime now.
  - **Greenway:** Still need to complete the POTL project: Need to complete the construction; signage. We should schedule a meeting to review this project.
  - We will plan a needs assessment by department to review grant opportunities.

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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**17. Report 2015-174**

**Correspondance**

Nothing to report

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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**18. Report 2015-178**

**Calendar of Events**

|                          |                                                                 |
|--------------------------|-----------------------------------------------------------------|
| Zoning Board Meeting     | Thursday, October 15th @ 7:30 PM - Town Hall                    |
| <b>Halloween - Hours</b> | <b>Saturday, October 31<sup>st</sup> from 5:00 PM - 7:30 PM</b> |
| <b>Election Day</b>      | <b>Tuesday, November 3<sup>rd</sup> from 6:00 AM - 9:00 PM</b>  |
| Planning Board Meeting   | Thursday, November 5 <sup>th</sup> @ 7:00 PM - Town Hall        |
| <b>Tire Day</b>          | <b>Saturday, November 7<sup>th</sup> from 8:00 AM - 2:00 PM</b> |
| Town Board Meeting       | Monday, November 9 <sup>th</sup> @ 7:00 PM - Town Hall          |

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| <b>RESULT:</b> | <b>REPORT ISSUED</b> |
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19. Report 2015-175

**Town Board Comments**

Councilman Fleckenstein made a motion for the Town Board to go into Executive Session. Seconded by Councilman Baker.

The Town Board returned from Executive Session at 8:06 pm. Motion to adjourn the meeting was made by Councilman White and seconded by Councilman Baker.

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