



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

Barb Dubell
716-745-3730

Monday, September 14, 2015

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on September 14, 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	Present	
Kara Hibbard	Town of Porter	Deputy Town Clerk	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	
Chris Amico	Town of Porter	Engineer	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Susan Driscoll	Town of Porter	Assessor	Present	

II. Public Comments

1. Report 2015-162

Public Comments

Bill Dean: Problem is ongoing commercial activity. What does the board think we can collectively do to put an end to this once and for all?

Supervisor Wiepert: Since we notified the Dept. of Ag & Markets to declare it as a farm operation, there has been a delay on getting an answer due to ongoing attorney problems within Ag & Markets. Attorney Kyle Andrews asked that we not take any board action until we get the response from Ag & Markets.

Councilman Fleckenstein: How many months have we been in discussion with this problem? We know it's not a farm; we have guidelines of what constitutes a farm. The guidelines were not followed. Why are we waiting for Ag & Markets to tell us he's not a farm? I've had a couple other phone calls today, and I'm getting tired of it. Why are we even entertaining this, it goes month after month. Put a stop to it, at least remove building (4) four. How long are we going to wait, we have to do something. This has been going on roughly 2 years ago.

Bill Dean: There are people going in and out of there all day long. There's equipment coming in, there's equipment going out. There's a bobcat and a couple of guys in there working full time. There's a lot of activity going on over there. A vehicle came in this afternoon and dropped off

another load of guardrails and backed the truck up into building #3, left it there and went home. All this stuff goes on every day.

Let's say that Ag & Market does confirm status as a farmer. That still doesn't make the commercial nature of the operation and it doesn't address the site plan application that's required to sale and service farm equipment. There are still many different issues that need to be addressed apart from Ag & Markets opinion.

Councilman Fleckenstein made a motion not to wait longer than January 2016 for an answer. If the board doesn't have anything by then the town board will make a decision and they will act on it.

Councilman Fleckenstein made a motion to wait no longer than January 2016 for an answer. Seconded by Councilman White.

Roll call vote:	Councilman Fleckenstein	Aye
	Councilman White:	Aye
	Supervisor Wiepert:	Aye
	Councilman Baia	Aye
	Councilman Baker	No

Fredericka Dean asked the board about the progress being made to rescind the law allowing sales and service of farm equipment. Councilman Fleckenstein commented that he would like to make a motion to put a moratorium on that law until Planning Board decides what to do, or we all decide.

Motion to put a moratorium on Local Law #2-2014 until the next Planning Board meeting. Seconded by Councilman Baia.

Roll call vote:	Councilman Fleckenstein	Aye
	Councilman White	Aye
	Supervisor Wiepert	Aye
	Councilman Baia	Aye
	Councilman Baker	Aye

RESULT:	REPORT ISSUED
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III. Reports/Resolutions

1. Resolution 2015-78

Minutes Approval

Resolution to approve the minutes of the August 10, 2015 work session and the regular meeting of the Porter Town Board.

Also approve the September 9th, 2015 Town Board work session. Councilman Fleckenstein and Councilman Baker abstained from the vote for the September 9th work session as they were not at the meeting.

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

2. Resolution 2015-79

Audited Vouchers

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

TOWN OF PORTER

WARRANT: POST AUDIT - AUGUST, 2015 8/31/15

FUND	01	15,346.64
FUND	02	68.44
FUND	04	6,556.39
FUND	06	2,170.39
FUND	07	1,639.08
FUND	28	
FUND	36	
TOTAL		<u>25,780.94</u>

VOUCHER 'S 21259 THRU 21284

WARRANT: #9 SEPTEMBER, 2015 9/14/15

FUND	01	42,610.69
FUND	02	81,925.81
FUND	04	38,457.62
FUND	06	1,394.07
FUND	07	6,314.56
FUND	10	756.60
FUND	12	450.00
TOTAL		<u>171,909.35</u>

VOUCHER 'S 21285 THRU 21379

TOTAL 197,690.29

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

3. Report 2015-145

Town Clerk

Water	\$28,139.34
Sewer	\$22,509.39
Clerk Fees	\$ 664.24

RESULT:	REPORT ISSUED
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4. Resolution 2015-81

BAR Member Reappointment

Resolution to reappoint Kenneth Greulich to the Board Of Assessment Review for another term, which will run from October 1, 2015 to September 30, 2020.

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

5. Report 2015-160

Supervisor's Report

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

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

July Sales Tax: \$106,255.26. The Town is up \$3,671.27 over 2014 year to date

RESULT:	REPORT ISSUED
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6. **Resolution 2015-80**

Acceptance of Supervisor's Report

Resolution to accept the Supervisor's Report for August 2015.

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

7. **Report 2015-146**

Bookkeeper

Bookkeeper's Monthly Report - August, 2015

Completed processing all August, 2015 Vouchers & Journal Entries.

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

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Started working on the 2016 budget.

Resolution to have Burke Group prepare the GASB 45 report for the 2015 fiscal year. Cost for this service is \$3,000.

Motion to approve made by Councilman White and seconded by Councilman Baia. Motion carried.

RESULT:	REPORT ISSUED
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8. Report 2015-147

Recreation

August 2015 Recreation Report

- The Summer Recreation Program ended on August 13th and was very well attended. A final report will be forthcoming.
- We received notification that we have been awarded \$1500 for Recreation and \$1500 for Story Hour through the NY State / Niagara County Youth Bureau Grant Program.
- Tai Chi continues on Tuesday mornings and Yoga continues on Wednesday evenings.
- A computer "help" class will be offered.
- Story Hour completed its Summer Program. The Fall Program at the libraries will begin with Registration on Tuesday and Wednesday, September 15th and 16th.
- Due to the Labor Day Holiday, our next meeting will be on Monday, September 21, 2015 at 7:00pm.

RESULT:	REPORT ISSUED
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9. Report 2015-148

Assessor

ASSESSOR REPORT AUGUST 2015

- Processed August deed transfers
- Attended discussion meeting with GAR Associates and Assessors from Town of Niagara, Town of Pendleton, Town of Cambria, Town of Lewiston; on requirements for a potential collaborative town wide reassessment project. Issued report to Town Board re same.
- Prepared and distributed STAR Enhanced renewal applications for the 2016 roll
- Completed in house map and building project storage system.

Cindy Baire from GAR will come to Porter to present a practical guide for a reassessment project. Date for presentation to be determined.

Cost for GAR would be \$156,000. To update the data would be \$25.00 per parcel.
 Town of Porter currently has 3,500 parcels.

RESULT: REPORT ISSUED

10. Report 2015-149

Building Inspector/Code Enforcement Officer

Aug-15

August Permits

No.	Date	Name	Type	Address	Value	Fee
058-15	7/30	S@K Auto Racing	F. W.	2401 BRALEY	0	50
059-15	7/31	D FIDELI	FENCE	343 HOWARD	4,000	25
060-15	7/31	J WILKINSON	DECK	2942 RANS RD	2,000	25
061-15	7/31	R LECKSELL	DECK	1735 HARRISON	3,500	25
062-15	8/4	J BIS	DEMO	957 LAKE	0	25
063-15	8/6	G PERRY	FENCE	2667 RANS RD	1,650	25
064-15	8/10	M HASELEY	SHED	2534 LAKE	200	25
065-15	8/11	TWN PORTER	F. W.	3025 DIETZ RD	0	50
066-15	8/19	S GRUTTADAUIRE	MISC	1941 LAKE	16,000	25
067-05	8/28	WILSON FARM	F. W.	LKPT RD	0	50
068-15	8/31	L FERY	P.B.	1540Y-W RD	14,000	50
069-15	8/31	FREE METH. CH	F. W.	3924 RANS RD	0	50
		F. W.= FIREWORKS		Aug Total	41,350	425
				Y-T-D Total	1,118,575	4,825

BUILDING DEPARTMENT REPORT: August 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 Board and Zoning Board of Appeals meeting.

Pursued Zoning code violations and issued the Supervisor 'Complaints Report' for the month of August 2015

Attended Work Session of Planning Board

Attended Building Committee meeting

Attended meeting with Mr T Fleckenstein on farm status

Attended coastal erosion training

Completed Census building reports

RESULT:	REPORT ISSUED
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11. Report 2015-150

Justice Revenue

**JUSTICE
FINES 2015**

01-1000.2610

	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
JANUARY	4,638.50	(2,753.50)	1,885.00
FEBRUARY	5,097.50	(2,752.50)	2,345.00
MARCH	3,352.00	(970.00)	2,382.00
APRIL	3,521.00	(1,314.00)	2,207.00
MAY	4,605.00	(2,045.00)	2,560.00
JUNE	4,363.50	(2,353.50)	2,010.00
JULY	7,229.00	(2,968.00)	4,261.00
AUGUST			0.00
SEPTEMBER			0.00
OCTOBER			0.00
NOVEMBER			0.00
DECEMBER	<u> </u>	<u> </u>	<u>0.00</u>
	32,806.50	(15,156.50)	17,650.00

RESULT:	REPORT ISSUED
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12. Report 2015-151

Highway

9/14/2015

**Department of Public Works
Monthly Report for August 2015**

Highway Department:

1. Completed monthly brush pickup.
2. Provided assistance to the Town of Newfane, Town of Wheatfield, Town of Niagara and the Village of Lewiston with trucks hauling blacktop for their paving projects.
3. Completed the Nova-Chip resurfacing of Dickersonville Rd south of Balmer Rd. with assistance from the towns of Wilson, Cambria, Wheatfield, Lewiston, Pendleton and Newfane. Each provided trucks to haul material.
4. Completed culvert installations on Cain Rd., East Ave. Youngstown/Wilson Rd. and Ransomville Rd.

Drainage Department:

1. Continuing the off road mowing program.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Received training from Wendle Engineering on new GPS recording equipment.
3. Received hydrant maintenance training from EJ Prescott Company.
4. Received results from Class 2 DB testing. No issues exist.

Porter on the Lake:

1. Completed installation of electrical system up grades.

Respectfully submitted,

Scott B. Hillman
Superintendent of Highways

Superintendent Hillman requested permission to attend a training seminar put on by Western New York Water Works Conference on October 14, 2015 This is ongoing training so that the guys can keep their class B driving licenses. No cost for the seminar.

**Motion made by Councilman Baker and seconded by Supervisor Wiepert.
Motion carried.**

RESULT:	REPORT ISSUED
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13. Report 2015-152

Engineer

General Engineering Support

- Submitted a proposal to prepare a Map and Plan in connection with sewer improvements for the Lakeshore Sewer District.
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- 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. Next committee meeting scheduled for September (TBD). Quarterly compliance reports due end of September.

Harrison Lane - Private to Public Roadway Dedication

- Assisting the Town as needed.

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

Supervisor Wiepert made a motion to proceed with the map plan report for sewer improvement for the Lakeshore Sewer District not to exceed the amount of \$2,000, Councilman White seconded. Motion carried.

RESULT:	REPORT ISSUED
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14. Report 2015-153**Attorney**

Resolution to execute all documents to complete the acquisition of land from Vernon and Mary Wallace in the name of the Harrison Lane Road Improvement District.

Councilman Baker made a motion and it was seconded by Councilman Baia.

Roll call vote:

Councilman Fleckenstein: Aye
Councilman White: Aye
Suopervisor Wiepert: Aye
Councilman Baia: Aye
Councilman Baker: Aye

RESULT:	REPORT ISSUED
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15. Resolution 2015-82**Wallace Property**

WHEREAS, a petition dated September 13, 2013 has been duly presented to the Town Board of the Town of Porter, New York (the "Town"), proposing that said Town Board approve the improvement of that portion of said Harrison Lane, hereinafter described, by the construction of a road, and

WHEREAS, said Town Board duly adopted on the 11th day of August, 2014 an order reciting in general terms the filing of said petition, the improvement proposed, the maximum amount proposed to be expended for said improvement and the area benefited as stated in said petition, and specifying that said Town Board 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., to consider said petition and hear all persons interested in the subject matter thereof, concerning the same, and

WHEREAS, certified copies of said order were duly published and posted according to law, and said Town Board did, at the time and place specified in said order, duly meet and consider the matter of construction of said improvement, and heard all persons interested in the subject thereof who appeared at such time and place, concerning the same, and

WHEREAS, from the evidence offered at such time and place, the said Town Board has determined that it is in the public interest to make the said improvement, and

WHEREAS, it has been determined that it is desirable and necessary to acquire a parcel of land from the owners of property located in the improvement area; to wit, land owned by Vernon and Mary Wallace; and

WHEREAS, there remain funds available from the maximum amount authorized to be expended pursuant to the approved improvement to acquire this property; and

WHEREAS, the owners of the property to be acquired have consented to and agreed to accept materials and services provide by the Town in the form of stone, blacktop and manpower not to exceed \$ to improve the intersection of their existing driveway and the road improvement,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the

Town Supervisor to execute all documents necessary to complete the acquisition of land described herein from Vernon and Mary Wallace in the name of the Harrison Lane Road Improvement District pursuant to New York Town Law § 200; and be it

FURTHER RESOLVED, that the Town Highway Superintendent is authorized and directed to provide material and labor in an amount not to exceed \$ 1,800.00 as a charge against the amount authorized to be expended for the Harrison Lane road improvement.

LEGAL DESCRIPTION
FOR
PROPOSED ACQUISITION
FROM
VERNON S. AND MARY WALLACE

ALL TRACT OR PARCEL OF LAND, situate in the Town of Porter, County of Niagara and the State of New York, distinguished as being Lot No 12, Township 15, Range 9 of the Holland Land Company's Survey, such plot of land being a portion of certain premises conveyed by Edward H. Taggart and wife to Lela F. Harrison by Deed dated April 4, 1917, recorded in the Office of the Clerk of Niagara County, New York April 6, 1917 in Liber 409 of deeds, Page 292 and more particularly described as follows:

Commencing at the point of intersection of the southerly boundary line of Harrison Lane being a 20 foot right-of-way and the boundary line between Vernon S. and Mary Wallace (reputed owners) on the west as recorded in the Niagara County Clerk's Office in Liber 3234 at Page 108 and John J. White (reputed owner) on the east as recorded in the Niagara County Clerk's Office in Liber 2093 at Page 76; Thence westerly along said southerly boundary of Harrison Lane a distance of 106 feet more or less to the point of **Beginning**; Thence westerly along said southerly boundary line of Harrison Lane a distance of 9 feet more or less to a point in the easterly boundary line of Harrison Lane, being the northwest corner of lands to Vernon S. and Mary Wallace; Thence southerly along said easterly boundary line of Harrison lane a distance of 6 feet more or less to a point; Thence northeasterly a distance of 10 feet more or less to the **point or place of beginning**.

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

16. Report 2015-154

Grant Writer

Grants Status Report: Projects we are currently working on:

- **LWRP:** A September meeting will be schedule with Greg Kasier will develop a scope of work and tasks for the LWRP (no meeting was held in August). (Possible meeting dates are 15th, 17th, 21st or 28th)
- **DOT Beacon Project:** DOT has approved the additional work that was done, will need invoice and cancelled check. Once I have this I can submit for reimbursement.
- **EFC Water Funding:** A new grant program was opened last month that would fit our water tower project. However a complete engineering report and SEQR is needed for the application. This opportunity will reopen next season. We need to discuss grant requirements to prepare for next application.
- **Greenway:** Still need to complete the POTL project: Need to complete the construction; signage. We should schedule a meeting to review this project.
- **NYS Archives Close Out:** Will report at Mondays meeting.
- We will plan a needs assessment by department to review grant opportunities.

Supervisor Wiepert talked about putting up a municipal water storage facility somewhere in the area below the escarpment. He's made some phone calls on it and everyone is interested. The engineer from Niagara County Water has to come up with something to see if it's feasible.

RESULT:	REPORT ISSUED
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17. Report 2015-155

Correspondance

Supervisor Wiepert: There is a meeting tomorrow morning, September 15th, at 9:00 am at Fort Niagara on the lake levels. They're having a seminar on it, some of the congressmen are attending.

Received a notice from the Planning Board secretary, Pam Parker, that she is retiring at the end of the year. We will advertise in the paper for someone to fill the position.

Healthcare meeting on September 15th at 1:00 pm.

RESULT:	REPORT ISSUED
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18. Report 2015-161

Calendar of Events

Zoning Board Meeting	Thursday, September 17, 2015 - 7:30 PM
Planning Board Meeting	Thursday, October 1, 2015 - 7:00 PM
Columbus Day	Monday, October 12, 2015 - Town Hall Closed
Town Board Meeting	Tuesday, October 13, 2015

RESULT:	REPORT ISSUED
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19. Report 2015-156

Town Board Comments

Councilman Baker: Summerfest on Labor Day went well. I wanted to thank Highway Superintendent Hillman for spending his Labor Day morning helping us set up the generator and all the power for the vendors. Preliminary looks like we made about \$12,000 for the day. Have to thank Niagara Jet Adventures for sponsoring the fireworks. Waste Management was a huge contributor once again to the event. There are others that I will post.

The regular meeting of the Porter Town Board was adjourned at 8:12 pm. Motion to adjourn was made by Councilman Baia and seconded by Councilman Baker. Motion carried

RESULT:	REPORT ISSUED
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