



# Town of Porter

## Town Board Meeting

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

~ Minutes ~

Barb Dubell  
716-745-3730

Monday, November 9, 2015

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on November 9, 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	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Chris Amico	Town of Porter	Engineer	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Norm Ault	Town of Porter	Bookkeeper	Absent	
Mike Dowd	Town of Porter	Attorney	Present	
Susan Driscoll	Town of Porter	Assessor	Present	

### II. Public Comments

#### 1. Report 2015-195

#### Public Comments

Bill Dean, Lake Road: At the Planning Board meeting last week regarding the topic of sales and service of agricultural equipment. When do you think Chairman Ortiz will get an official letter from the Town Board?

Supervisor Wiepert: I thought this was all verbal; we did not do it in writing. Do we want to do it tonight, to direct the Planning Board as to the zoning?

Attorney Dowd: Ultimately it's up to the Town Board if you want to change the Local Law. Chairman Ortiz wants to know whether the Town Board is directing the Planning Board to make recommendation to the Town Board, if a specific provision of the Code should be amended. Does this board want to comment if they want it rescinded or limit the type of activity that's in the sales and service of farm equipment, or if it should be modified.

Councilman Fleckenstein; Direct a letter to the Planning Board to take a look at this local law and come up with suggestions on amending it and putting regulations on it, but this is not to say that whatever they say is final. This board has to have input and say if we approve it or we don't approve. And it's going to be our final say when we're all done.

Attorney Dowd: We will still have to have a Public Hearing to amend the Local Law and we're going to have to create that amendment. There is a process for it. The town board would like a recommendation from the Planning Board as to whether or not the sale and repair of farm equipment in this zone is permitted and if so, under what limitations, to insure that it's not a full scale commercial enterprise.

It was decided to have a work session with both the Planning and Zoning Boards. There are other issues to be considered in the zoning manual. We need to address this right now.

**Councilman Fleckenstein made a motion to have a meeting next Monday, November 16<sup>th</sup>, at 7:00 pm, with all three boards, Town, Planning and Zoning. Motion was seconded by Councilman White. Motion carried.**

Bill Dean: Question about ongoing commercial behavior at 2384 Lake Road. On Sept 25<sup>th</sup> a very large dump style tractor trailer was delivered to the McCabe property and it left there on October 5<sup>th</sup>, sand blasted and painted and looking very new. We talked about it and the consensus was that Code Enforcement Officer Rogers was going to go see him and ask about the trailer. Mr. McCabe told him that it was his own personal tractor trailer. Roy asked for documentation to show that McCabe owned the trailer and has not yet been provided with that information.

Councilman Fleckenstein: Have the earlier violations been filed in court yet?

Rogers: I just filed the removal of the dirt, that's the only one I have filed in court.

Dale Casal, Cain Road.: Asked if there is anything that can be done about the feral cats. Neighbor down the street is feeding them, I talked to them and asked them to stop. Cats bring with them ticks, fleas and distemper. They use the flower beds for litter boxes.

Code Enforcement Rogers: There is nothing in our ordinances that have to do with cats. The SPCA wants money to pick them up, spay and neuter them and then return them.

Town Clerk DuBell advised Mr. Casal to contact her in the morning for phone numbers that might be of some help with information regarding cats.

**COMMENTS - Current Meeting:**

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Code Enforcement Rogers: There is nothing in our ordinances that have to do with cats. Have talked about the SPCA and they want money to pick them up, then they neuter them and bring them right back.

This is a big problem in all of Niagara County. It's a big issue countywide.

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

#### 1. Resolution 2015-93

#### Minutes Approval

Resolution to approve the minutes of the October 13, 2015 regular meeting of the Porter Town Board and the Special meeting held on October 26, 2015.

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

2. Resolution 2015-94

**Audited Vouchers**

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

**TOWN OF PORTER**

**WARRANT: POST AUDIT - OCT., 2015 10/31/15**

<b>FUND</b>	<b>01</b>	14,606.75
<b>FUND</b>	<b>02</b>	738.45
<b>FUND</b>	<b>04</b>	6,300.19
<b>FUND</b>	<b>06</b>	1,992.42
<b>FUND</b>	<b>07</b>	1,548.38
<b>FUND</b>	<b>28</b>	
<b>FUND</b>	<b>36</b>	
<b>TOTAL</b>		<b><u>25,186.19</u></b>

**VOUCHER 'S 21489 THRU 21510**

**WARRANT: #11 NOVEMBER, 2015 11/9/15**

<b>FUND</b>	<b>01</b>	11,362.38
<b>FUND</b>	<b>02</b>	2,875.93
<b>FUND</b>	<b>04</b>	4,939.53
<b>FUND</b>	<b>06</b>	3,922.52
<b>FUND</b>	<b>07</b>	3,148.78
<b>FUND</b>	<b>10</b>	
<b>FUND</b>	<b>36</b>	51,315.03
<b>TOTAL</b>		<b><u>77,564.17</u></b>

**VOUCHER 'S 21511 THRU 21563**

**TOTAL 102,750.36**

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

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**3. Report 2015-192**
**Town Clerk**

Water	\$69,648.03
Sewer	\$48,048.90
Clerks Fees	\$ 949.43

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**4. Resolution 2015-95****Acceptance of Supervisor's Report**

Resolution to accept the Supervisors Report for October 13, 2015.

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

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**5. Resolution 2015-96****Request for Proposal**

**Resolution to distribute a Request for Proposals for the Town of Porter LWRP project.**

Town of Porter

**AUTHORIZING RESOLUTION**

***November 9<sup>th</sup>, 2015***

For New York State Department of State

Town of Porter Local Waterfront Improvement Plan (LWRP) Request for Proposals

RESOLVED:

That Merton K. Wiepert, as Supervisor of the Town of Porter, is hereby authorized and directed to publish a Request for Proposals for the Town of Porter LWRP project; funded in part by the NYS DOS Coastal Resources in accordance with the provisions from the executed contract by the NYS Dept. of State. The LWRP project outline for its Lower Niagara River and Lake Ontario waterfronts, in pursuant to the provisions of New York State Executive Law, Article 42. Completion of the LWRP must be in compliance with the guidelines prepared by the Division of Coastal Resources.

I, Barbara Dubell Town Clerk of the Town of Porter located at 3265 Creek Road Youngstown, NY 14174, a corporation subject to the Not-for-Profit Corporation Law of New York State and qualified for tax exempt status under the Town of Porter, New York, do hereby certify that the following resolution was adopted at a regular Town Board meeting of the Town of Porter held on November 9<sup>th</sup>, 2015, and is incorporated in the original minutes of the said meeting and that the said resolution has not been altered, amended or revoked and is in full force and effect.

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Barbara Dubell, Town Clerk

Seal of Municipality

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 12/14/2015 12:00 PM</b>
<b>SECONDER:</b>	Jeff Baker, Councilman	
<b>AYES:</b>	Wiepert, White, Baia, Baker, Fleckenstein	

## 6. Report 2015-193

### Supervisor's Report

Supervisor's Monthly Cash (less M/E interest) Report for October, 2015 was distributed to all Town Board members.

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

September Sales Tax: \$125,200.73. The Town is down \$2,705.84 compared to 2014 year to date

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**7. Report 2015-181**

**Bookkeeper**

Bookkeeper's Monthly Report - October, 2015

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Completed processing all October, 2015 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Cash Report (Less M/E Interest) for October, 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 Preliminary Budget and filed it with the Town Clerk.

Distributed 2016 Adopted Budget and filed 2% cap reports.

Worked on annual unpaid and completed all reports.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**8. Report 2015-182**

**Recreation**

**TO:** Town of Porter Town Board

**FROM:** Recreation Commission

**DATE:** November 4, 2015

**RE:** October 2015 Recreation Report

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- Tai Chi continues on Tuesday mornings and Yoga continues on Wednesday evenings.
- Story Hour continues at the Youngstown Library on Tuesdays and the Ransomville Library on Wednesdays. • Wilson Central School is allowing us to store our Recreation Equipment at Stevenson's for the winter. We will ask permission to use the building again for our Summer Recreation Program in 2016.

- At our meeting this past Monday, November 4, 2015, we were notified that Trudy Sanderson was resigning as a Recreation Commissioner, effective immediately.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**9. Report 2015-183**

**Assessor**

Assessor report

October 2015

- Processed August and September deed transfers.
- Posted unpaid sewer and water bills to the 2015 roll.
- Prepared low income disabled exemption renewal applications for the 2016 roll
- Developed and prepared a new system for recording Village permitting into Town computer software.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**10. Report 2015-184**

**Building Inspector/Code Enforcement Officer**

Oct-15

OCTOBER Permits

No.	Date	Name	Type	Address	Value	Fee
078-15	10/5	C.S.S.	SIGNS	3661 RANSMV RD	8,000	50
079-15	10/6	E CRAMER	ALT.	3954 CALKINS RD	15,000	50
080-15	10/14	W POLLOW	SHED	2574 ST CHRIST	3,000	25
081-15	10/14	A ROBERTS	S F R	2526 LAKE	285,000	300
083-15	10/21	T MINARCIN	S P	2323 LAKE	16,275	50
084-15	10/21	R WILLARD	S P	2299 LAKE	37,125	50
	S.P.	SOLAR PANALS		October Totals	364,400	525
	SFR	SINGLE FAMILY RESIDENCE				
	ALT	ALTERATION		Y-T-D Total	1,941,575	6,175

## BUILDING DEPARTMENT REPORT - October 2015

- Building permits issues 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 October 2015
- Completed Census building reports
- Reviewed CWM application for site plan review
- Prepared and reviewed Niagara County Hazardous Mitigation Plans
- Attended meeting with Dollar General Contractors

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 11. Report 2015-185

		<b>Justice Revenue</b>	
<b>JUSTICE FINES 2015</b>		01-1000.2610	
	<b>GROSS REVENUE</b>	<b>DISTRIBUTION</b>	<b>NET REVENUE</b>
<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>	5,349.50	(2,369.50)	2,980.00
<b>OCTOBER</b>			0.00

NOVEMBER			0.00
DECEMBER			0.00
	43,747.00	(19,929.00)	23,818.00

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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12. Report 2015-186

**Highway**

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

**Highway Department:**

1. Completed final brush pickup.
2. Completed restoration of dirt areas on Harrison Lane.
3. Provided assistance to Town of Niagara with trucks hauling millings for a drainage project.
4. Completed driveway culvert installations on Lutts Rd, Cain Rd and Dickersonville Rd.
5. Received initial delivery of 200 tons of road salt.
6. We are working on winter equipment set-up.
7. Winter Parking Ordinance is in effect November 1<sup>st</sup> to April 1<sup>st</sup>.

**Drainage Department:**

1. Completed mowing of all off road ditches.

**Water and Sewer Department:**

1. Completed monthly meter reading.
2. Completed a water service installation on Balmer Rd.
3. Completed sampling for 4<sup>th</sup> Qtr. DBP testing.

**POTL:**

1. The restrooms have been dewatered and closed for the season.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**13. Report 2015-187**

Engineer

**TOWN OF PORTER****Engineering Report**

November 2015

**General Engineering Support**

- Met with Scott Hillman on October 1 regarding sewer improvements for the Lakeshore Sewer District. Submitted draft Map and Plan to Town on October 14.
- 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.
  - Submitted a proposal on October 20 to provide professional planning services in connection with the preparation of a LWRP.
  - Second project meeting to be rescheduled.

Engineer Amico: Need a decision from the board on the LWRP, we need a decision tonight if we're going to move ahead or not on the proposal because we're already a year and a half into it. Need to know what direction the board wants to do in moving ahead with it.

For the water model it's still \$15,000, two and a half years ago it was \$12,750.

Supervisor Wiepert: The committee for the LWRP feels that the dollar amount is pretty steep compared to what they think it should be.

Amico: That's the 50% match, you have to spend all that money and then you get 50% back from the state. You're talking about the \$57,500.

Grant Writer Rotella: Anything that we spend we're going to get .50 cents on the dollar. Whatever that cost is we will get reimbursed 50% of it. Part of that expenditure is also our in-kind services towards it, and then budget for printing and photo copying. The estimate was for \$57,500 when we submitted it a year and a half ago. We never went out for bid once we were awarded it. It's your decision whatever way you want to go with it. The scope of the work is really targeted toward POTL. Do you want to put it out for bid or do you want CRA to continue to look at it?

Supervisor Wiepert: We have a proposal to go out for bids anyway. We can accept or reject the proposal. The Waterfront Revitalization Board wants to go out for bids.

Councilman Fleckenstein: Does the park have \$25,000 to put into this? Can we use the left over Greenway funding money?

Rotella: I'm going to say no. That was designated for brick and mortar. But I'll ask to be sure. The committee says they would like to scope this out based on the RFP, let's see where prices come back.

Supervisor Wiepert: We'll talk about the RFP at next Monday's work session.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**14. Report 2015-188**

**Attorney**

Working with CWM on the site plan process. In December we can expect to have their application filed formally. Subdivision approval and special use permits will be in front of the Planning Board and Zoning Board of Appeals.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**15. Report 2015-189**

**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. Reimbursement delayed due to administration error in Albany. Bernie will be in touch with Barb to discuss the NYS Archives opening in the coming weeks. Has reimbursement been received?
- **Greenway:** Still need to complete the POTL project: Need to complete the construction; signage. We should schedule a meeting to review this project. Project Pending.
- **LWRP:** A formal RFP will be published to get new quotes for the LWRP. To be discuss at the next meeting.
- **Engineering Report for Water Tower:** what is status of report? Project needs to be listed on IUP to prepare for 2016 grant for late spring/early summer.
- We will plan a needs assessment by department to review grant opportunities.

Grant Writer Rotella: What are we doing with the water tower, are we putting that on the back



18. Report 2015-191

**Town Board Comments**

Councilman White: What's going on with the buildings that have been abandoned? Thought we got a price to get the grass cut around some of them. Neighbors are complaining, the places are a mess.

Bldg. Insp. Rogers: I tried to get someone the cut them, but have not been very successful. Everyone is too busy. I need a written proposal. I've try to get the banks to take care of them, of course nobody wants to.

Councilman Fleckenstein: How far does it have to go before the County gets involved or we can take them down? What do we do with the ones that are starting to become a danger?

Bldg. Insp. Rogers: The county is willing to pay up to \$1,000 in total, for the whole town, to maintain these houses. We used to take them down and put them on the tax roll, but they won't do that anymore. We've condemned a couple of them, that means no one can go in there. The bank uses a mortgage servicing company and they keep moving or changing.

Attorney Dowd: The County will no longer reimburse you, but the town still can do it if you want to make the investment. The town can tear it down; we have to pay the contractor who tears it down. The town can put a lien on the property, but if the land never sells we never get the money back. Take an inventory of the worst of them, what's really dangerous. You have to invest taxpayer's money to do it.

The regular meeting of the Porter Town Board was adjourned at 7:50 PM. Motion to adjourn was made by Councilman Baker and seconded by Councilman Fleckenstein. Motion carried.

Barb DuBell  
Porter Town Clerk

**RESULT:           REPORT ISSUED**