



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

Gail Zachary

Monday, April, 13, 2009

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on April 13, 2009 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	
Nancy Orsi	Town of Porter	Councilwoman	Absent	
Jeff Baker	Town of Porter	Councilman	Present	
Larry White	Town of Porter	Councilman	Present	
Dave Britton	Town of Porter	Engineer	Present	
Gail Zachary	Town of Porter	Town Clerk	Absent	
Mike Dowd	Town of Porter	Attorney	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Absent	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Barbara DuBell	Town of Porter	Deputy Town Clerk	Present	

II. Public Comments

1. Report 2009-52

Public Comments

Bill Choboy, 740 Lake Road, Zoning and Land Use Committee wanted the following read into the minutes:

“I believe a few words are in order following the public meeting held last week, Monday, April 6th to receive comments on the Town of Porter’s draft zoning documents.

The time and effort spent by residents in review and all comments received are greatly appreciated. Some of the comments and concerns expressed are valid. Others, that raised alarm and possibly brought the document and the work of the committee into question, seem to be the result of not understanding or misreading the document. All concerns will be addressed, and clarifying language added, if necessary.

The areas generating the most concern and discussion are wind turbines, and zoning for agriculture, zoning for CWM, and zoning for Ransomville. These issues and all others will be reviewed and researched to ensure that the Town fulfills its obligations under the Host Community Agreement, complies with the principles of the Comprehensive Plan and the guidelines of NYS AG & Markets, and protects the quality of life for residents of the Town of

Porter.

Members of the committee are committed to moving forward and working with the consultant and the Town to finalize zoning documents that are acceptable and accepted. All comments received will be reviewed and answered. Revisions will be listed and made available to the public so they can track the changes made. Once all concerns have been considered and necessary revisions complete, the zoning documents will be referred to Niagara County Planning and others, as appropriate, for their review, comment, and approval. The next and final step is for the Town to schedule a public hearing to accept final comment and take action on adoption.”

RESULT: REPORT ISSUED

III. Minutes Approval

1. Resolution 2009-61

Minutes Approval

Resolution to approve the minutes of the regular town board meeting of the Porter Town Board, March 09, 2009.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Baia, Deputy Supervisor
SECONDER: Jeff Baker, Councilman
AYES: Mert Wiepert, Thomas Baia, Jeff Baker, Larry White
ABSENT: Nancy Orsi

IV. Reports/Resolutions

1. Resolution 2009-62

Payment of Audited Vouchers

Resolution to approve the Vouchers as audited.

TOWN OF PORTER

WARRANT: POST AUDIT - 3/31/09

MARCH 2009

FUND	01	34,263.27
FUND	02	11,962.73
FUND	04	355.86
FUND	06	895.08
FUND	07	1,855.44
FUND	33	26.01
FUND	35	400.00
TOTAL		<u>49,758.39</u>

VOUCHER 'S 12122 THRU 12150

WARRANT: # 04 APRIL 2009 4/13/09

FUND	01	27,473.35
FUND	02	49,116.93
FUND	04	17,863.64
FUND	06	35,774.55
FUND	07	1,963.71
FUND	10	750.07
FUND	33	371.64
TOTAL		<u>133,313.89</u>

VOUCHER 'S 12151 THRU 12267

183,072.28

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Jeff Baker, Councilman
SECONDER: Larry White, Councilman
AYES: Mert Wiepert, Thomas Baia, Jeff Baker, Larry White
ABSENT: Nancy Orsi

2. Report 2009-53

Town Clerk

March 2009 water and sewer receipts: \$26,117.39 and \$3153.19, respectively
 Licenses and Fees Collected: \$ 450.91

SPCA Contacts: 18

I had applied to the Niagara County Municipal Clerks' Scholarship Committee for financial help for my deputy to attend the Annual NYS Town Clerks' Association Conference this month. At our monthly meeting, I was informed that we had been chosen to receive the scholarship of \$100.00. When Barbara provides documentation

that she attended, the Town will then be reimbursed by the Scholarship Committee.

RESULT: REPORT ISSUED

3. Report 2009-54

Supervisor

1. Supervisor’s Monthly Report for March 2009 was distributed to all Town Board members.
2. February Sales Tax \$70,703.61. This is down from February 2008 and slightly lower than February 2007 & 2006.
3. Resolution to accept the Supervisor’s Report for March 2009.
4. Resolution concerning CDL licenses for fire truck drivers
5. Resolution appointing Peter Jeffery to the Board of Assessment Review to replace William Rolland
6. Resolution accepting the audited Supervisor’s Report for December 31, 2008.
7. Resolution authorizing Planning Board Chairman George Spira to hold a training class which will qualify for the Planning & Zoning Board members required annual training
8. Resolution appointing Suzanne Raby as back-up payroll clerk.
9. Resolution adopting the revised job description of the water and sewer maintenance person

RESULT: REPORT ISSUED

4. Resolution 2009-71

Supervisor’s Report

Resolution to accept the March 2009 Supervisor's Monthly Report

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry White, Councilman
SECONDER:	Thomas Baia, Deputy Supervisor
AYES:	Mert Wiepert, Thomas Baia, Jeff Baker, Larry White
ABSENT:	Nancy Orsi

5. Resolution 2009-64

Emergency Responders-Driver License Class Adjustme

Whereas, Chapter 60 of the Vehicle and Traffic Laws of 2005 was inadvertently amended to require emergency responders to have a commercial Driver's license (CDL) to be able to drive vehicles of certain weight classes (fire engines, ladder trucks, etc.) in non-emergency situations, and

Whereas, this has caused both confusion and contradiction to the laws where emergency vehicle operators could drive to an emergency scene but, on returning, would be required to have a CDL, and

Whereas, other functions, such as training, demonstrations, fund raising, maintenance, etc., drivers would be required to have a CDL license, thus disobeying the law, and

Whereas, many complications could arise with insurance carriers, police agencies, etc., and

Whereas, there are amendments to the Law Senate Bill S1624 and the same Bill in the Assemble A5952, which would correct this mistake, now therefore be it

Resolved, that the Town of Porter Town Board shall forward copies of this resolution to Senator George D. Maziarz and Assemblywoman Francine DelMonte, and encourage them to vote in favor of these bills which correct this issue.

RESULT:	TABLED [UNANIMOUS]	Next: 5/11/2009 7:00 PM
MOVER:	Jeff Baker, Councilman	
SECONDER:	Larry White, Councilman	
AYES:	Mert Wiepert, Thomas Baia, Jeff Baker, Larry White	
ABSENT:	Nancy Orsi	

6. Resolution 2009-65

Board of Assessment Review Appointment

Resolution to appoint Peter Jeffery to the Board of Assessment Review through September 30, 2012, to fulfill the unexpired term of William Rolland who passed away last year.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Baia, Deputy Supervisor
SECONDER:	Larry White, Councilman
AYES:	Mert Wiepert, Thomas Baia, Jeff Baker, Larry White
ABSENT:	Nancy Orsi

7. Resolution 2009-66

Planning

Resolution to allow George Spira, Planning Board Chairman, to teach a four-hour training session for members of the Planning and Zoning Boards, to fulfill their annual training requirements.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Baker, Councilman
SECONDER:	Larry White, Councilman
AYES:	Mert Wiepert, Thomas Baia, Jeff Baker, Larry White
ABSENT:	Nancy Orsi

8. Resolution 2009-69

Supervisor's Report

Resolution accepting the December 31, 2008 audited Supervisor's Report, as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry White, Councilman
SECONDER:	Thomas Baia, Deputy Supervisor
AYES:	Mert Wiepert, Thomas Baia, Jeff Baker, Larry White
ABSENT:	Nancy Orsi

9. Resolution 2009-63

Back-Up Payroll Clerk

Authorization to appoint Suzanne Raby as the back-up payroll clerk to fill in when Bookkeeper Norm Ault is sick or on vacation. Her rate of pay will be \$15.00 per hour on an as-needed basis.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Baker, Councilman
SECONDER:	Larry White, Councilman
AYES:	Mert Wiepert, Thomas Baia, Jeff Baker, Larry White
ABSENT:	Nancy Orsi

10. Resolution 2009-67

Water/Sewer Job Description

Resolution to adopt the revised job description of the water and sewer maintenance position as follows:

**TOWN OF PORTER
JOB DESCRIPTION**

JOB TITLE:	Water and Sewer Maintenance Person
DEPARTMENT:	Water and Sewer
CIVIL SERVICE STATUS:	Non-Competitive
FULL/PART-TIME:	Full-Time
PREPARED BY:	Town of Porter 4/09

JOB SUMMARY:

Maintain, repair and extend the water and sewer distribution system.

ESSENTIAL JOB FUNCTIONS:

100% Maintain, repair and replace water and sewer lines. Check and maintain the water pressure levels for the water and sewer lines.

Maintain sewer lift stations and pumps.

Read and electronically record water meter readings.

Install and repair water meters.

Install new water lines. Make tap and install service for customers.

Perform water maintenance duties which may include maintaining incoming and outgoing pits for the Town (water flow), and maintaining water towers.

Perform maintenance work on grounds such as plowing snow, salting roads, paving roads, and maintaining drainage areas.

Interact appropriately with the Public.

SUPERVISORY RESPONSIBILITIES:

The Water and sewer Maintenance Person does not have any supervisory responsibilities.

PHYSICAL ACTIVITIES AND REQUIREMENTS:

Ability to climb, balance, stoop, kneel, crouch, reach, sit, stand, walk, push, pull, lift, finger, grasp, feel, talk, hear, and perform repetitive motions. Ability to exert up to 50 pounds of force occasionally, and/or up to 20 pounds of force frequently, and/or up to 10 pounds of force constantly to move objects.

Ability to operate shut-off wrench, crescent wrench, pliers, sockets, shovels, rakes, hydrant wrench, water tapping machine, water meter, back hoe and gradall.

ENVIROMENTAL CONDITIONS:

The worker is subject to inside and outside environmental conditions, extreme cold, noise, vibration, hazards, atmospheric conditions, and oils.

MINIMUM JOB QUALIFICATIONS:

High School Diploma or equivalent. (GED)

AND:

One (1) year of experience in construction, maintenance or service phases of a water or sewer system.

SPECIAL REQUIREMENTS:

Possession of a valid New York State Class B, CDL license or permit. Class B, CDL license must be obtained during the probationary period.

EMPLOYER'S DISCLAIMER:

- All requirements are subject to possible modification to reasonably accommodate individuals with disabilities.
- This job description in no way states or implies that these are the only duties to be performed by the employee holding this position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties required by their office.
- This job description is intended for the internal use by the Town of Porter and does not replace the job specification that has been adopted by the Niagara County Civil Service Department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry White, Councilman
SECONDER:	Thomas Baia, Deputy Supervisor
AYES:	Mert Wiepert, Thomas Baia, Jeff Baker, Larry White
ABSENT:	Nancy Orsi

11. Report 2009-56

Supervisor's Assistant

Bookkeeper's Monthly Report - March 2009

- Completed processing all March 2009 Vouchers and Journal Entries.
- Prepared Supervisor's Monthly Report for March 2009 and distributed it to the Supervisor and Town Board members.
- Completed Bi-weekly and Monthly payrolls.
- Completed certified payrolls for Civil Service
- Completed Check registers for all check payments.
- Continued maintenance on the Web Page, www.townofporter.net
- Continues working with Town Clerk on the Minute Traq program.
- Worked with auditors on 2008 year end audit and submission to NYS.
- Completed December 2008 Supervisor's report with year end audit adjustments and distributed it to the Supervisor, Town Clerk & Town Board members.
- Request permission to attend 9th Annual Town Finance School in Rochester, NY, May 6-

8, 2009.

RESULT: REPORT ISSUED

12. Resolution 2009-68

Bookkeeper/Finance School

Resolution to permit Norm Ault, bookkeeper, to attend the 9th Annual Town Finance School in Rochester, New York, May 6th until May 8th, 2009.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Baia, Deputy Supervisor
SECONDER: Larry White, Councilman
AYES: Mert Wiepert, Thomas Baia, Jeff Baker, Larry White
ABSENT: Nancy Orsi

13. Report 2009-57

Building Inspector/Code Enforcement Officer

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF MARCH 2009

NAME	PERMIT	DATE	ADDRESS	CATEGORY	COST	FEE
KEATING, Charles	05-09	23-Mar	455 Powell	Single family residence	50,000	275
McNEELEY, Chas	06-09	23-Mar	3597 East Ave	Garage	12,000	50
SHAW, Wendy	07-09	23-Mar	3697 Creek Road	Shed roof	500	25
DIEZ, Christopher	08-09	26-Mar	420 Lakedside Ln	Addition to pole barn	12,000	50
COIA, Daniel	09-09	30-Mar	2040 Balmer Rd	Pole barn	12,000	50
					86,500	450

FLICK, Lon 06-09 13-Mar 1587 Lake Road Single family residence
 COLLESANO, Wm. 07-09 23-Mar 3803 River Road Single family residence

BUILDING DEPARTMENT REPORT: Month March 2009

- 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; attended the Planning Board, ZBA and Town Board meetings
- Pursued numerous zoning code violations and issued to the Supervisor “Order of Violations Report” for the month of March, 2009.
- Met with the Town Prosecutor and Judges pertaining to several court cases
- Continued review of draft new zoning law and subdivision regulations
- Periodic inspection of Heritage Manor Adult Home.

RESULT: REPORT ISSUED

14. Report 2009-58

Assessor

Assessor Monthly Report

From: Barbara J. Oaks, Acting Assessor

RE: March 2009

1. Completed monthly inspections for verification of sale and completion of building projects.
2. Processed monthly sales transfers and splits.
3. Attended NCAA meeting in Lockport-included training for preparation of tentative assessment rolls
4. Attended “Ethics” class in Albany-to retain certification
5. Attended “Condominium Valuation” class-in Lockport
6. Worked on completing field work and valuation for tentative roll.

7. Continued to receive and process exemption applications for the 2009 roll.
8. Continual training and educating of Susan in all aspects of assessments.

RESULT:	REPORT ISSUED
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15. Report 2009-59

Highway

Department of Public Works
Monthly Report for March 2009

Highway Department:

1. Completed 2 driveway culvert installations.
2. Completed construction of the storage mezzanine in the highway garage.
3. Completed PM service on mowers.
4. Brush pickup has been advertised. First pickup will be Monday April 20th and Tuesday April 21st. This will be a town wide pickup. Regularly scheduled pickup will start Monday May 4th.

Drainage Department:

1. I accompanied the town engineer on an inspection of the Sue Campbell drainage issue. The lateral drain installed by the town has been camera inspected and seems to be intact. We also dyed the drain and sump pump. Nothing has shown up on the surface.
2. We also inspected the drainage issue on Harrison Lane. We have to wait for the water to subside before an appraisal of the situation can be made. The engineer is working on the flow calibration so the proper size pipe can be installed.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed installation of a new service on Calkins Road.
3. Repaired a water main break on Howard Drive.
4. The Circuit Rider from NY Rural Water will be here on April 22nd to continue looking for a water main leak on Dansworth Road.

CHIPS Funding:

We met with our state representatives in Albany on March 11th. As you know the NY State 2009-2010 budget has been passed. The CHIPS Funding has been restored to the 2008-2009 level. Our funding is estimated to be \$38000.00. This would be a reduction of approximately

\$10000.00 from last years figure. Once I receive official notification of the amount the 284 Agreement will need to be amended to reflect the reduction in funding.

The restoration to last year’s level was made possible by the influx of Federal Stimulus Money into the budget. Should there be no stimulus funding next year I would expect that some sort of reduction from this year’s allocation will be necessary.

Respectfully submitted,

Scott B. Hillman
Highway Superintendent

RESULT: REPORT ISSUED

16. Resolution 2009-70

Water Adjustment

Resolution authorizing the adjustment of the water bill portion of account 20-0257-01 from \$370.84 (includes late charges) to \$159.05. Also adjusts sewer late fees of \$75.20. This adjustment is because of an undetected water leak over the New Year’s holiday weekend.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jeff Baker, Councilman
SECONDER: Thomas Baia, Deputy Supervisor
AYES: Mert Wiepert, Thomas Baia, Jeff Baker, Larry White
ABSENT: Nancy Orsi

17. Report 2009-60

Tax Collector

2009 TOWN/COUNTY COLLECTIONS

Paid Supervisor Wiepert the sum of \$26.18. This amount was interest earned on Tax Collector’s account from February 24-March 20, 2009.

As of April 8, 2009 Town Tax Collector's account has the sum of \$702,504.65. This represents all payments and penalties collected to date. Final remittance to the County Treasurer will be made on/or April 14, 2009.

RESULT: REPORT ISSUED

18. Report 2009-61

Engineer

1. A site visit to property owner Sue Campbell to investigate drainage concerns was conducted with Scott Hillman on March 18, 2009.
2. Topographic survey of the Porter on the Lake parcel started March 18th. Mapping of the property is underway.

Engineer Dave Britton stated CRA was submitting a request for stimulus funding to repair the Town of Porter water tanks.

RESULT: REPORT ISSUED

19. Report 2009-62

Attorney

none

RESULT: REPORT ISSUED

20. Report 2009-63

Porter-On-The-Lake

“PORTER-ON-THE-LAKE” PARK COMMITTEE MEETING
March 26, 2009

Attending:

Norm Ault	Cathy Burns	Betsy Diachun	Patrick Gray	Ernest Lavigueur	Bill Warren
Paul Beatty	Tony Collard	Peter Diachun	Don Larrabee	Bob Reese	Mert Wiepert

The fourteenth general meeting of the “Porter-on-the-Lake” Park Committee was held at the Porter Town Hall at 6:30 P.M. on Thursday, March 26, 2009. Representing the Town was Supervisor Wiepert and Bookkeeper Ault.

Chairman Reese called the meeting to order. The minutes from the meeting of February 26, 2009 were distributed and approved. E-mail correspondence had been received from committee member Bill Baird advising that he couldn't attend the March 26th meeting.

Supervisor Wiepert updated the committee on the following:

1. Three bids have been received from vendors to complete a topographic map of the “Porter on the Lake” recreation area. The low bid was \$3,700.00. This survey is essential before a master plan can be developed and will address such factors as drainage areas in the park.
2. The Town of Porter has applied for \$25,000.00 in Greenway funding to complete a park master plan. It is expected that this application will go before the Greenway Commission in April. If approved it will be forwarded to the Power Authority. Supervisor Wiepert will advise this committee of the status of the application.

Committee member Ault requested direction on the process for private renting of the park's pavilion. After discussion the rental application was refined to include a non-refundable deposit at the time of the application and full payment be received sixty days prior to the event. The committee also discussed employing a park manager and/or seasonal employees, bidding grass cuttings and requesting that the town highway department handle park maintenance issues. The consensus of the committee was to employ the most cost effective alternative. These recommendations will be presented to the Town Board for their review along with a need for clarification on park management. The attending committee members agreed on the need for a park custodian or manager. Ault advised that to-date, thirteen events have reserved the pavilion for the 2009 season. Copies of the rental application are available through Norm Ault.

Chairman Reese invited two Porter residents to speak to the committee on their respective events. First, Chairman Reese introduced Mr. Paul Beatty who spoke to the committee on the 2009 Hospice Dash, 5K Run/Walk on September 26th. All proceeds will benefit Niagara Hospice. Mr. Beatty described the event and what the park's facilities would be used for and answered questions asked by attending committee members. Additional information on this event is available on the Internet at www.hospicedash.com

Chairman Reese then introduced Pat Gray who spoke on the Niagara Falls Firefighters Motorcycle Run and Classic Car Show scheduled for June 7th. All of the proceeds from the event positively impact more than 2,500 residents of Niagara Falls and Niagara County by providing toy distributions and clothing to approximately 1,500 needy children in Niagara County. The sponsor for this event is the Hard Rock Café of Niagara Falls, NY and that in addition to the motorcycle run concluding at “Porter-on-the-Lake,” a classic car show is being planned in the park. Mr. Gray told the committee that this fundraiser is in its eighty-first year and the event has outgrown its prior location. Last year 135 motorcycles took part in the event. The participants will start at 11:00 A.M. and travel throughout Niagara County in groups stopping at various locations and arriving at “Porter on the Lake” at approximately 2:00 P.M. Activities in the park will take place from 2:00 P.M. until 6:00 P.M. Catering will be provided by the Hard Rock Café of Niagara Falls, NY and music until 6:00 P.M. Mr. Gray answered attending members' questions and advised that rain on that day would cancel the event.

Under New Business:

1. More and more dog owners have been using the park to exercise their dogs. Committee member Cathy Burns presented the committee with her research on dog waste bag dispensers. This information was given to Chairman Reese to review and forward to the Town Board.
2. Committee member Ault advised that a sponsor is interested in donating \$5,000 possibly for the construction of a small pavilion in the park.
3. Secretary Lavigueur distributed literature and spoke briefly on the Bicentennial Art of Peace Gardens Trail Project. The Town of Porter Historical Society will speak to the committee at a later date on this project. Additional copies of this literature are available by contacting Norm Ault.

Finally, Chairman Reese advised that due to the conditions in the park the gates have been closed restricting vehicle access. Drainage problems and ground water have caused motor vehicles to be pulled out thus damaging the recreation area.

The committee meeting adjourned at 8:00 P.M.

THE NEXT MEETING WILL BE HELD ON APRIL 20, 2009 AT 6:30 P.M. AT THE PORTER TOWN HALL. ITEMS TO BE DISCUSSED INCLUDE THE APRIL 25TH CLEAN BEACH SWEEP.

Submitted by: Ernest A. Lavigueur

RESULT: REPORT ISSUED

21. Report 2009-64

Correspondance

The Census Bureau will be in the Town of Porter until July 2009 with GPS machines to establish new addresses to be used in the 2010 Census. Workers will all have identification.

RESULT: REPORT ISSUED

22. Report 2009-65

Calendar of Events

- | | |
|--------------------------|---|
| Friday, April 10, 2009 | - Good Friday, Town Hall CLOSED |
| Thursday, April 16, 2009 | - Zoning Bd. @ 7:30pm, Town Hall |
| Saturday, April 25, 2009 | - P-O-T-L "Clean Beach Sweep" |
| Saturday, May 02, 2009 | - Tire Drop-Off, Village Hall, 240
Lockport Street, 8am - 2:00pm |
| Thursday, May 07, 2009 | - Planning Bd. @ 7:00 pm, Town Hall |
| Monday, May 11, 2009 | - Town Bd. @ 7:00 pm, Town Hall |

RESULT: REPORT ISSUED

23. Report 2009-66

Town Board Comments

Councilman Tom Baia commented about the crossing of the double yellow line to pass cars on Lower River Road between Lewiston & Youngstown.

With no further business before the Board the meeting was adjourned.

Barbara DuBell
Deputy Town Clerk

RESULT: REPORT ISSUED
