



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

John

Monday, May, 14, 2007

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on May 14, 2007 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	Present	
Jeff Baker	Town of Porter	Councilman	Present	
Larry White	Town of Porter	Councilman	Present	
Dave Britton	Town of Porter	Engineer	Present	
George Spira	Town of Porter	Planning Bd Chairman	Present	
John MacArthur	Town of Porter	Town Clerk	Present	
Karen Schmidt	Town of Porter	Assessor	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Norman Ault	Town of Porter	Bookkeeper	Present	
Roy Rogers	Town of Porter	Bldg Inspector	Present	
Scott Hillman	Town of Porter	Hwy Supt	Present	

2. Report 2007-68

Storm Water Report Presentation

Monday May 14, 2007

“David Britton of CRA Engineering opened the meeting by stating that the Town of Porter’s SPDES Permit is Due in 2008. Presently we are in year 5 of this Western New York Storm water Coalition. There are six (6) Measurable Goals of the Western New York Storm water Coalition, they are: Public Education and Outreach on Storm water Impacts, Public Participation/Involvement, Illicit Discharge Detection and Elimination, Construction Site Storm water Runoff Control, Post-Construction Site Storm water Management in New Development and Redevelopment, and Pollution Prevention/Good Housekeeping for Municipal Operations.

David Britton stated that the Town of Porter’s Year 4 Annual Report is due by June 1, 2007.

David Britton stated hat there are eight (8) outfalls in the Town of Porter for Storm water
George Spira stated that the problem is not with the quality of water, but the quantity of water.

Harriet “Skeeter” Tower-What controls are at each eight (8) outfalls?

David Britton-There is regulations dealing with the quality of water.

George Spira-The Planning Board has not been aware of this Storm water Coalition, more concerned with quantity of water not quality, to rid this water out of developments in the town.

Councilman Tom Baia-The Village of Youngstown has to follow the same rule and regulations

as the Town does.

Trustee Tony Collard-The Village is complying with the Storm water Coalition rules and regulations at the current time.

Terry Duffy-What about Golf Courses and other large areas in the Town.

David Britton-They have their guidelines to follow.

Supervisor Wiepert-What impact will this have on the Town Budget for next year (2008)?

David Britton-More participation in meetings by the Highway Supt and Building Inspector, record keeping expenses, and adoption of Local Laws.

William Choboy-What was the number one goal, something about Public Education?

David Britton-Yes. The Public will have a chance to comment on the Draft Storm water 4 Annual Report where it will be available at the Town Clerk’s Office for 10 days. After all the comments are made, then a final report will be made public and copies will be at Town Hall, and the Libraries in Youngstown and Ransomville. “

Submitted by:

John MacArthur
Town Clerk

RESULT: REPORT ISSUED

3. Resolution 2007-71

Year 4 Annual Report

Supervisor authorized to sign Year 4 Annual Report

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Baia, Deputy Supervisor
SECONDER: Nancy Orsi, Councilwoman
AYES: Wiepert, Baia, Orsi, Baker, White

II. Public Portion

1. Report 2007-73

Public Comments

Public Comments at Town Board Meeting

Monday, May 14, 2007

Harriet "Skeeter" Tower read a letter that RRG (Residents for Responsible Government) wrote to State Senator George Maziarz urging him to submit a companion bill to A248, the Great Lakes Legislation that Assemblywoman Francine DelMonte has introduced in the State Assembly. A248 very simply states: **"No disposal facility subject to section 27-1105 of this title and identified in a new or pending application shall be sited in a location with potential discharge to the Great Lakes System"**.

William Choboy made the following Announcement: **"The Town of Porter is in the process of updating its Zoning Code and other land use regulations to make them consistent with the recently adopted Comprehensive Plan. The updated land use regulations will ensure that the Town's coastal, scenic, agricultural, historic and natural resource are protected as future development occurs in the Town.**

As part of the project, the Town has provided the Village of Youngstown with an opportunity to update its Zoning Code, in an effort to increase cooperation and coordination between the two municipalities.

Peter J. Smith & Company, Inc., the consultant that assisted in the preparation of the Town of Porter Comprehensive Plan, has been retained to assist in revising the Zoning Codes and land use regulations. The consultant will be facilitating two public meetings to allow residents and other stakeholders to voice concerns with the current zoning codes and to identify desired changes. One meeting will be held on June 4, 2007 at 7:00 P.M., at Town Hall, 3265 Creek Road to allow Town residents to provide their input. The other meeting will be held on June 5, 2007 at 7:00 P.M., in the Village Hall, 240 Lockport Street to allow Village Residents to provide their input.

This project is being conducted in co-operation with the New York State Department of State with funds provided under Title 11 of the Environmental Protection Fund."

RESULT: REPORT ISSUED

2. Resolution 2007-50

Minutes Approval

Approve the Town Board minutes of April 9, 2007 as presented.

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

3. Resolution 2007-51

Payment of Audited Vouchers

TOWN OF PORTER

WARRANT: POST AUDIT - APR 2007 4/30/07

FUND	01	8,146.91
FUND	02	18.69
FUND	03	8.43
FUND	04	406.95
FUND	06	39,806.23
FUND	07	4,459.67
		<u>52,846.88</u>

VOUCHER'S 9210 THRU 9240

WARRANT: # 5 MAY 2007 5/14/07

FUND	01	25,465.80
FUND	02	53,938.42
FUND	03	26,939.89
FUND	04	9,391.46
FUND	06	2,311.30
FUND	07	55,616.45
FUND	10	792.38

TOTAL **174,455.70**

VOUCHER 'S 9241 THRU 9336

227,302.58

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Baker, Councilman
SECONDER:	Nancy Orsi, Councilwoman
AYES:	Wiepert, Baia, Orsi, Baker, White

4. Report 2007-58

Town Clerk

Town Clerk's Report for April, 2007:

Water Receipts Collected for the month of April, 2007:	\$24,812.99
Sewer Receipts Collected for the month of April, 2007:	\$55,529.43
License and Fess Paid To the Supervisor:	\$464.58
S.P.C.A. Report:	16

Re-appoint William Rolland to the Board of Assessment Review for a (5) five year term October 1, 2007 thru September 30, 2012.

Re-appoint Karen Weiland Schmidt as Town of Porter Assessor for a (6) year term October 1, 2007 thru September 30, 2013.

"I would like to take this opportunity to thank the Town Board for permitting me to attend the Town Clerks' Conference in Rochester, N.Y. April 29-May 2, 2007.

Meet new friends and network with them, and say goodbye to others. A very worthwhile conference with new ideas and review old ones."

RESULT: REPORT ISSUED

5. Resolution 2007-52

BAR Reappointment

Re-appoint William Rolland to the Board of Assessment Review for a period of five (5) years from October 01, 2007 to September 30, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Baia, Deputy Supervisor
SECONDER:	Nancy Orsi, Councilwoman
AYES:	Wiepert, Baia, Orsi, Baker, White

6. Resolution 2007-68**Assessor Reappointment**

To re-appoint Karen Wieland Schmidt as Town Assessor for a period of six (6) years, from October 01, 2007 to September 30, 2013.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Nancy Orsi, Councilwoman
SECONDER:	Thomas Baia, Deputy Supervisor
AYES:	Wiepert, Baia, Orsi, Baker, White

7. Report 2007-59**Supervisor**

1. Supervisor's Monthly report for April 2007 was distributed to all Town Board members.
2. March Sales Tax \$88,867.09. This is down \$14,749.18 from March last year.
3. Resolution to accept the Supervisor's Report.
4. Resolution to accept Peggy Hanson's letter announcing her retirement on May 31st. Her last day of work will be May 30th.
5. Resolution appointing Lisa Hastings as a Part Time Court Clerk effective May 7, 2007 and Court Clerk on May 31, 2007.
6. Authorization to spent \$675.00 as a shared expenses concerning the World War II POW and Memorial Day celebration at Fort Niagara.
7. Resolution to approve the Modern Disposal Contract.

RESULT:	REPORT ISSUED
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8. Resolution 2007-53**Supervisor's Report Acceptance**

Resolution to accept the April 2007 Supervisor's report as presented.

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

9. Resolution 2007-54

Retirement of Court Clerk

Resolution accepting the retirement of Court Clerk Margaret Ann "Peggy" Hanson effective May 30, 2007. Peggy has been with the Town over 20 years and will be missed. Good luck Peggy!

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

10. Resolution 2007-55

Appointment of Court Clerk

Resolution appointing Lisa Hastings as Court Clerk P/T effective May 7, 2007 (for training) at the rate of \$11.52 per hour, and full time Court Clerk effective May 31, 2007 at a rate of \$11.52 per hour.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Baker, Councilman
SECONDER:	Nancy Orsi, Councilwoman
AYES:	Wiepert, Baia, Orsi, Baker, White

11. Resolution 2007-56**Shared Expenses/Village of Youngstown**

Resolution authorizing the following shared expenses with the Village of Youngstown: \$125.00 toward the Memorial Day celebration at Fort Niagara and \$550.00 toward the World War II POW celebrations activities.

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

12. Resolution 2007-57**Modern Disposal Contract****RESOLUTION TO ACCEPT PROPOSAL FOR THE COLLECTION AND DISPOSAL OF HOUSEHOLD SANITARY WASTE PURSUANT TO GENERAL MUNICIPAL LAW SECTION 120-W**

At a duly constituted meeting of the Town Board of the Town of Porter, New York held at the Town Hall on the 14th day of May, 2007 at which a quorum was present and upon the resolution of the Board it was found that:

WHEREAS the Town of Porter Town Board has issued a Request for Proposal for the collection of household sanitary waste for the residents of the Town of Porter pursuant to General Municipal Law 120-w; and

WHEREAS the Town has reviewed the responses to the Request for Proposal; it is hereby

RESOLVED that the Town of Porter Town Board hereby awards the contract for the disposal of household sanitary waste to Modern Disposal Services, Inc which proposal is determined to be the lowest responsible bid submitted to the Town with the following terms \$98.68 annually per residential unit for collection and \$41.50 per ton for disposal with an annual escalator calculated by any increase in the consumer price index for a period of three years with four two year renewals and pursuant to the specific terms and conditions to be incorporated into the form contract supplied with the request for proposal; and it is further

RESOLVED that the Supervisor for the Town of Porter is authorized to execute the contract for such services adopting the terms set forth above along with any other benefits offered by Modern Disposal Services, Inc. which shall include two 65 cubic yard containers for the disposal of tires annually, and it is further

RESOLVED that the Town Clerk shall cause the following notice to be published as required by law

"On May 14, 2007 the Town of Porter awarded a contract to Modern disposal Services, Inc. pursuant to section one hundred twenty-w of the general municipal law for the collection and disposal of household sanitary waste. The validity of this contract or the procedures which led to its award may be hereafter contested only by action, suit or proceeding commenced within sixty days after the date of this notice and only upon the ground or grounds that: (1) such award or procedure was not authorized pursuant to that section, or (2) any of the provisions of that section which should be complied with at the date of this publication have not been substantially complied with, or (3) a conflict of interest can be shown in the manner in which the contract was awarded; or by action, suit or proceeding commenced on the grounds that such contract was awarded in violation of the provisions of the Constitution.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Baia, Deputy Supervisor
SECONDER:	Nancy Orsi, Councilwoman
AYES:	Wiepert, Baia, Orsi, Baker, White

13. Report 2007-60

Supervisor's Assistant

1. Completed processing all April 2007 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for April 2007 and distributed it to the Supervisor and Town Board members.
3. Completed Bi-weekly and Monthly payrolls.
4. Completed Check registers for all check payments.
5. Continued maintenance on the Web Page - www.townofporter.net
6. New web-page should be ready some time in late may or early June.
7. Sent out the Spring Town of Porter newsletter.
8. Continues working with Deputy Town Clerk on the Minute Traq program.
9. Will be discussing credit card & on-line payments at the Finance conference.
10. Need a resolution to change the date of the November 2007 Town Board meeting from Monday November 12th to Tuesday November 13th due to the Veteran's Day Holiday

RESULT:	REPORT ISSUED
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14. Resolution 2007-58**Board Meeting Date Change**

Resolution to change the November Town Board meeting from Monday, November 12th, to Tuesday, November 13th, due to the Veterans Day Holiday.

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

15. Report 2007-61**Assessor**

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 Newfane. Topic of meeting was reassessment cycles/condo legislation.
4. Printed and mailed assessment disclosure notices.
5. Received new digital orthoimagery from aerial photos shot in Nov 06.
6. Attended land use committee meeting.
7. Loaded new V4 software.
8. Filed the tentative assessment roll for 2007.

RESULT:	REPORT ISSUED
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16. Report 2007-62**Recreation**

The Town of Porter Summer Recreation Program will be held at Stevenson Elementary this year (2007). Registration for the program will be June 27th and June 28th in the Stevenson Gym

from 10:00a.m. to 3:00p.m.. Pre-registration is highly advised. Those enrolling for the first time must have a copy of their birth certificate or kindergarten report card stating promotion to 1st grade.

The summer program will start Wednesday July 2nd from 10:00 a.m. to 3:00 p.m. and continue through Tuesday August 10th. (Mon-Fri) The program is a structured recreation experience with opportunities for field trips (extra cost), arts and crafts, swimming (on Fridays at Fort Niagara additional cost), sports, and special guest entertainers.

Summer Jobs

The Recreation Commission is looking for Town of Porter residents who are interested in working as recreational supervisors June 25th - August 11th. Candidates must be a high school graduate with experience working with large groups of children. Resumes are due at the Town Hall 3265 Creek Road by May 18th. **Interviews will be June 4th in the evening.**

RESULT:	REPORT ISSUED
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17. Report 2007-63

Department of Public Works

Department of Public Works
Monthly Report for April 2007

Highway Department:

1. Completed a town wide brush pickup and the first regular brush pickup.
2. Completed summarizing all winter equipment.
3. Completed the hauling of 1000 tons of stone for the Dickersonville Rd. CIPR Project.
4. Provided assistance to Youngstown Fire Co. hauling stone for their Mercy Flight Landing Pad.
5. Provided assistance to Ransomville Fire Co. hauling stone for their new playground.
6. The first round of road striping has been completed.
7. The skid steer loader and 7 ton trailer have been delivered and placed in service.

Drainage Department:

1. I met with the town engineer to review the drainage around the Youngstown Estates Subdivision after the flooding on March 26th. I have also been in contact with Niagara County Soil and Water Conservation to seek their input regarding possible improvements.
2. We will start our drainage mowing program as soon as the weather will allow.
3. We will proceed with drainage projects scheduled in town once the ground dries and allows us to get on some of the unfinished projects from last year.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed installation of 15 new Orion Water meters.
3. Completed training on the Badger Radix Meter reader and placed it in service.
4. I attended a meeting of the Lewiston-Porter Sewer Advisory Group at the Village of Lewiston on May 1st. The main topic of discussion was new contract language for the 2008 Sewer Use Agreement to address I&I Issues.

I would like Town Board approval to attend the 2007 Cornell Local Roads Highway School in Ithaca on June 3rd thru 6th.

RESULT: REPORT ISSUED

18. Resolution 2007-59

Amendment to Equipment Purchases

This resolution amends Resolution 2007-25 to reflect the actual cost of equipment. The trailer, authorized at \$6,500.00, was purchased for \$4,011.00; the Skid Steer Loader, authorized at \$22,000.00, was purchased for \$22,928.89, which leaves \$29560.11 to be used for the purchase of the pick-up truck.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Nancy Orsi, Councilwoman
SECONDER: Jeff Baker, Councilman
AYES: Wiepert, Baia, Orsi, Baker, White

19. Resolution 2007-60

Lake Shore Sewer District Grant Funds

This resolution authorizes the Sewer Superintendent to go out for bids for sewer equipment based on the balance of available funds through the Lake Shore Sewer District grant. The balance available in grant funds is \$80,849.66; The Superintendent should try and hold the expenses to around \$95,000 to \$96,000, since the Town will be reimbursed 85% of the hard costs.

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

20. Resolution 2007-61

Sewer Fund Loan

This resolution authorizes the Town of Porter Capital Projects (Fund 32) to loan the Sewer Fund (Fund 7) \$81,000.00 to use for the purchase of the sewer equipment noted in **Resolution 2007-60** until the grant monies are received.

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

21. Resolution 2007-62

Highway School

Authorize the Highway Superintendent to attend the 2007 Cornell Local Roads Highway School in Ithaca on June 3rd thru 6th. This is a budgeted item

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

22. Report 2007-64

Code Enforcement Officer

Honorable Board

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF APRIL 2007

PERMIT #	NAME	ADDRESS	ISSUED FOR	COST	FEE:
19-07	Sowicki, Frederick	521 Lake Road	Shed	6,000	25
20-07	Fillmore Chapel	2525 Y-W Road	Lift	1,500	0
21-07	Meith, Kurt	1765 Lake Road	Addition	43,000	50
22-07	Stark, James	1750 Lockport Road	Pole Barn	40,000	25
23-07	Collard, Anthony	840 Lockport Road	Pole Barn	15,500	25
24-07	Minarcin, Tom	419 Andre Place	Deck	4,000	25
25-07	Andersen, Jacqueline	3626 Dickersonville Rd	Deck	3,300	25
26-07	Collard, Anthony	840 Lockport Road	New Sgl Family	331,000	275
27-07	Hillman, James	1932 Lockport Road	Garage	6,000	35
28-07	Leardini, William	1093 Y-W Road	Garage	2,500	35
29-07	Ross, Rosemarie	3382 P-C Road	Shed	4,000	25
30-07	Ross, Rosemarie	3382 P-C Road	Addition	2,000	50
31-07	Nowacki Enterprises	2000 Lake Road	Cabins (4C)	40,000	200
<u>Estimated Total Cost of Construction</u>				498,800	795

C/O #

05-07
06-07

Robert Sudbrink
Rocco Notte

Certificate of Occupancy Issued

459 Powell Lane Single Family Residence
446 Riverview Drive Single Family Residence

RESULT: REPORT ISSUED

23. Report 2007-65

Tax Collector

RE: TOWN/COUNTY TAX COLLECTIONS FOR 2007

Dear: Supervisor Wiepert and Town Board Members:

Paid to Supervisor Wiepert in April 2007 the sum of \$5,459.41. This amount included the following:

Penalties collected in March	\$4,666.95
Return of petty cash	100.00
Interest earned from 3/22-4/20/2007	488.46
\$1.00 unpaid returned to county	204.00

Paid to County Treasurer, David Broderick on April 12, 2007 the sum of \$574,781.55, as final remittance to the County. The following figures reflect the final results of my collection for the 2007 Town/County Tax Roll in and for the Town of Porter:

Paid to Supervisor	774,211.12
Paid to County in February	2,500,000.00
Collected by County Treasurer	

(Utilities, County Owned)	96,394.57
April remittance due County	574,985.55
Total Collected	3,945,591.24
Total Uncollected (204 bills)	407,021.88
Total Warrant	4,352,613.12
April remittance due County	574,985.55
\$1.00 mailing surcharge	- 204.00
Paid to County Treasurer	574,781.55

Total of \$2,564.53 interest was credited this year to this account.
 Total of \$6,392.72 penalties was collected this year. This amount includes \$60.00 for checks returned for insufficient funds. Town Tax Collector’s account now reflects a balance of two (\$2.00) dollars-postal key return money to keep the account open.

Respectfully yours,

Sally A. Hogan, Collector
 Town of Porter

RESULT: REPORT ISSUED

24. Report 2007-66

Attorney

Report on the need for a Town Wide Water Service Entity.

RESULT: REPORT ISSUED

25. Resolution 2007-70

Town Wide Water Service Entity

RESOLUTION TO CREATE TOWN WIDE WATER SERVICE ENTITY

At a duly constituted meeting of the Town Board of the Town of Porter, New York held at the Town Hall on the 14th day of May, 2007 at which a quorum was present and upon the resolution of the Board it was found that:

WHEREAS the Town of Porter Town Board has determined that it is in the interest of the Town of Porter to create a single water supply and service district or improvement area to serve its residents it is hereby

RESOLVED, that the Town of Porter Town Attorney prepare the necessary notices, applications, documents and instruments necessary to provide a town wide water supply and service entity to become effective no later than January 1, 2008.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Baker, Councilman
SECONDER:	Nancy Orsi, Councilwoman
AYES:	Wiepert, Baia, Orsi, Baker, White

26. Report 2007-67

Engineer

May 2007

Project Status -

1) Water Tank Rehabilitation: Contract Documents are complete and ready to bid.

- BOARD ACTION REQUESTED: Consider issuance of a negative declaration for the project

1) MS4 SPDES 2008 Permit: CRA to provide a copy of the draft annual report for public comment. Final report due June 1, 2007 to NYSDEC; a couple of the year 2007 priorities include 1) adoption of a local law to prohibit illicit discharges 2) adoption of a Storm water management plan 3) staff training. PERMIT becomes effective JANUARY 2008.

- BOARD ACTION REQUESTED: none

3) Youngstown Estates drainage investigation - Met with Scott Hillman on April 24, 2007 (initial site visit); issue is currently under review.

- BOARD ACTION REQUESTED: none

RESULT:	REPORT ISSUED
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27. Resolution 2007-63**Balmer Road Water Tank**

Authorize the Supervisor to sign a contract with Municipal Solutions in the amount of \$8,125.00 to complete the application with Rural Development and handle the financial consulting concerning the borrowing of \$350,000.00 to complete the restoration of the Balmer Road Water Tank.

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

28. Resolution 2007-64**Negative Declaration**

RESOLUTION TO ISSUE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE RELATING TO THE TOWN OF PORTER WATER TANK REHABILITATION PROJECT

At a duly constituted meeting of the Town Board of the Town of Porter, New York held at the Town Hall on the 14th day of May, 2007 at which a quorum was present and upon the resolution of the Board it was found that:

WHEREAS the Town of Porter Town Board has directed the completion of a study to determine the condition of Water Tanks serving the residents of the Town of Porter; and

WHEREAS the Town has determined that certain work and renovations be performed in order to maintain the integrity of such tanks in order to insure the safe and reliable supply of water to its residents; and

WHEREAS the impact of the proposed work and renovations has a local impact only and does not involve any other federal, state or local governmental entity or agency and requires no permits or authority from any such governmental entities or agencies it is hereby

RESOLVED that the Town of Porter Town Board hereby adopts Lead Agency status regarding the consideration of any environmental impacts as required by the New York State Environmental Quality Review law; and

BE IT FURTHER RESOLVED that the Porter Town Board hereby accept the short EAF

prepared on its behalf by its engineers, CRA, for assessing the potential adverse environmental impacts associated with the Town Water Tank Restoration Project, and

BE IT FURTHER RESOLVED that the Porter Town Board does hereby determine that the action of approving the Town of Porter Water Tank rehabilitation project will have no significant adverse environmental impacts on the environment and such determination is based upon on the following:

Compared to the criteria listed in Section 617.7 of the SEQR regulations, all indications are that the proposed action will not cause substantial adverse effect and change in air quality, noise levels, the community character, aesthetics, design, natural or community resources; and

BE IT FURTHER RESOLVED that the Porter Town Supervisor is hereby authorized as a responsible officer of the Town to execute the Short Environmental Assessment Form prepared by CRA and to issue and execute a Negative Declaration form as the Town Board's determination of environmental non-significance.

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

29. Resolution 2007-65

Water Tank Bid Specifications Acceptance

This resolution accepts the contract documents concerning bids for refurbishment of the water towers as written and authorizes CRA to go out for bids upon the Town establishing financing.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry White, Councilman
SECONDER:	Nancy Orsi, Councilwoman
AYES:	Wiepert, Baia, Orsi, Baker, White

30. Report 2007-69

Master Plan Committee

Town Board Meeting - May 14, 2007
Land Use & Zoning Committee Report

Members of the Committee met with p j smith & company on Wednesday, April 18th at the Red Brick School House in Youngstown to discuss the draft zoning law. A separate zoning document has been prepared for the Village of Youngstown and is being reviewed by Village members of the Committee.

A public meeting for residents of the Town of Porter will be facilitated by pj smith on Monday, June 4th at 7:00 pm at the Porter Town Hall. This meeting will be an opportunity for residents to review and comment on the Town's current zoning. A similar public meeting for Village of Youngstown residents will be held at the Red Brick Schoolhouse on Tuesday, June 5th at 7:00 pm. All interested residents are urged to attend.

The next Committee meeting is scheduled for Monday, June 25th at 7:00pm at the Porter Town Hall.

Additional information and minutes of all meetings are available at www.porterplanning.com

RESULT: REPORT ISSUED

31. Resolution 2007-66

Peter J. Smith & Co Contract

Resolution authorizing the Town Supervisor to sign the contract with peter j. smith & company, inc. in the final amount of \$77,000.00. This supersedes the contract authorized by resolution 2006-96.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Baia, Deputy Supervisor
SECONDER: Nancy Orsi, Councilwoman
AYES: Wiepert, Baia, Orsi, Baker, White

32. Resolution 2007-67

Town As Lead Agency/ SEQR Act

Town of Porter Zoning Law Amendment

Resolution

Declaration of Intent to be Lead Agency

WHEREAS, the Town Board has designated a steering committee consisting of the Town Supervisor, members of the Town of Porter Town Board, Planning Board, Zoning Board, residents, and consultant, peter j. smith & company, inc., to develop a Zoning Law and Map for the Town of Porter; and

WHEREAS, the Committee has begun work on the Zoning Law and wishes to initiate the SEQRA process with the Town Board; and

WHEREAS, the Town Board has the authority to adopt the Zoning Law for Porter and wishes to pursue this possibility;

IT IS HEREBY RESOLVED that the Town Board of the Town of Porter hereby declares its intent to serve as Lead Agency in accordance with the State Environmental Quality Review Act, 6 NYCRR Part 617.6; and

BE IT FURTHER RESOLVED that the Town Board will send a copy of this resolution to all involved agencies and interested parties; and

BE IT FURTHER RESOLVED that the Town Board will offer a thirty day comment period on this designation and Part 1 of the long form EAF (available at Town Hall Clerk's office) for all involved and interested parties to object or agree to this designation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Nancy Orsi, Councilwoman
SECONDER:	Thomas Baia, Deputy Supervisor
AYES:	Wiepert, Baia, Orsi, Baker, White

33. Report 2007-70**Correspondance**

- Received a letter from the Niagara Frontier Country Club concerning the high volume of water draining across Cothran Road.
- Received a letter from Mrs. Ruth Edwards thanking the Town of Porter for their monetary support of the Rural Preservation Program (NIACAP). She qualified for replacement windows which greatly reduced her heating bills.

Received letter and signed petition from residents of Braley Road who are interested in receiving high-speed internet service and/or cable TV. Councilman Tom Baia and Town Clerk John MacArthur will draft a letter to Time-Warner

Cable.

RESULT: REPORT ISSUED

34. Report 2007-71

Calendar of Events

Calendar of Events

- May 24th Zoning Board of Appeals - Town Hall - 7:30PM**
- May 28th Town Hall Closed**
- June 4th Draft Zoning Document - Porter Town Hall - 7:00PM**
- June 5th Draft Zoning Document - Youngstown Village Hall - 7:00PM**
- June 7th Planning Board - Town Hall - 7:00PM**
- June 11th Town Board Meeting - Town Hall - 7:00PM**
- June 25th Land Use Update Committee Meeting - Town Hall - 7:00PM**
- June 27th Sign up for Summer Recreation - Stevenson School - 10:00AM - 3:00PM**
- June 28th Sign up for Summer Recreation - Stevenson School - 10:00AM - 3:00PM**
- June 28th Zoning Board of Appeals - Town Hall - 7:30PM**
- July 4th Town Hall Closed**
- July 5th Planning Board - Town Hall - 7:00PM**
- July 9th Town Board Meeting - Town Hall - 7:00PM**

RESULT: REPORT ISSUED

35. Resolution 2007-69**Niagara Falls International Airport**

The Town Board urges the Niagara Frontier Transit Authority to continue to improve the Niagara Falls airport and to do whatever is necessary to encourage daily commercial flights into Niagara Falls.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Baia, Deputy Supervisor
SECONDER:	Mert Wiepert, Supervisor
AYES:	Wiepert, Baia, Orsi, Baker, White

36. Report 2007-72**Town Board Comments**

Councilwoman Nancy Orsi-stated that there are concerns about the Whirlpool Jet Boat going up and downstream in the Niagara River at high speeds. This is very dangerous because there are people who are working on their boats in the river and also on the dock and when the Jet Boat goes by it creates large wakes and bounces the boats back and forth and against the dock. This is a very dangerous situation.

Councilman White-stated that the wakes that this boat makes are very annoying and dangerous, and I have witnessed boats being tossed against the docks at the Yacht Club, and slips, also for fishing and other river recreational activities. It s time to slow the Jet Boat down and less noise, between their docks and the upper end of the Smugglers Cove Boat Club.

The Town Board directed the Town Clerk to write a letter to the Mayor of Niagara On The Lake to voice the concerns of the Town about the operation of the Whirlpool Jet Boat.

Councilwoman Orsi-Announced that there would be a meeting of the Cabbage Festival on May 21, 2007 at 4:30 P.M., Porter Town Hall.

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

Submitted by:

John MacArthur
Town Clerk

RESULT: REPORT ISSUED
