



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

~ Minutes ~

John MacArthur
(716) 745-3730

Monday, August, 14, 2006

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on August 14, 2006 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Merton 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	
Mike Dowd	Town Attorney	Attorney	Present	
Scott Hillman	Town of Porter	Hwy Supt	Present	
Roy Rogers	Town of Porter	Bldg Inspector	Present	
Karen Schmidt	Town of Porter	Assessor	Present	
Norm Ault	Town of Porter	Supervisor's Asst	Present	
John MacArthur	Town of Porter	Town Clerk	Present	
Dave Britton	Town Engineer	CRA Engineering	Present	

B. Public Portion – No comments were offered by the public.

II. Minutes Approval

1. Monday, July 10, 2006

✓ Vote Record - Acceptance of Minutes for July 10, 2006 7:00 PM						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Accepted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Accepted as Amended	Thomas Baia	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Nancy Orsi	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Jeff Baker	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Thursday, July 20, 2006

✓ Vote Record - Acceptance of Minutes for July 20, 2006 7:00 PM							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Accepted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Accepted as Amended	Thomas Baia	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Nancy Orsi	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Jeff Baker	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III. Communications

A. Reports

1. Resolution 2006-100

Category: Adopt Local Law
Sponsors: Supervisor Merton Wiepert
Department: Town Board

Adoption of Local Law 2-2006

Resolution to Adopt Local Law 2-2006 Registration of Sex offenders Level II & III.
SECTION I - LEGISLATIVE INTENT

The Town of Porter concurs with the Niagara County Legislature which has urged municipalities throughout Niagara County to adopt legislation concerning the registration of sex offenders of each municipality in order to protect its citizens. The Town Board of the Town of Porter believes it to be the utmost concern and priority to protect its citizens from certain types of sex offenders who have been deemed by their risk assessment level to pose a significant risk for re-offending. The Town of Porter acknowledges the existence of Article 6-C of the Correction Law of the State of New York referred to as the Sex Offender Registration Act but believes that this local law is allowed by the Municipal Home Rule Law of the State of New York and is necessary to further the safety of the community.

SECTION II - DEFINITIONS

The definitions as contained in Section 168-a of the Corrections Law of the State of New York are adopted as the definitions of this local law.

SECTION III - REGISTRATION

Level II AND Level III sex offenders who reside in the Town of Porter, New York and who are required to register with the Department of Corrections pursuant to Section 168-f of the Corrections Law of the State of the New York, must also register with the Town of Porter Code Enforcement Officer. Such registration must occur not greater than ten (10) days after such Level II and Level III sex offender has been released, discharged, paroled, or otherwise left the confinement of any facility where such sex offender has been incarcerated or not greater than ten (10) days from the date of sentencing should such sex offender not have been incarcerated.

SECTION IV - REGISTRATION CONTENT

Such registration with the Town of Porter Code Enforcement Officer shall include, at a minimum, the following information:

- a. The legal name of the Level II or Level III sex offender (registrant) including any nicknames or aliases which may have been used or applied for.
- b. Date of birth.

- c. Social Security Number.
- d. Current address and proposed address where such person has resided or intends to reside within the Town of Porter. Additionally, any residences owned, purchased, leased, rented, or to which such registrant may in any way be entitled in law or equity.
- e. Any address where such registrant stays or intends to stay within the Town of Porter,
- f. The current and/or prospective place of employment as well as the address and telephone number and immediate supervisor of such registrant; additionally, the hours such registrant is assigned to work.
- g. Driver's license, license identification number, as well as vehicle identification number and license plate number of any vehicle owned, leased, utilized or otherwise driven by such registrant either during the course of employment or otherwise.
- h. A statement of all sex offenses to which the registrant has been deemed guilty by way of plea, verdict, conviction or otherwise,

SECTION V - ADDITIONAL REGISTRATION REQUIREMENTS

Should the registrant intend or desire to change his or her place of residence or employment, such change must be reported to the Code Enforcement Officer before the same occurs. The information previously required of the registrant shall similarly be required for any prospective change.

At the discretion of the Code Enforcement Officer, any Level II or Level III sex offender who is registering pursuant to this local law shall submit to fingerprinting, photograph of their person, DNA sample, dental imprints, a description of other identifying features or marks, shoe sizes, and any other identifying information that the Code Enforcement Officer deems necessary and such Level II or Level III sex offender shall cooperate with any police agency designated by the Code Enforcement Officer for this purpose.

Such registration shall occur at least annually thereafter for a period of twenty (20) years. Any sex offender who is convicted of two (2) or more separate Level II or Level III sex offenses must register for life.

In the event of any change in registration information, or addition of new or different information, from the time of the initial or subsequent registration, such change shall be provided within three (3) days of the time such new information is available to or otherwise known or within the ability of the registrant to know.

SECTION VI - LOCAL REGISTRY

The Code Enforcement Officer shall maintain a local registry of the particular sex offenders required to register under this local law, separate and distinct from the registry maintained, pursuant to the Corrections Law of the State of New York. It is specifically stated that the registration, as required pursuant to this local law, is in addition to the registration required under the New York State Corrections Law. The Town of Porter may make available and disseminate such registration information as authorized by New York State Law.

In the event that any conviction of a Level II or Level III sex offender is reversed or set aside by appellate process or order of any court of competent jurisdiction, such data and/or order of the court shall be supplied by the sex offender to the Code Enforcement Officer by way of certified copy and the Town of Porter shall then strike from such registry any such reversed or set aside conviction.

The Town of Porter and its Code Enforcement Officer make no determination regarding the probability of recidivism, the current propensity for criminal activity, or the degree of propensity for criminal activity for any registrant purpose. The purpose of such data in registry is so that information is generally available and accessible rather than to constitute a specific warning about any specific registrant.

SECTION VII - RESIDENCY AND LOCATION

Upon the enactment of this local law, Level II and Level III sex offender shall not reside permanently or temporarily, or acquire any real property by purchase, lease, land contract, rental agreement for tenancy or otherwise, or establish any place of lodging within a radius of 1,000 feet of all schools, playgrounds, parks, day care centers, nursing homes, assisted living facilities or fire halls unless such Level II or Level III sex offender has physically resided at such location for a period of one year prior to the enactment of this Local Law.

SECTION VIII - TOWN CONTRACTS

All entities or persons entering into agreements with the Town shall conduct background checks of all of its agents, servants or employees to determine whether or not such person or persons may be a Level II or Level III sex offender as defined in the New York State Correction Law. Immediate notification shall be provided to the Town of Porter of any such person or persons. The proposed contractor shall then verify that such person or persons shall not perform work within any of the aforesaid restricted areas unless specifically supervised by a designated superior of such entity or person. Failure by any contractor to comply with this provision shall be deemed to be a material breach of the contract allowing the Town to negate such contract without penalty.

SECTION IX - IMMUNITY

This local law will not be deemed to create or have created any cause of action against the Town of Porter which may not be authorized under any other existing law. The Town is not liable to any person or persons who may hereafter be harmed who claims or may claim that notice under this chapter may have or would have prevented such harm.

SECTION X - PENALTY

Any violation of this local law, including the providing of inaccurate information, is hereby deemed to be an offense separate and distinct from any violations of the New York State Corrections Law. Violations of this local law shall be punishable by a maximum of fifteen (15) days in the Niagara County Jail or a fine of \$250.00 or both.

Every day in which a Level II or Level III sex offender fails to register, or is in any way in violation of this local law, shall be considered and constitute a separate offense. For purposes of any separate criminal prosecution or Corrections Law prosecution, jeopardy shall not be deemed to have attached by way of a violation of this local law should a conviction occur hereunder. Similarly, a conviction of any violation of the New York State Corrections Law or criminal law shall not be deemed to exonerate such convicted party from prosecution under this local law. It is the specific intent of the Town of Porter that any violation of this local law is a separate and distinct offense from any violation of New York State Corrections Law or penal law.

SECTION XI - VALIDITY

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the particular sentence, paragraph, section or part thereof directly involved and affected by such judgment.

SECTION XII - EFFECTIVE DATE

This local law shall constitute part of the code of the Town of Porter, New York and shall take effect immediately upon compliance with Section 27 of the Municipal Home Rule Law of the State of New York.

The Town Clerk files all required paperwork.

✓ Vote Record - Resolution RES-2006-100							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Payment of Audited Vouchers

WARRANT		POST AUDIT - JULY, 2006	7/31/06
FUND	01	24,443.21	
FUND	02	6,399.93	
FUND	04	459.57	
FUND	06	45,934.13	
FUND	07	2,550.01	
FUND	10	692.11	
FUND	28	7,801.85	
TOTAL		88,280.81	

VOUCHERS		8097 THRU	8135
WARRANT # 8		AUGUST, 2006	8/14/06
FUND 01		24,843.04	
FUND 02		50,444.26	
FUND 03		5,831.82	
FUND 04		10,286.57	
FUND 06		7,490.33	
FUND 07		73,451.12	
FUND 10		686.61	
FUND 30		2,000.00	
TOTAL		175,033.75	
VOUCHER 'S		8136 THRU	8263
		263,314.56	

3. Resolution 2006-112

Category: Payment Authorization
Sponsors: Supervisor Merton Wiepert
Department: Bookkeeping

Payment of Audited Vouchers

WARRANT		POST AUDIT – JULY 2006	7/31/06
FUND 01		24,443.21	
FUND 02		6,399.93	
FUND 04		459.57	
FUND 06		45,934.13	
FUND 07		2,550.01	
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FUND	10	686.61
FUND	30	2,000.00
TOTAL		175,033.75

VOUCHERS 8136 THRU 8263

263,314.56

✓ Vote Record - Resolution RES-2006-112							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Town Clerk

Water Receipts	\$23,413.71
Sewer Receipts	12,391.96
Licenses and Fees	822.00
S.P.C.A. Animal Contacts	15

5. Supervisor

- Supervisors Monthly report for July 2006 was distributed to all Town Board Members.
- June Sales Tax \$104,209.67, up \$3,646.20 from June 2005.
- Request authorization of the Town Board to entertain bids to have the Town Hall parking lot sealed & re-lined.

6. Resolution 2006-101

Category: General
Sponsors: Supervisor Merton Wiepert
Department: Supervisor

Parking Lot Resealing & Re-Lining

Authorize the Supervisor to accept the lowest bid for re-sealing & re-lining the Town Hall parking lot and to proceed with the project expeditiously.

✓ Vote Record - Resolution RES-2006-101							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Supervisor’s Assistant

1. Completed processing all July 2006 Vouchers and Journal Entries.
2. Prepared Supervisor’s Monthly Report for July 2006. 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. Continues working with Deputy Town Clerk on the Minute Traq program.
7. Continued working on the 2007 Town Budget.
8. Attended meeting on the 2006 Cabbage Festival. It will be October 1st.
9. Attended Town Board work session.
10. Started working on the Town web page re-design

8. Resolution 2006-102

Category: Contracts
Sponsors: Supervisor Merton Wiepert
Department: Supervisor

Town of Porter Web Page

Authorize Supervisor Wiepert to sign a contract with Beyondus in the amount of \$2115.00 to redesign the Town Web Page. In addition there will be a charge of \$40.00 per page for copyediting. Further authorizes the town to purchase the software called "Dreamweaver" so Supervisor's Assistant Norm Ault can make changes and updates to the web page. The software costs about \$400.00.

✓ Vote Record - Resolution RES-2006-102							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Assessor

- Completed monthly inspections for verification of sale and completion of building projects.
- Processed monthly sales transfers and splits.
- Attended several meetings with developers and staff regarding ongoing projects.
- Attended a meeting with DEC in regards to Jedidiah project.

- Attended a Zoning Land Use Committee meeting.
- Requesting permission to attend the NYSAA annual seminar on assessment administration September 17-20 in Lake Placid. Attendance is necessary to meet continuing education requirements. Cost is budgeted and will be reimbursed by the State

10. Resolution 2006-103

Category: General
Sponsors: Supervisor Merton Wiepert
Department: Assessor

Assessors' Association Seminar

Authorize Assessor Karen Schmidt to attend the NYS Assessors' Association Annual Seminar in Lake Placid from September 17-20, 2006.

✓ Vote Record - Resolution RES-2006-103							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. Recreation

Average attendance has been 160 children a day; up from last year.

12. Highway

1. Completed brush and refrigerator pick up.
2. Completed an additional round of roadside mowing.
3. Completed culvert installations on Howard Dr. and Lutts Rd.
4. Provided assistance to the Town of Wilson with trucks hauling blacktop for their paving project.
5. Provided assistance to the Village of Youngstown with the Gradall and trucks for a culvert project on Swain Rd.
6. Both new truck chassis have arrived at the dealer and have been taken to the plow and body installers. Both should be delivered to the town around October 1st.
7. There has been a problem concerning parking on the corner in Ransomville by First Niagara Bank. Building Inspector Roy Rogers is reviewing the DOT authorization to see if parking was restricted.

13. Drainage

1. Drainage mowing stopped due to a breakdown. Should resume next week.
2. We are working on some small drainage ditches off Ransomville Road south of Balmer Rd.

4. Water/Sewer

1. Completed monthly meter reading.
2. Completed installation of the man-way in the stand pipe of the Balmer Road water tower.
3. The engineers have completed their inspection of the inside of the Balmer Rd. tower.
4. We are working on servicing all fire hydrants in the system.

15. Code Enforcement Officer

Building permits issued in the month of July 2006

PERMIT #	COST:	FEE:
38. Micheal Sloma 458 Riverview Drive Shed	\$3,000	\$25.00
39. Donald Burmaster 3582 Ransomville Road Deck	1,000	25.00
40. David Raby 427 Hawthorne Deck	3,000	25.00
41. William Kremers 2135 Lake Road Porch	4,000	25.00
42. Vernon Wallace 1709 Harrison Lane Addition	15,000	50.00
43. Roberta Frisoni 3984 Creek Road Shed	2,000	25.00

44. James Stone 2641 New Road Addition (Garage)	3,000	35.00
45. Ronald Hulsizer 354 Brentwood Drive Patio Screen (Deck)	500	25.00
46. Susan Hurtgam 2222 Balmer Road Addition	25,000	50.00
 Estimated total cost of construction	\$56,500	\$285.00

Certificate of Occupancy issued to:

	PERMIT #
1. Timothy Owen 1414 Lake Road	10 – 06
2. Bruce Kepler 2321 Lake Road	11 – 06
3. Bonnie Gifford 450 Fieldcrest Drive	12 – 06
4. Michael & Suzanne Elli 873 Lake Road	13 – 06

16. Resolution 2006-104

Category: General
Sponsors: Supervisor Merton Wiepert
Department: Code Enforcement

Building Inspector Training

This resolution authorizes Roy Rogers to attend six training classes beginning in October 2006 and continuing for six months. The classes will be held in Erie County, and each class is 3 days long. Classes are required for certification as a Building Inspector/Code Enforcement Officer.

✓ Vote Record - Resolution RES-2006-104							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

17. Engineer

- Mallory and Groveland Public Improvements: Construction tentatively scheduled for September
- Water Tank Restoration Project. Field inspection and draft report completed
- SPDES MS4 Annual Report; 3rd annual report submitted on June 1, 2006 to NYSDEC
- Lake Road Sewer District: \$80k available for additional improvements; CRA to coordinate with NYSDEC regarding amendment to the contract between NYSDEC and the Town.

18. Resolution 2006-105

Category: General
Sponsors: Supervisor Merton Wiepert
Department: Bookkeeping

Investment Authorization - Mallory/Groveland

Resolution Authorizing Supervisor to Invest Reserve Funds of the Town in Bond Anticipation Notes Authorized for Improvements Mallory Drive and Groveland Avenue

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 August 2006 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 previously established the Mallory/Groveland Road Improvement Project directing that certain improvements in said District be constructed upon the required funds being made available or provided in accordance with certain plans now on file in the office Town Clerk of the said town; and

Whereas, it is desirable to meet the obligations of said district for the costs associated with such improvements; and

Whereas, monies to be awarded by grants and permanent financing may be obtained upon completion of said improvements; and

Whereas, the Town Board believes it to be reasonable and prudent to invest reserve funds of the Town in the Mallory/Groveland Road Improvement Project in the form of properly inscribed Bond Anticipation Notes as permitted pursuant to New York State Finance Law Section 11(3)(a)(1);(b)(2)

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Porter, in the County of Niagara, that the Town Supervisor is hereby authorized and directed to execute all necessary documents and instruments required for the purpose of investing allowable reserve funds in Bond Anticipation Notes issued by the Mallory/Groveland Road Improvement Project; and it is further

RESOLVED, by the Town Board of the Town of Porter, in the County of Niagara, that the Town Supervisor is hereby authorized and directed to execute all necessary documents and instruments necessary to issue Bond Anticipation Notes on behalf of the Mallory/Groveland Road Improvement Project as authorized by bond resolution dated July 10, 2006 and as further permitted by law.

✓ Vote Record - Resolution RES-2006-105							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Thomas Baia	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Nancy Orsi	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Jeff Baker	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19. Resolution 2006-106

Category: General
Sponsors: Supervisor Merton Wiepert
Department: Bookkeeping

Special Taxing District

At a regular meeting of the Town Board of the Town of Porter, held at the Town Hall on August 14, 2006, it was determined that;

WHEREAS; Upon notice to the public and following hearings thereon, the Town of Porter Mallory Drive/Groveland Avenue Road Improvement Project was duly created, and;

WHEREAS; The cost associated with the improvements made in furtherance of said sewer district are to be charged against the owners of real property located within said district and;

WHEREAS; Financing has been obtained by the Town of Porter in accordance with the New York State Finance Law to pay for the improvements made in said district, it is hereby;

RESOLVED; The Town Assessor of the Town of Porter is hereby directed to assess the owners of real property, located in said district, pursuant to the terms contained within the bond resolution authorizing the financing and to adjust the tax rolls accordingly, and it is further;

RESOLVED; That this directive be effective immediately.

✓ Vote Record - Resolution RES-2006-106							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20. Resolution 2006-107

Category: General
Sponsors: Supervisor Merton Wiepert
Department: Attorney

Accept Mallory/Groveland Road Dedication

Accept the Mallory/Groveland road dedication and proceed with the project, subject to a description by the Town Engineer on a right-of-way for the project, and have the final deed description reviewed by the Town Engineer and the Town Attorney.

✓ Vote Record - Resolution RES-2006-107							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

21. Attorney – Nothing to report.

22. Master Plan Committee

Agriculture Project:

A final copy of the draft report on Agriculture has been sent to the Town for distribution. It has also been sent to County Planning for their GML 239 review. A SEQR short environmental assessment form for the Town Board is being drafted and the Town Board should make a "negative determination" of environmental significance to complete the SEQR process. Following this, the Town Board can hold its public hearing and then vote on adopting the plan.

Project duration: 7 months

Land Use Update Project:

The first meeting on the Land Use Update project was held July 29, 2006. The project addresses eleven (11) of the action items in the Comprehensive Plan. A total of 6 committee meetings are planned over the next 12 months. The next meeting is scheduled for Wed., Oct 18 at 6:30 PM in the Village Hall.

Estimated duration: 12 months

23. Resolution 2006-109

Category: Lead Agency
Sponsors: Supervisor Merton Wiepert
Department: Master Plan

Lead Agency - Ag Report

Declare the Town of Porter to be lead agency during SEQAR process and instruct the Town Clerk to notify all required parties.

✓ Vote Record - Resolution RES-2006-109						
			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/>	Adopted	Merton Wiepert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Withdrawn	Larry White	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

24. Resolution 2006-110

Category: General
Sponsors: Supervisor Merton Wiepert
Department: Town Board

Review of Strategic Plan for Ag Land Preservation

Direct John MacArthur, Town Clerk, to send a letter, from the Town Board, to the Zoning and Planning Boards asking them to review "A Strategic Plan for Preserving Agricultural Lands and Revitalizing the Agricultural Economy in the Town of Porter," which was prepared by the Comprehensive Plan Implementation Committee, in collaboration with George R. Frantz and Associates, Inc. and to have both Boards submit their comments to the Town Board in writing before the October Town Board meeting.

✓ Vote Record - Resolution RES-2006-110						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

25. Resolution 2006-111

Category: Public Hearing
Sponsors: Supervisor Merton Wiepert
Department: Master Plan

Agriculture Report Public Hearing

Set Public Hearing for September 11, 2006 at 7:00PM, in the Porter Town Hall, 3265 Creek Road, Youngstown, NY 14174, to hear comments concerning the ***“Strategic Plan for Preserving Agricultural Lands and Revitalizing the Agricultural Economy in the Town of Porter”***

✓ Vote Record - Resolution RES-2006-111							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

26. Resolution 2006-115

Category: General
Sponsors: Supervisor Merton Wiepert
Department: Town Board

Master Plan/Ag Project SEQR Form

Authorize Town Supervisor to sign the short Environmental Assessment Form and forward it to the County Planning Board, along with a check for \$75.00, if necessary, for their comments and review.

✓ Vote Record - Resolution RES-2006-115							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

27. Letters

1. Letter from Time Warner Cable notifying the Town that they are now our cable provider.
2. Letter from Niagara River Anglers Association, Inc. asking for assistance in spreading stone & millings on their access road.
3. Letter from Western New York Stormwater Coalition concerning a grant to hire an attorney.
4. Letter from Niagara County Department of Health concerning the independent testing of CWM.

5. Letter from Village of Youngstown asking Town to help pay for a new Senior Citizen van. After talking to grant writer, Bernie Rotella, Supervisor Wiepert reported that Mr. Rotella is in the process of securing a \$5,000 grant for this from the Office of the Aging.

28. Resolution 2006-113

Category: General
Sponsors: Supervisor Merton Wiepert
Department: Engineer

WNY Stormwater Coalition

This resolution authorizes the WNY Stormwater Coalition to hire one attorney. The services of the attorney would be available to all the Coalition municipalities to assist with local law implementation and developing funding mechanisms; the attorney would receive direction from the Coalition Board and work to address the collective needs of the Coalition, as well as address the individual needs of each of its members.

✓ Vote Record - Resolution RES-2006-113							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

29. Resolution 2006-114

Category: General
Sponsors: Supervisor Merton Wiepert
Department: Town Board

In-Kind Service to Niagara River Anglers Association

Whereas, the Town of Porter recognizes the benefit afforded its residents who are allowed free access to the Niagara County Anglers Association walleye ponds and other special events for its residents, and

Whereas, the Town of Porter, in an effort to encourage further future participation and access for its residents, has determined that it would be in the best interest of the Town to participate in an effort to improve ingress and egress to these facilities, and

Whereas, the Town has determined that past and future public access provided to its residents is good and valuable consideration for the Town's participation in improving such ingress and egress, it is therefore

Resolved, that the Town of Porter shall provide the following goods and services to the Niagara County Anglers Association for the purpose of improving ingress and egress to their facility located at "The Wilderness Preserve" on Balmer Road.

✓ Vote Record - Resolution RES-2006-114							
				Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Merton Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Thomas Baia	Initiator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Nancy Orsi	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Jeff Baker	Seconded	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

30. Town Board – No comments.

B. Events

1. Upcoming Events

- Zoning Board Meeting - August 24, 2006 @ 7:30 p.m.
- Town Hall Closed - September 4, 2006 Labor Day
- Planning Board Meeting - September 07, 2006 @ 7:00 p.m.
- Town Board Meeting - September 11, 2006 @ 7:00 p.m.

With no further business to be brought before the Town Board the meeting was adjourned at 8:40PM.

John MacArthur

Town Clerk