



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

John MacArthur
(716) 745-3730

Monday, December, 11, 2006

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on December 11, 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 of Porter	Town Attorney	Present	
Dave Britton	CRA	Egineer	Present	
Scott Hillman	Town of Porter	Hwy Supt	Present	
Roy Rogers	Town of porter	Building inspector	Present	
Karen Schmidt	Town of Porter	Assessor	Present	
John Mac Arthur	Town of Porter	Town Clerk	Present	
Norm Ault	Town of Porter	Supervisor's Asst	Present	

2. Report 2006-45

Public Hearing - Local Laws # 3 & #4 - 2006

LEGAL NOTICE IS HEREBY GIVEN that the Town Board of the Town of Porter will hold a public hearing at the Town Hall, 3265 Creek Road, Town of Porter on the 11th day of December, 2006 at 7:00 P.M. to hear all interested parties and citizens for or against the adoption of Local Law #4, 2006, a proposed local law reducing the number of members of the Town of Porter Planning Board from seven (7) to five (5) with provision for the appointment of an alternate member of said Board. A copy of the proposed text in the law is on file in the Town Clerk's office where it may be examined during normal business hours.

LEGAL NOTICE IS HEREBY GIVEN that the Town Board of the Town of Porter will hold a public hearing at the Town Hall, 3265 Creek Road, Town of Porter on the 11th day of December, 2006 at 7:00 P.M. to hear all interested parties and citizens for or against the adoption of Local Law #3, 2006, a proposed local law reducing the number of members of the Town of Porter Zoning Board from seven (7) to five (5) with provision for the appointment of an alternate member of said Board. A copy of the proposed text in the law is on file in the Town Clerk's office where it may be examined during normal business hours.

Supervisor Wiepert explained the changes which each Local Law would effect. There were no comments from the Public.

Councilman Baker moved, Councilwoman Nancy Orsi seconded a motion to close the Public Hearing. All Ayes, motion carried.

RESULT: REPORT ISSUED

3. Resolution 2006-146

Adopt Local Law #3

Resolution to pass Local Law #3 - reduce the Zoning Board of Appeals from seven members to five members, with provision for the appointment of an alternate member.

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

4. Resolution 2006-147

Adopt Local Law #4

Resolution to adopt Local Law #4 to reduce the number of Planning Board members from seven to five, with provision for the appointment of an alternate member.

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

5. Report 2006-58**Public Comments**

Mr. Albert Jordan, 2498 Youngstown-Lockport Road, asked what is being done about the condition of his neighbor's property. Mr. Jordan called the Building Inspector about this problem months ago, who came out, inspected the property and said something has to be done about the condition of the property. The Town passed a Property Maintenance Law in 2005, so Mr. Rogers, Building Inspector, will write up a report and send a letter to Mr. Jordan's neighbor stating he is not in compliance with the Property Maintenance Law. Mr. Jordan said he saw the letter (August). He wanted to know why, after 103 days later, nothing has been done. The law states that, for every day property is not cleaned up; there is a \$250.00/day per offense or imprisonment of fifteen days. Mr. Jordan figures that amounts to \$25,750.00, so where's the money? Mr. Jordan said this property has tall grass (not been cut in three years), a snowmobile carrier with broken glass, and tires. He would like to see some action taken. Mr. Jordan has talked to the tenant and he, also, agrees that something has to be done

Building Inspector Rogers said he did send the letter, and understands that the owner is an out of state landlord (Arizona). Mr. Roger was informed by the property owner that, when the tenant moves out, the property will be cleaned up. Mr. Rogers' state there is due process; court scheduling, etc.

Councilman Baia said that, in the spring, the town should take an aggressive role to go around the town to see what properties need to be cleaned up. Supervisor Wiepert asked that this problem be corrected in a timely fashion.

Mike Mahar, CWM, reported their final discharge went into the Niagara River on November 12, 2006; 30,400,000 gallons were discharged into the Niagara River. Mr. Mahar stated that 25 million gallons is usually discharged.

Amy Witryol reported the CAC (Citizens Advisory Committee) is working with CWM to see what truck routes can be used. She said that the allegations in the Sentinel about truck spills and accidents are documented incidents, not allegations. She also said that, over the last couple of years, about 50 incidents have been reported. There was further discussion about the trucks using the Robert Moses Parkway.

Skeeter Tower said the truck traffic problem is a result of citizens complaining who have children in school and the times when they are driving in front of the school or near the school, when they are not supposed to.

Supervisor Wiepert stated he would like to see other routes besides the Parkway for these trucks going down the Parkway. He would like to see alternate routes used, such as Pletcher Road, or Porter Center Road, etc. Bill Choboy is on the Task Force studying alternate road routes for truck traffic.

Amy Witryol stated that the CAC Agreement explains the procedures. The CAC Agreement expires in September 2007. The attorney in Lewiston is working with the Citizens Advisory Committee on the Agreement.

Supervisor Wiepert understands that the agreement expires in September 2007 (was a 10 year agreement), but there are other provisions of this agreement that expire at different times. He's requested the town's Attorney, Mr. Dowd, to work on this agreement and he hopes, between the Town of Lewiston Attorney and the Town of Porter; something can be worked out with Chemical Waste Management on the CAC Agreement.

RESULT: REPORT ISSUED

II. Minutes Approval

1. Monday, November 13, 2006

ü Vote Record - Acceptance of Minutes for November 13, 2006 7:00 PM						
			Yes/Aye	No/Nay	Abstain	Absent
p Accepted .. Accepted as Amended .. Tabled	Merton Wiepert	Voter	p	..	..	..
	Thomas Baia	Voter	p	..	..	..
	Nancy Orsi	Initiator	p	..	..	..
	Jeff Baker	Seconder	p	..	..	..
	Larry White	Voter	p	..	..	..

III. Reports

1. Resolution 2006-137

Approval of Audited Vouchers

WARRANT: POST AUDIT - NOV 11/30/06
2006

FUND	01	3,788.05
FUND	03	124.63
FUND	06	204.56
FUND	07	2,917.68
FUND	35	672.00
		<u>7,706.92</u>

VOUCHER 'S 8627 THRU 8646

WARRANT: # 12 DEC 2006 12/11/06

FUND	01	47,588.94
FUND	02	10,232.32
FUND	03	15,248.54
FUND	04	7,352.60
FUND	06	7,641.24
FUND	07	16,600.76
FUND	10	909.40
FUND	31	12,109.31

TOTAL 117,683.11

VOUCHER 'S 8647 THRU 8720

125,390.03

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

2. Report 2006-46

Supervisor's Report

- Supervisor's Monthly report for November 2006 was distributed to all Town Board members.
- October Sales Tax \$79,682.66 up \$7,392.20 from October 2005.
- December Mortgage tax was \$48,864.14. The total mortgage tax for the first six months of 2006 was \$72,897.55, which makes a total for 2006 of \$121,761.69.
- Need a Town Board resolution on two (2) Town of Porter Employee Handbook changes.
 1. The change concerns paid leave for medical appointments (**803 Sick Leave**, page 800-4).
 2. The change concerns a waiting period for new hires to join the Town medical insurance and establishes an employee contribution for new hires, (**806 Medical Insurance**, and page 800-8)
- Approval of 2007 Lewiston Sewer Contract
- Intersection lights, Mallory Drive/Groveland Avenue
- Resolution to bring back replacement power
- Set year end meeting for December 28th @ 3:30PM and the Organizational Meeting January 2, 2007 @ 4:00PM.

RESULT:	REPORT ISSUED
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3. Resolution 2006-138

Doctor - Dental Appointments

This resolution authorizes the following change to the Town of Porter Employee Manual under section **803 Sick Leave**, page 800-4.

Doctor or Dental Appointments - A Full Time employee may take a paid leave of absence for up to two hours from the employee's regularly scheduled work for a medical and dental appointment which cannot be scheduled during non-work hours. Such leave will not be subtracted from any of the employee sick leave credits or other leave credits. However, in the event the absence is in excess of two hours, all additional time will be charged against the employee's sick leave credits. A Part-Time employee may take time off for a Doctor, Dental or Eye appointment, but must make up the time or it will be charged against his/her sick time.

The Town clerk will see that this update is incorporated into all existing Employee Manuals.

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

4. Resolution 2006-139

Employee Health Insurance - New Hires

This resolution authorizes the following change to the Town of Porter Employee Handbook, section **806 Medical Insurance**, page 800-8.

When Coverage Begins - Coverage will begin the first of the month following the 90 probationary period. or for Elected Officials, the first day of office, provided all eligibility requirements of the insurance plan are met.

Premium Payment (Full-Time Employees) - The Town will pay the full premium for individual or family medical insurance coverage, as the case may be, for each eligible full-time employee hired before January 1, 2007. For Full time employees hired after January 1, 2007 the Town will pay for individual or family medical insurance coverage using the following formula: The town will pay 90% for individual coverage, 80% for 2 person coverage 75% for one person with children and 70% for family coverage.

Premium Payment (Elected Officials) - The Town will pay the full premium for individual or family medical insurance coverage, as the case may be, for each eligible full-time Elected Official who were initially elected prior to January 1, 2007. For Full time elected officials whose

initial term begins on or after January 1, 2007 the Town will pay for individual or family medical insurance coverage using the following formula: The town will pay 90% for individual coverage, 80% for 2 person coverage, 75% for one person with children and 70% for family coverage. (If you are on the Town medical insurance coverage prior to January 1, 2007, and get elected on or after January 1, 2007, your premiums will still be paid 100% by the Town)

Any part-time Elected Official whose term began prior to January 1, 2004 and whose term extends beyond that date and who participated in the Town Health Plan as of January 1, 2004 may continue to participate with the Town paying the full premium. Any part-time Elected Official whose term begins on or after January 1, 2004 may participate in the Town Health Plan by paying 100% of the premium.

Changes in Premium Contributions - The amount of the insurance premium an employee or Elected Official is required to contribute is subject to change by resolution of the Town Board.

The Town Clerk will see that this change is incorporated into the Employee Handbook.

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

5. Resolution 2006-140

2007 Sewer-Use Agreement

To authorize Supervisor Wiepert sign the 2007 Sewer-Use Agreement between the towns of Lewiston and Porter and villages of Lewiston and Youngstown. The 2007 rate increases from \$2.50 per 1000 gallons to \$2.65 per 1000 gallons.

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

6. Resolution 2006-141

Intersection Lights; Mallory and Groveland

To authorize National Grid to install three intersection lights on Mallory Drive and Groveland Avenue at an approximate cost of \$87.33 per year each.

RESULT: WITHDRAWN

7. Resolution 2006-144

Niagara Power Project Replacement Power Resolution

To sign a resolution in support of THE PERMANENT RETURN OF THE 70 MEGAWATTS OF NIAGARA POWER PROJECT REPLACEMENT POWER (RP) TO THE AREA WITHIN THE 30-MILE RADIUS OF THE NPP; MORE FLEXIBLE CRITERIA FOR ALLOCATION OF NIAGARA POWER PROJECT RP AND EXPANSION POWER (EP); AND THE CONTINUATION OF THE POWER FOR JOBS PROGRAM

WHEREAS, Niagara County is home to a key regional asset, the New York Power Authority's Niagara Power Project, consisting of the Robert Moses Power Plant, the Lewiston Pump Generating Plant and adjacent reservoir and right-of-ways occupying well over 3,000 acres of prime land that is not on any municipal tax rolls, and

WHEREAS, the Niagara Redevelopment Act, enacted by Congress in 1957, required the sale of 445 Megawatts of Niagara Power Project power to industries that formerly relied on low-cost power from the Schoellkopf hydroelectric plant which was destroyed by a rockslide in 1956, and

WHEREAS, the criteria for allocation of the Niagara Power Project's Replacement Power (RP) and Expansion Power (EP) has been in place since the 1960's, and is extremely outdated and geared specifically toward manufacturing companies, which today rely on lean manufacturing practices to remain competitive in a rapidly growing global economy, and

WHEREAS, the Power for Jobs program is the only New York State power program that can be used for business retention purposes, and

WHEREAS, our effort to spur on good sustainable economic development by helping to create an environment in the private sector that will lead to capital investment and the creation of good paying jobs for our citizens has been a challenging and highly competitive mission, but one that we are prepared to meet, and

WHEREAS, low-cost power from the Niagara Power Project is a key economic development tool used by our economic development professionals in their effort to attract or retain companies by keeping their cost of doing business competitive, now, therefore be it

RESOLVED, that the **Town of Porter** goes on record in support of the immediate and permanent return of the 70 Megawatts of Replacement Power, made available state-wide as the result of a December 2005 amendment to the Public Authorities Law, to the area within the 30-mile radius of the Niagara Power Project, which was the intent of Congress, and enacted into federal statute in 1957, and be it further

RESOLVED, that the _____ Town of Porter _____ goes on record in support of making more flexible, the criteria for allocation of low-cost hydropower to reflect the 21st Century realities and economy and make capital investment and not jobs, the key value point for eligibility, and be it further

RESOLVED, that the _____ Town of Porter _____ goes on record in support of the expansion and extension of the Power for Jobs program, and be it further

RESOLVED, that a copy of this resolution be forwarded, by John H. MacArthur, Porter Town Clerk, to New York State Governor George Pataki, New York State Senator George Maziarz, New York State Senator Marc A. Coppola, New York State Assemblywoman Francine DelMonte, New York State Assemblyman Stephen Hawley, New York State Assemblyman Robin Schimminger, New York State Assemblyman Jim Hayes, New York State Assemblyman Michael Cole, New York State Assembly Speaker Sheldon Silver, New York State Senate Majority Leader Joseph L. Bruno, New York State Senator Jim Wright, Chairman, Senate Standing Committee on Energy and Telecommunications and Committee Members, New York State Assemblyman Paul D. Tonko, Chairman, Assembly Energy Committee and Committee Members, and Samuel M. Ferraro, Commissioner, Niagara County Center for Economic Development

RESULT:	TABLED [UNANIMOUS]	Next: 12/28/2006 3:30 PM
MOVER:	Merton Wiepert, Supervisor	
SECONDER:	Thomas Baia, Deputy Supervisor	
AYES:	Wiepert, Baia, Orsi, Baker, White	

8. Resolution 2006-145

Year-End/Organizational Town Board Meeting

To set December 28, 2006 as the date for the Town of Porter year-end meeting @ 3:30 p.m. at the Porter Town Hall, 3265 Creek Road, Youngstown, New York; also to set January 02, 2007 as the date for the Town of Porter organizational meeting @ 4:00 p.m., also at the Town Hall.

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

9. Report 2006-47

Town Clerk

November Report

Water Receipts -	\$22,066.77
Sewer Receipts -	83,209.75
Licenses and Fees -	350.79
SPCA Contacts -	17

RESULT: REPORT ISSUED

10. Report 2006-48

Supervisor's Assistant

1. Completed processing all November 2006 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for November 2006 and distributed it to the Supervisor and Town Board members.
3. Completed biweekly 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. Completed 2007 Budget & distributed it.
8. Worked on GIS needs assessment.
9. Working on year end meeting & 2007 organizational meeting
10. Continued working on new Town of Porter webpage.
11. Need a resolution authorizing the Supervisor to sign a contract with BridgeCom for three years of telephone service. We currently have been using BridgeCom since 2002 and this agreement will save the Town about \$1,000 per year.

RESULT: REPORT ISSUED

11. Resolution 2006-142

Bridgecom Contract

To give Supervisor Wiepert permission to enter into a three-year contract with Bridgecom for telephone/fax services.

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

12. Report 2006-49

Assessor

Report for November 2006

- Completed monthly inspections for verification of sale and completion of building projects.
- Processed monthly sales transfers and splits.
- Met with consultant regarding full value measurement.
- Attended Planning Board, Zoning Board of Appeals and Land Use Committee meetings.
- Mailed STAR IVP notices to those the State was unable to verify.
- Met with ORPS to discuss sales analysis and 6-year plan.
- Attended NCAA meeting in North Tonawanda. Topic of meeting was in rem sales and full value measurement.
- Submitted the assessment file to the county for January tax extension.
- Attended a course for continuing education credit on Subdivision Analysis.

RESULT:	REPORT ISSUED
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13. Report 2006-50

Recreation

JoJo Vincent, representing the Town of Wilson baseball program, met with the recreation commission to give a report on their program. There are 60 to 65 children from the Town of Porter participating in their program. The Wilson commission plans to use the money the Town authorizes to fix their dugouts, put protective foam on the fences and to build up the fields.

RECREATION: The evening volleyball for adults will begin Wednesday, November 08, 2006 at 7 p. m. The program will run every Wednesday through March 28, 2007, unless school is not in session. There is no volleyball November 22, 2006, the day before Thanksgiving.

RESULT: REPORT ISSUED

14. Report 2006-51

Building Inspector Report

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF NOVEMBER 2006

<u>Number</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>ISSUED FOR:</u>	<u>COST:</u>	<u>FEE:</u>
72	Soltys, John	465 Riverview	Single Family	275,000	275.00
73	Franciszek, Madny	1704 Youngstown	Garage	2,000	35.00
74	Johnson, Grover	1691 Groveland	Pole Barn	25,000	35.00
				302,000	345.00

C/O # Certificate of occupancy issued to:

18-2006 Greg Goodman 2141 Lake Road Addition

RESULT: REPORT ISSUED

15. Report 2006-52

Department of Public Works

Highway Department:

1. Completed installation of wreaths and banners in Ransomville.
2. Completed marking obstructions on snowplow routes.

3. Completed final round of roadside mowing.
4. Completed installation of yard drains along Dansworth Road.
5. Investigated numerous drainage complaints due to the heavy rains on Friday December 01, 2006
6. Called out to plow and salt 2 times.
7. The County Snow and Ice Contract has been extended for one year under the terms of the previous three-year contract.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Continuing the winterization of all fire hydrants.
3. Completed the installation of one water service.
4. Both water-sewer maintenance men attended the I&I training session held at the Water Pollution Control Center.
5. The remote Supervisory Control and Data Acquisition (SCADA) link from WPCC to the Highway Garage has been completed.

RESULT:	REPORT ISSUED
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16. Resolution 2006-143

Water Billing Adjustment

Account adjustment for the Month of November 2006. Between 2005 & 2006 irrigation meter readings on account 40-0033.00 were misread by an accumulation of 10,000,000 gallons. The final 2005 reading was 2,000,000 gallons more than it should be. Therefore when using that reading as the beginning reading for 2006 and calculating to the final 2006 reading the computer thought the meter had flipped, therefore the cumulative effect was a 10,000,000 gallon misread, which results in a \$15,000.00 adjustment.

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

17. Report 2006-53**Engineer**

- Sanitary Sewer System I&I reduction program: Work with Scott Hillman to develop a phased approach to identify and remove significant contributors of infiltration and inflow sources.
- MS4 SPDES 2008 Permit: Annual 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. (The sanitary sewer system I&I program will be included in the 2008 permit)
- Lake Road Sewer District: \$80k balance available from initial contract with NYSDEC for additional improvements; CRA continues to contact Pat Porter from the Albany office of NYSDEC regarding the amendment to the contract
- Water Sampling Phase II: Working with Scott to develop procedures to implement this new requirement. This will be a costly unfunded mandate.

RESULT:	REPORT ISSUED
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18. Report 2006-54**Attorney**

Attorney Dowd reported he would be working with the Town of Lewiston attorney on the CAC Agreement.

RESULT:	REPORT ISSUED
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19. Report 2006-55**Master Plan Committee****Land Use Update Project:**

The Implementation committee held its meeting in conjunction with the Land Use Update Committee on November 29, 6PM at the Village Hall. Peter J. Smith reviewed the Key Task Report. Jim Wagner reviewed the existing and proposed procedures, existing and proposed districts and existing and proposed document organization.

RESULT: REPORT ISSUED

20. Resolution 2006-134**Agricultural Report**

This resolution adopts the "A Strategic Plan for Preserving Agricultural Lands and Revitalizing the Agricultural Economy in the Town of Porter, New York" as revised October 7, 2006 and further revised October 17, 2006. This plan will be used as a guideline by peter j. smith & company, inc. in completing the Land Use Update.

HISTORY:

11/13/06

TABLED

Next: 12/11/06

RESULT:	ADOPTED [3 TO 2]
MOVER:	Thomas Baia, Deputy Supervisor
SECONDER:	Nancy Orsi, Councilwoman
AYES:	Merton Wiewert, Thomas Baia, Nancy Orsi
NAYS:	Jeff Baker, Larry White

21. Report 2006-56**Town Board Comments**

Councilman Baia thanked the Town Board, employees, and the residents of the Town of Porter and Village of Youngstown for their prayers for his wife, who is recovering from a recent accident, and for all their support to him and his family.

Councilwoman Nancy Orsi stated that she has received a Draft Greenway Report and the report has to be approved by March 23, 2007. Public hearings on this draft report are being held, and she plans to be at the one December 12 to explain Porter's point of view and what the Town would like in the report. Some of the items are preservation of the parkway, to acquire more land for parks and trails; park and lake beach development in the town. The Village of Youngstown is working with the Town on these ideas.

RESULT: REPORT ISSUED

22. Report 2006-57

Upcoming Events

- Dec 14th Zoning Board of Appeals - 7:30 pm, Porter Town Hall
- Dec 25th Town Hall Closed
- Dec 28th Year End Town Board Meeting - 3:30 pm, Porter Town Hall
- Jan 1st Town Hall Closed
- Jan 2nd Town Board Organizational Meeting - 4:00 pm, Porter Town Hall
- Jan 4th Planning Board Meeting - 7:00 pm, Porter Town Hall
- Jan 8th Town Board Meeting - 7:00 pm, Porter Town Hall

With no other business before the Board the meeting was adjourned at 8:00pm.

John Mac Arthur
Town Clerk

RESULT: REPORT ISSUED
