



**Town of Porter**  
**Town Board Meeting**

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

~ Minutes ~

John MacArthur  
(716) 745-3730

**Monday, February 12, 2007**

**7:00 PM**

**Town Hall Auditorium**

**I. Call to Order**

7:00 PM Meeting called to order on February 12, 2007 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

<b>Attendee Name</b>	<b>Organization</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
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	
Karen Schmidt	Town of Porter	Assessor	Present	
Dave Britton	CRA	Engineer	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Scott Hillman	Town of Porter	Hwy Supt	Present	
John Mac Arthur	Town of Porter	Town Clerk	Present	
Norm Ault	Town of Porter	Supervisor's Asst	Present	
Roy Rogers	Town of Porter	Building Inspector	Absent	
Sally Hogan	Town of Porter	Tax Collector	Absent	

**B. Public Hearings**

- Set a Public Hearing for February 12th @ 7:00PM concerning purchases of Highway Equipment from Reserve Funds in the amount of \$56,500.00.**

HISTORY:

02/12/07

MEETING CANCELLED

Next: 03/12/07

<b>RESULT:</b>	<b>MEETING CANCELLED</b>	<b>Next: 3/12/2007 7:00 PM</b>
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- Resolution 2007-29**

**Close the Public Hearing**

Having listened to all Public comments, move to close the Public hearing

<b>RESULT:</b>	<b>MEETING CANCELLED</b>	<b>Next: 3/12/2007 7:00 PM</b>
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3. Resolution 2007-25

**Highway Equipment**

Authorize the purchases from the Reserve Fund through State contract, a new pickup truck for \$28,000, a new skid steer loader, for \$22,000, and a new seven (7) ton utility trailer not to exceed \$6,500.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 3/12/2007 7:00 PM</b>
<b>MOVER:</b>	Jeff Baker, Councilman	
<b>SECONDER:</b>	Larry White, Councilman	
<b>AYES:</b>	Wiepert, Baia, Orsi, Baker, White	

4. Report 2007-28

**Public Comments**

Amy Witryol was present and stated that she sent a letter to the Department of Environmental Conservation on air testing that she would like done at the Chemical Waste Management site. Amy is concerned, because the Department of Environmental Conservation has not done any air testing for a long time and there have been incidences (fires) going on at Chemical Waste Management. Amy would like the Department of Environmental Conservation to be aware of this and do some air testing and see what the air quality at Chemical Waste Management is. Amy asked the Town Board if they have seen her letter.

Supervisor Wiepert has a copy of her letter, but the Town Board has not had the chance to review it. Supervisor Wiepert stated that the Board will review the letter and make a decision as to what position that they will take with regard to air testing by the Department of Environmental Conservation at Chemical Waste Management.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**II. Minutes Approval**

- Monday, January 08, 2007

ü Vote Record - Acceptance of Minutes for January 8, 2007 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	Seconder	p	..	..	..
	Jeff Baker	Initiator	p	..	..	..
	Larry White	Voter	p	..	..	..

2. Monday, January 22, 2007

ü Vote Record - Acceptance of Minutes for January 22, 2007 6:45 PM						
			Yes/Aye	No/Nay	Abstain	Absent
p Accepted .. Accepted as Amended .. Tabled	Merton Wiepert	Voter	p	..	..	..
	Thomas Baia	Voter	p	..	..	..
	Nancy Orsi	Seconder	p	..	..	..
	Jeff Baker	Initiator	p	..	..	..
	Larry White	Voter	p	..	..	..

III. Reports

1. Resolution 2007-26

Approval of Audited Vouchers

**TOWN OF PORTER**

WARRANT: POST AUDIT - JAN 2007 1/31/07

FUND	01	2,224.93
FUND	02	97.45
FUND	03	0.29
FUND	04	242.54
FUND	06	121.75
FUND	07	158.91
FUND	20	246,362.00
		<u>249,207.87</u>

VOUCHER 'S 8903 THRU 8909

WARRANT: # 2 FEB 2007 2/12/07

FUND	01	88,347.07
FUND	02	25,404.93
FUND	04	16,582.53
FUND	06	1,610.98
FUND	07	59,520.60
FUND	10	973.80

TOTAL 192,439.91

VOUCHER 'S 8910 THRU 8986

441,647.78

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

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## 2. Report 2007-16

### Supervisor

1. Supervisor's Monthly report for January 2007 was distributed to all Town Board members.
2. December Sales Tax \$98,775.69. The total sales tax for 206 was \$1,038,214.60, up \$55,329.53 over 2005.
3. Resolution authorizing Acceptable Training for Town of Porter Planning Board and Zoning Board of Appeals members.

**RESULT:** REPORT ISSUED

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## 3. Resolution 2007-27

### Acceptable Training

#### Acceptable Training for Town of Porter Planning Board and Zoning Board of Appeals Members

**WHEREAS** Town Law Sections 267 and 271, provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and

**WHEREAS** the above sections of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law; and

**WHEREAS** the above sections of state law provide that the legislative body of the town, specifies which activities qualify as training to satisfy the state requirements; and

**NOW, THEREFORE**, be it

**RESOLVED**, that the following list of agencies, commissions, associations, universities,

and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development, and local government functions and practices:

- 1) the NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation; Niagara River Greenway Commission ; and
- 2) the New York State Association of Towns, the New York State Association of Counties, the New York Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and its sections; and
- 3) the Greater Buffalo-Niagara Regional Transportation Council; Niagara County Center for Economic Development; and
- 4) the Niagara County Farm Bureau, Niagara County Planning department(s); and Niagara County Soil and Water Conservation districts; and
- 5) Cornell University and its cooperative extension, UB Institute for Local Governance and Regional Growth, Niagara University, Niagara County Community College; and
- 6) on-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy;

**AND LET IT FURTHER** be

**RESOLVED**, that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a planning board or zoning board of appeals member; and be it further

**RESOLVED**, that any new member appointed to fill the last 6 months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and be it further

**RESOLVED**, that training received by a planning board member or zoning board of appeals member in excess of four hours in any one year may be carried over by the member into succeeding years; and be it further

**RESOLVED**, that the Town Clerk and/or Town of Porter Planning & Zoning Coordinator shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the appointing authority prior to

considering a member for reappointment.

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

#### 4. Report 2007-17

##### Town Clerk

##### Town Clerk's Report for January 2007

Water Receipts Collected for January 2007	\$30,184.51
Sewer Receipts Collected for January 2007	55,242.68
License and Fees Paid To Supervisor	373.47
2006 Niagara County Refund of Dog Licensing Monies	650.19
S.P.C.A. Report	7

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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#### 5. Report 2007-18

##### Supervisor's Assistant

1. Completed processing all January 2007 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for January 2007 and distributed it to the Supervisor and Town Board members.
3. Completed Bi-weekly and Monthly payrolls.
4. Completed Bi-weekly & Monthly payroll certifications for Civil Service.
5. Completed Check registers for all check payments.
6. Continued maintenance on the Web Page - [www.townofporter.net](http://www.townofporter.net)
7. Submitted work-up for new web page to Beyondus for review.
8. Continues working with Deputy Town Clerk on the Minute Traq program.
9. Worked on year-end 2006 audit with auditor.
10. Prepared final 2006 entries and turned over 2006 records to Auditors
11. Meet on GIS needs assessment.

<b>RESULT:      REPORT ISSUED</b>
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**6. Report 2007-19****Assessor**

1. Completed monthly inspections for verification of sale and completion of building projects.
2. Processed monthly sales transfers and splits.
3. Attended Planning Board and Zoning Board of Appeals meetings.
4. Attended Niagara Greenway presentation.
5. Revised 6-year plan as required and submitted it to ORPS for review.
6. Attended NCAA meeting in Cambria. Topic of meeting was equalization rates and apportionments.
7. Met with ORPS representatives and appraisal consultant to challenge full value measurement and tentative equalization rate for 2007.
8. Completed on-line assessment roll updates and filed for final payment of grant.
9. Received approval from ORPS for up to 19 credit hours of continuing education credits for the GIS conference in March.
10. Reviewing draft Zoning Law updates for February 7<sup>th</sup> meeting.

<b>RESULT:      REPORT ISSUED</b>
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**7. Resolution 2007-28****Contract Change**

Resolution canceling the pending payment of \$5,000.00 per the contract dated September 2006 with Penale Consulting concerning the annual reassessment, and authorizing the Supervisor to sign a contract with Penale Consulting in the amount of \$2,300.00 to challenge the NYS Office of Real Property Services tentative equalization rate and the assignment of the Town's market area.

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

**8. Report 2007-20**

**Recreation**

Nothing to report

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**9. Report 2007-21**

**Department of Public Works**

**Highway Department:**

1. Called out to plow and salt 33 times between 1/9/07 - 2/6/07.
2. Received 329 tons of Caliber/Salt mix.
3. We are working on sign replacements and the installation of Bright Star reflective strips on Stop and Stop Ahead Signs.
4. We are continuing the service work on summer equipment.

**Water and Sewer Department:**

1. Completed monthly meter reading.
2. The training for the Badger Radix reader has been scheduled for March 22<sup>nd</sup>.
3. I would like to thank the board for allowing us to attend the WNYWW training seminar this past Wednesday.

I would like permission to attend Legislative Advocacy Day in Albany on March 6 and 7. With a new governor taking over we need to assure that the CHIPS Funding is continued.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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10. Resolution 2007-30

**Legislative Advocacy Day**

Authorize Highway Superintendent Scott Hillman to attend the Legislative Advocacy Day in Albany on March 6 and 7 to assure the continuing of CHIPS Funding.

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

11. Report 2007-22

**Building Inspector/Code Enforcement Officer**

**TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF JANUARY 2007**

PERMIT	NAME	ADDRESS	ISSUED FOR	COST	FEE:
01-07	Burns, John	3694 Lutts Road	Equip. Storage	15,000	35.00
02-07	Olsen, Tamara	872 Lockport Road	Handicap Ramp	1,000	25.00
03-07	Erway, David	2554 Lockport Road	Demo		25.00
04-07	Erway, David	3633 Ransomville Road	Demo		25.00
05-07	Skellen, Jeffrey	3197 Porter-Center Rd	Porch	900	25.00
				<b>16,900</b>	<b>135.00</b>

**C/O #**

01-07        Trunzo, John        541 Lake Road

**RESULT:**        **REPORT ISSUED**

12. Report 2007-23

**Tax Collector**

Paid Supervisor Wiepert the amount of \$774,211.12 in settlement as per warrant the Town's share of the 2007 Town/County taxes. Paid Supervisor Wiepert the amount of \$95.97 interest earned on Tax Collector's account thru January 23, 2007.

A payment of \$2,500,000.00 will be made to David Broderick, County Treasurer before February 15, 2007 as partial settlement of County monies owed per 2007 warrant.

The Tax collector's account has \$2,687,029.14 as of February 7, 2007. This represents all payments collected to date.

Of the 3488 tax bills owed-we collected 2956 from January 3 to January 31, 2007.

We have finished the process of mailing over 950 tax receipts to the homeowners who have an escrow account pay their tax bills.

<b>RESULT:      REPORT ISSUED</b>
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**13. Report 2007-24**

**Attorney**

Attorney Dowd stated he had been in contact with the DOT and they were going to work on a program to monitor the Trucks coming to & going from CWM. They can not monitor "convoying" , but they can let the truckers know they are being watched.

<b>RESULT:      REPORT ISSUED</b>
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**14. Report 2007-25**

**Engineer**

Project Status -

- Sanitary Sewer System I&I reduction program: Continue to 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 on a monthly basis regarding the amendment to the contract. No change -

Per telephone conversations with Pat Porter regarding the status of the request:

- The Albany office received the technical approval for a "no cost" amendment from the Buffalo office
- The amendment will allow the Town to spend the remaining money
- The amendment will be mailed back to the applicant (Town of Porter) after review by the Albany office

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**15. Resolution 2007-31**

**Sewer Capacity**

This resolution authorizes Town Engineer David Britton to submit a letter to the Lewiston Water Pollution Control Center stating the Town of porter has the sewer capacity to accommodate a 13 house subdivision at this time, but the Town is not reserving that capacity indefinitely.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Merton Wiepert, Supervisor
<b>SECONDER:</b>	Nancy Orsi, Councilwoman
<b>AYES:</b>	Wiepert, Baia, Orsi, Baker, White

**16. Resolution 2007-32**

**Authorization to Prepare Bid Documents**

This resolution authorizes CRA Infrastructure & Engineering, Inc. to design and prepare bid specifications for the rehabilitation of the towns water storage tanks based on their recommendations reported to the Town of Porter in August 2006

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

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**17. Report 2007-26****Master Plan**

On February 7, p.j. smith met with the IC committee and the Land Use Committee to review the Land Use update status. Included in the review were the following provisions:

1. General Zoning Provisions
2. Establishment of Zoning Districts and District Provisions
3. Additional Requirements for Specified Uses
4. Requirements Applying to All Districts

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**18. Report 2007-27****Communications**

1. Letter from Ransomville Historical Room thanking the Town for the 2007 support of the Ransomville Historical Room and the 2007 Ransomville Country Faire.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**19. Report 2007-29****Town Board Comments**

**Councilman Baker stated he has received inquiries as to why the Town does not fly the State Flag and why the Town does not fly the POW/MIA Flag. Town Clerk**

John Mac Arthur stated "The State Flag is not flown because of the weather and the ropes are frozen to raise and lower the flag."

The Town Clerk stated he is obtaining information on ordering POW/MIA flags and one will be flown as soon as it is received and the hardware installed to fly it below the American Flag.

Councilman Baker also stated he has been asked about the Town Hall closing between Noon & 1:00PM. Supervisor Wiepert stated Town Clerk Mac Arthur is usually here during the lunch hour. This matter will be reviewed further.

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

Submitted By:

John Mac Arthur  
Town Clerk

<b>RESULT:      REPORT ISSUED</b>
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