



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

John MacArthur
(716) 745-3730

Monday, October, 16, 2006

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on October 16, 2006 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Merton Wiepert	Town of Porter	Supervisor	Absent	
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	
Scott Hillman	Town of Porter	Highway Supt.	Present	
Karen Schmidt	Town of Porter	Assessor	Present	
Norm Ault	Town of Porter	Supervisor's Asst.	Present	
Michael Dowd	Town of Porter	Attorney	Present	
John MacArthur	Town of Porter	Town Clerk	Present	
Roy Rogers	Town of Porter	Building Inspector	Absent	

II. Public Portion

1. Report 2006-28

Public Comments

Robert Slaven, Santo Candella and Ernest Krell were present to resubmit their request for a zoning change of their property, known as 45.00-1-2.111 from ARR-100 to MF-80. Mr. Krell stated that the changes they made from the first request for a zoning change were the reduction of the number of units, from 26 to 20, and put in a water retention pond to help with drainage. Mr. Slaven stated they have been working on the drainage issue to make sure that proper drainage of the property is taken care of, with the addition of the retention pond.

Mr. Slaven said they have been studying the Master Plan to see where this project would fit into the Plan. He talked to the Highway Superintendent about the traffic problem. Mr. Slaven believes that no problem exists. He also stated that the property is not on the waterfront, as some people believe. He does not think this will not cause any problems with farmland in and around the project. Mr. Slaven feels this project will benefit the town, with more tax revenue to the town, thus lower taxes; draw people into the town to help businesses grow and possibly create new ones.

Attorney Dowd stated that, if this is a new petition and the Town Board accepts it, it then goes to the Town Planning Board and County Planning Board for their reviews. Mr. Dowd also stated

that it's possible that one could go to the Town Zoning Board of Appeals and apply for an area variance. He also feels it would be a good idea to have discussions with the Town Board and Zoning Board on this. Councilwoman Orsi stated this might take some time. (possibly 9 months or longer).

According to Attorney Dowd, if one requests a variance from the Zoning Board, it will be up to them to decide whether or not a variance is granted. It's not up to the Town Board.

Councilman Baker moved, second by Councilman White, to table this request for thirty (30) days, so that Attorney Dowd can research the legalities of re-submitting their request for a zoning change of their project. 4 Ayes.

Mike Mahar, from Chemical Waste Management, reported that Chemical Waste Management was proud to be a sponsor of the very successful Cabbage Festival in Ransomville on October 1, 2006. CWM is the sponsor of the Lower River Region's Scarecrow Expo that runs from October 7 to October 12, 2006. Chemical Waste Management has had some recent promotions. Dick Sturges has been named Senior District Manager at Model City, as well as Director of Operations for the Upstate New York Market Area's Post Collection Facilities. Michael Mahar is now the District Manager at the Balmer Road site. Lori Caso, who has done some consulting for Chemical Waste Management, is now on board as the Manager of Community and Municipal Relations.

On the operations end at CWM, they have met the standards outlined in their SPDES Permit by analysis completed in an independent laboratory. They started the discharge to the Niagara River September 14 and, as of this date have discharged 18 million gallons into the Niagara River, and is expected to be completed by mid-November at the latest (barring any mechanical problems), with 25 million gallons discharged into the Niagara River.

William Choboy-A meeting with the Land Use Committee and p.j. smith for October 18, 2006 has been canceled. Lake Ontario Ordinance Works Update Committee is scheduled for Saturday, October 21, 2006 10:00 A.M to 1:30 P.M., at the Lewiston Senior Center, 4361 Lower River Road, Lewiston, New York. A Farmland Meeting is scheduled for November 9, 2006 8:30 A.M. to 3:00 P.M. at Genesee Community College, Batavia, New York. It has been noted that farmers in this area are in need of pickers to harvest the fruits and vegetables and in neighboring towns. He stated the problem is with the illegal workers that come to help out the farmers. Mr. Choboy would like the town to work with the county on this problem.

RESULT: REPORT ISSUED

III. Minutes Approval

1. Monday, September 11, 2006

ü Vote Record - Acceptance of Minutes for September 11, 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	Voter	p	..	..	..
	Larry White	Seconder	p	..	..	..

2. Thursday, October 05, 2006

ü Vote Record - Acceptance of Minutes for October 5, 2006 3:00 PM						
			Yes/Aye	No/Nay	Abstain	Absent
p Accepted .. Accepted as Amended .. Tabled	Merton Wiepert	Voter	..	..	..	p
	Thomas Baia	Initiator	p	..	..	..
	Nancy Orsi	Voter	p	..	..	..
	Jeff Baker	Seconder	p	..	..	..
	Larry White	Voter	p	..	..	..

IV. Reports

1. Report 2006-15

Town Clerk

Water Receipts: \$ 23,400.26
 Sewer Receipts: 26,721.26
 Licenses and Fees: 775.22
 S.P.C.A. Animal Contacts: 15

RESULT: REPORT ISSUED

2. Report 2006-16

Supervisor

- Supervisor's monthly report for September 2006 was distributed to all Town Board Members.
- August Sales Tax \$74,352.99, up \$2,834.096 from August 2005. Year to date the Town is up \$41,234.89 over 2005.
- The 2007 tentative budget was delivered to the Town Clerk on September 29th and he presented it to the Town Board on October 5th. Set a Public Hearing on November 6th at 7:00PM at the Porter Town Hall to present the Preliminary 2007 Budget for public comment.
- Need a Board resolution to enter into a contract with the Ransomville Historical Project to initiate the 2006 Lighting of the Wreaths celebration.

RESULT: REPORT ISSUED

3. Resolution 2006-120**2007 Preliminary Budget**

To set a public hearing for November 06, 2006 @ 7:00 P.M. at the Porter Town Hall to present the 2007 Preliminary Town Budget for public comment.

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

4. Resolution 2006-121**2006 Lighting of the Wreaths Celebration**

This resolution authorizes the Supervisor to enter into a contract with the Ramsomville Historical Project to sponsor the 2006 Lighting of the Wreaths celebration.

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

5. Report 2006-17**Supervisor's Assistant**

1. Completed processing all September 2006 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for September 2006 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. Continues working with Deputy Town Clerk on the Minute Traq program.
- 7. Tentative 2007 Budget delivered to town Clerk September 29, 2006.
- 8. The 2006 Cabbage Festival was a great success.
- 9. Attended Town Board work session.

RESULT: REPORT ISSUED

6. Report 2006-18

Assessor

- Completed monthly inspections for verification of sale and completion of building projects.
- Processed monthly sales transfers and splits.
- Defended one SCAR claim (three filed total).
- Met with consultants regarding GIS needs assessment grant.
- Attended NYSAA conference on Assessment Administration in Lake Placid.
- Attended Planning Board and Zoning Board of Appeals meetings.
- Conducted a town tour for PJ Smith (master plan).
- Prepared STAR renewal forms for mid-October mailing.

RESULT: REPORT ISSUED

7. Report 2006-19

Building Inspector

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF SEPTEMBER 2006

<u>PERMIT</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>ISSUED FOR</u>	<u>COST</u>	<u>FEE</u>
58	Johannes, David	2494 Parker	Porch	2,000	25.00

59	Huff, Gerald	1719 Harrison Lane	Porch	3,500	25.00
60	Zabel, Peter	3963 Calkins Rd	Pool	20,000	25.00
61	Reid, Gary	1600 Youngstown-Wilson Rd	Garage	5,000	35.00
62	Baird, Lynn	999 Balmer Rd - Lot # B-21	Deck	500	25.00
63	Wisner, Paul	4 Porter-Center Rd Ext.	Garage	15,000	35.00
64	Lagace, Ruth	1185 Balmer Rd	Garage	5,000	35.00
65	Huff, Gerald	1719 Harrison Lane	Pole Barn	8,500	35.00
66	Austin, John	3786 Ransomville Rd	Shed	2,000	25.00
<u>Estimated total cost of construction</u>				61,500	265.00

C/O # Certificates of occupancy issued

15-2006	George Oehler	2649 Lake Rd.
16-2006	Hardy Meith	1765 Lake Rd

RESULT: REPORT ISSUED

8. Report 2006-20

Highway/Water/Sewer/Drainage

Highway Department:

1. Completed monthly brush and refrigerator pick up. The last brush pickup will be a town wide pickup on November 6th and 7th
2. Provided assistance to the Town of Lewiston with trucks hauling blacktop for a resurfacing project.
3. Provided assistance to the Village of Lewiston with our Gradall leveling top soil at their Water Street parking area.
4. Provided assistance to the Town of Wilson with trucks hauling stone for the cold mix paving on Birch Road.
5. Provided assistance to the Village of Youngstown with the Town excavator and loader feeding the county demolition grinder.
6. Completed the drainage work and re-profiling on Mallory Drive and Groveland Avenue. The HMA resurfacing was postponed to this week. The project should be completed by November 1st.
7. Received the 2006/2007 Snow and Ice Contract from NYSDOT. The board will need to pass a resolution approving the contract and authorize the supervisor to sign the contract.
8. The Snow and Ice Contract with Niagara County has expired and a new 3 year agreement should be submitted to the board at the November meeting for

its consideration.

Drainage Department:

1. Completed mowing of approximately 75% of our off road drainage ditches and will continue the mowing, weather permitting.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed 3 water service installations.
3. The Balmer Road water storage tank has been placed back in service.
4. Currently working on winterizing all fire hydrants.

Telemetry Data Radio Link between Lewiston WPC and Town of Porter Highway Garage

The above project was authorized by the board at its February meeting. I have solicited and received two RFP's for the project per the town procurement policy.

Metro Electric and Communications

100 Atlantic Ave.

Buffalo, NY 14212

\$15,360.00

O'Connell Electric Co. Inc.

933 Ransom Rd.

Lancaster, NY 14086

\$13,721.00

Recommend to the board that the low quote be accepted for the project and it be awarded to O'Connell Electric Co. Inc.

Superintendent Hillman thanked the board for allowing him to attend the NYSATSH fall conference.

Superintendent Hillman also reported that, because of the recent weather disaster in Buffalo, North Tonawanda and other nearby areas, the Town generator was loaned to North Tonawanda, two trucks and men were loaned to the Village of Williamsville, and two Town men and the chipper were loaned to Pendleton.

RESULT: REPORT ISSUED

9. Resolution 2006-122**Extend NYS DOT Snow & Ice Contract**

To authorize the Supervisor to sign the extension to the existing contract between New York State Department of Transportation and The Town of Porter from July 01, 2005 through June 30, **2008**, to July 01, 2006 to June 30, **2009**. The estimated amount for 2006/07 is \$48,156.24. The Town clerk will submit the signed contract to the New York State department of transportation.

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

10. Resolution 2006-123**Telemetry Data Radio Link/Lwstn WPC & Town Garage**

To accept the low bid of \$13,721.00 from O'Connell Electric for this project, and to authorize the Supervisor to sign the contract.

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

11. Report 2006-21**Recreation**

Average **daily** attendance was 167, up from 123 in 2005. Total sign up was 346, with roughly 85 children in each of the four age groups. The Commission credits being back at Stevenson Elementary contributed to the increase in attendance. The school provided areas for groups to spread out with diverse activities.

"This year's summer program was very successful in providing children from the Town of Porter with structured summer recreation. Being back at the school [Stevenson Elementary] is credited with increase attendance. Most staff enjoyed having the program at the school because it provided areas for groups to spread out and diverse activities. The classrooms were used constantly. Arts and Crafts seemed to be more successful with more children participating and craft results were of higher quality."

RESULT: REPORT ISSUED

12. Report 2006-22

Lakeshore Sewer District Contract \$80,000 Remainder

- 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 Albany.
- Pat said the review process is in the works, however did not give a definite time table for review.

RESULT: REPORT ISSUED

13. Report 2006-23

Town Attorney

Attorney Dowd reported that he accompanied Highway Superintendent Hillman to Buffalo for Mr. Hillman's deposition regarding the Kilmer incident

RESULT: REPORT ISSUED

14. Report 2006-24

Master Plan Committee

Agriculture Project:

The public hearing for the Agriculture Strategic Plan has been held. The plan was sent to Ag and Markets and comments from Ag and Markets were sent to George Frantz. There is no conflict between Ag comments and the Ag plan.

Quality Communities Grant:

Our proposal was ranked 5th out of 172 submissions across the state. As such it would have been funded. However, since we have received the Coastal Resources grant for essentially the same activity, our proposal will not receive duplicate funding from Quality Communities.

Next scheduled meeting: October 18, 6PM in Youngstown Village Hall.

Land Use Update Project:

The Village of Youngstown will be included in the Land Use Update project funded through Coastal Resources. Bernie Rotella has attended a training session regarding administrative requirements for the grant.

The scheduled meeting October 18 6:30 PM in Youngstown Village Hall is canceled.

RESULT: REPORT ISSUED

15. Report 2006-25

Communications

- Received a letter from the Ransomville Rural Retirees thanking the Town Board for their 2006 monetary support.
- Received an e-mail from Susan Hillman resigning her position on the Comprehensive Plan Implementation Committee.
- Received a letter from the Lewiston Pollution Control Center concerning the Vacuum Truck Grant. The application was approved, but no funding was released this year for any projects. Grant writer Bernie Rotella has another Grant source to try. Please have the Town Board authorize the Supervisor sign another agreement for this project.

RESULT: REPORT ISSUED

16. Resolution 2006-124**Vacuum Truck Grant**

Authorize the Supervisor to sign the new agreement with the Town of Lewiston Water Pollution Control Board concerning a 2nd Grant Application for a Vacuum Truck.

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

17. Report 2006-26**Town Board**

Councilman Baker reported that the Town of Porter's 2nd annual Cabbage Festival, October 01, 2006, was a great success. The weather was beautiful and hundreds of people attended.

RESULT:	REPORT ISSUED
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18. Report 2006-27**Upcoming Events**

10/26 Zoning Board of Appeals - 7:30pm
10/28 Town-wide Tire Day - Ransomville Fire Hall - 8:00am till 1:30pm
10/31 Halloween hours - 4:30pm till 7:30pm
11/02 Planning Board - 7:00pm
11/06 Preliminary Budget Public Hearing - 7:00pm
11/07 General Election 6:00 a.m. - 9:00 p.m.
11/10 Town Hall Closed
11/13 Town Board Meeting - 7:00pm

With no further business before the Town Board, a motion to adjourn was made by Councilwoman Orsi, and seconded by Councilman White at 8:00 p.m. Motion carried unanimously.

John MacArthur, Town Clerk

RESULT: REPORT ISSUED
