



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

John MacArthur
(716) 745-3730

Monday, March, 12, 2007

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on March 12, 2007 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	Absent	
Larry White	Town of Porter	Councilman	Present	
Mike Dowd	Town of Porter	Attorney	Present	
David Britton	CRA	Engineer	Present	
Roy Rogers	Town of Porter	Building Inspector	Present	
Scott Hillman	T own of Porter	Highway Supt	Present	
Karen Schmidt	Town of Porter	Assessor	Present	
Norm Ault	Town of Porter	Supervisor's Assistant	Present	
John Mac Arthur	Town of Porter	Town Clerk	Present	

II. Public Hearings

- PLEASE TAKE NOTICE of a Public Hearing on the 12th day of March, 2007, at 7:00 P.M., at the Town of Porter Town Hall to hear all interested persons regarding the expenditure of \$56,500.00 FIFTY SIX THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS from the Town of Porter Highway Capital Reserve Fund**

HISTORY:

02/12/07

MEETING CANCELLED

Next: 03/12/07

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

- Resolution 2007-29**

Close the Public Hearing

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

HISTORY:

02/12/07

MEETING CANCELLED

Next: 03/12/07

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

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.

HISTORY:

02/12/07

TABLED

Next: 03/12/07

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

III. Public Portion

1. Report 2007-43

Public Comments

Mike Mahar, Chemical Waste Management was present and stated they will have an Information Session at the Balmer Road site on Wednesday March 21, 2007 at 5:00 P.M. It will inform the public about their operations. Some of the topics will be traffic control, treatment of waste, and other information about their operations at the site. The public is invited to attend. Mr. Mahar also stated that he has a check to present to the Town in the amount of \$227,766.28, which represents the Town of Porter's share of the Gross Tax Receipts as audited for the year 2006.

RESULT: REPORT ISSUED

IV. Minutes Approval

1. Monday, February 12, 2007

ü Vote Record - Acceptance of Minutes for February 12, 2007 7:00 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	Voter	..	..	..	p
	Larry White	Seconder	p	..	..	..

V. Reports

1. Resolution 2007-33

Payment of Audited Vouchers

WARRANT: POST AUDIT - FEB 2007 2/28/07

FUND	01	6,378.22
FUND	02	69.56
FUND	03	150.00
FUND	04	550.56
FUND	06	356.62
FUND	07	2,146.86
		<u>9,651.82</u>

VOUCHER 'S 8987 THRU 9007

WARRANT: # 3 MAR 2007 3/12/07

FUND	01	45,419.28
FUND	02	31,395.79
FUND	04	45,411.08
FUND	06	1,309.76
FUND	07	470.83
FUND	12	6,650.00
FUND	28	1,787.00

TOTAL 132,443.74

VOUCHER 'S 9008 THRU 9118

142,095.56

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

2. Report 2007-30

Supervisor

1. Supervisor's Monthly Report for February 2007 was distributed to all Town Board members.
2. January Sales Tax \$86,705.89. This is down \$450.32 from January last year.
3. Town Insurance is due for renewal March 15, 2007. Received two bids, one from Scott Danahy Naylor representing Trident Insurance in the amount of \$52,989, and a second bid from First Niagara Risk Management representing Selective Insurance in the amount of \$52,225.66.
4. On March 5th the Town entertained bids for a new Trash & Refuse Contract. The only bid received was from Modern Disposal.
5. The Town needs to pass a resolution concerning the Greenway Commission
6. Retirees Health Insurance changes.

RESULT:	REPORT ISSUED
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3. Resolution 2007-34

Town Insurance

Accept the bid received from First Niagara Risk Management representing Selective Insurance in the amount of \$52,225.66 and to have the Town Clerk make all necessary notifications.

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

4. Resolution 2007-35

Refuse Bid

Authorized Town Attorney, Michael Dowd, to review the lone bid submitted by Modern Disposal for refuse collection in the town. The bid was for \$98.68 per household and \$41.50 per ton.

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

5. Resolution 2007-36

Greenway

TOWN OF PORTER RESOLUTION

FOR APPROVAL OF THE NIAGARA RIVER GREENWAY PLAN

WHEREAS, On September 21, 2004, Chapter 460 was approved, enacting Article 39 of the New York Parks, Recreation and Historic Preservation Law ("PRHPL"), in relation to establishing the Niagara River Greenway Commission (the "Commission") and providing for the membership and powers and duties thereof;

WHEREAS, the purpose of the Commission is to undertake all necessary actions to facilitate the creation of a Niagara River Greenway (the "Greenway"). The Commission was charged to develop a plan and generic environmental impact statement for the creation of the Greenway designed to enhance waterfront access, complement economic revitalization of the communities

along the river and ensure the long-term protection and maintenance of the natural, cultural and historic resources of the Greenway;

WHEREAS, the Niagara River Greenway Commission has contracted with a team of consultants led by the firm of Wendel-Duchscherer to assist the Commission in the development of the plan following the provisions of Chapter 460, with the aid of the Local Government Advisory Committee and Citizens Advisory Committee to advise on matters of interest.

WHEREAS, a Greenway plan was professionally prepared with an extensive public participation process that involved more than residents and civic leaders from throughout the Niagara River Greenway Area; and

WHEREAS, the Greenway plan establishes a unified vision and a set of principles for the Niagara River Greenway. It identifies the assets and resources that make up the Greenway. It sets priorities that suggest the types of activities to target in the near-term. It identifies potential funding sources, partnerships and linkages, and addresses key transportation issues that affect the Greenway. The Plan also discusses several high priority "Implementation Concepts" which describe system-wide approaches and strategies for Greenway development; and

WHEREAS, Section 39.07 of the New York PRHPL states in part that "the local legislative body of each city, town, or village within the boundaries designated by the draft plan must approve the plan following the public hearing or hearings and before it is submitted to the Commissioner" of the New York State Office of Parks, Recreation and Historic Preservation for approval; and,

WHEREAS, local approval of the plan will not impact local autonomy, and

WHEREAS, approval of the plan will lead to a variety of benefits for the Niagara River Greenway area, including but not limited to:

- strengthening its cultural and historical identity; and
- providing technical assistance and increased funding opportunities for projects within the Greenway Area; and

WHEREAS, the Town named below is a municipality that falls (wholly or in part) within the boundaries of the Niagara River Greenway Area; and,

WHEREAS, the Town named below has reviewed the Greenway Plan

NOW, THEREFORE, BE IT RESOLVED that the Town named below supports the vision of the Niagara River Greenway that "The Niagara River Greenway is a world-class corridor of parks and landscapes that celebrates and interprets our unique natural, cultural, recreational, scenic and heritage resources and provides access to and connections between these important resources"; and

BE IT FURTHER RESOLVED that the Town named below hereby approves the Niagara River Greenway Plan, and recommends that the plan be approved by the Commissioner of NYS Office of Parks, Recreation and Historic Preservation.

BE IT FURTHER RESOLVED that such resolution will be forwarded to the Niagara River Greenway Commission Office at the following address:

Niagara River Greenway Commission
c/o Beaver Island State Park

License and Fees Paid To Supervisor: \$437.56
S.P.C.A. Report: 19

Appoint Edward L Hogan to the Town of Porter Board of Assessment Review . Term of Office is from October 1, 2006 to September 30, 2011.

RESULT: REPORT ISSUED

8. Resolution 2007-38

Board of Assessment Review Appointment

Appoint Edward L. Hogan to the Town of Porter Board of Assessment Review. Term of Office is from October 1, 2006 to September 30, 2011.

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

9. Report 2007-32

Supervisor's Assistant

1. Completed processing all February 2007 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for February 2007 and distributed it to the Supervisor and Town Board members.
3. Completed Bi-weekly and Monthly payrolls.
4. Completed Check registers for all check payments.
5. Continued maintenance on the Web Page - www.townofporter.net
6. Continues working with Deputy Town Clerk on the Minute Traq program.
7. Met with Blue Cross/Blue Shield concerning retiree's health insurance.
8. Worked on a program with HSBC to have more payroll checks direct deposited.
9. Started research concerning credit card & on-line payments.
10. Posted year end entries from the auditor and prepared and distributed the Supervisor's Audited Monthly Report for December 2006.

RESULT: REPORT ISSUED

10. Report 2007-33

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 meeting.
4. Attended Land Use Committee meeting.
5. Attended a work session with Planning Board, engineers and attorney. Met separately with planning board chairman to discuss site plan review process.
6. Developed a new application for board referrals.
7. Completed a sales transmittal and sent it to Albany.
8. Attended NCAA meeting in Lewiston. Topic of meeting was legislative changes to real property tax law.
9. Met with ORPS representatives and appraisal consultant to challenge full value measurement and tentative equalization rate for 2007.
10. Completed accepting exemption applications for the 2007 roll.
11. Received \$16,500 payment form New York State for completing reassessment project in 2006. Also received \$462 final grant payment for updates to on-line assessment roll website.
12. Completed inspections for taxable status deadline.

RESULT: REPORT ISSUED

11. Report 2007-42

Tax Collector

Paid Supervisor Wiepert the amount of \$3,286.90. This amount includes \$1,561.13 interest earned on Tax Collector's account from January 24-February 22, 2007 and \$1,725.77 penalties on tax payments collected thru February 28, 2007.

A payment of \$2,500,000.00 was made to David Broderick, County Treasurer on February 13, 2007 as partial settlement of County monies owed per 2007 warrant.

In accordance with New York State Law #987, I have sent a second notice to 365 homeowners that the taxes on their property have not been paid.

The Tax Collector's account has \$353,305.08 as of March 7, 2007. This represents all payments and penalties collected to date.

Respectfully yours,

Sally A. Hogan, Collector
Town of Porter

RESULT: REPORT ISSUED

12. Report 2007-34

Department of Public Works

Highway Department:

1. Called out to plow and salt 27 times for the month of February.
2. Completed Anti-icing application on all roads two times.
3. Received assistance from the Town of Lewiston. They provided a skid steer loader with snow blower to clear the snow from the path on River Road and the sidewalk along Ransomville Road.
4. I met with the Mr. Kurt Falgemacher from NYSDOT regarding CHIPS funding For 2007. Our CHIPS allocation has been reduced by 5.67% or a loss of \$2200.00 from last year.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Repaired broken water services on Youngstown/Wilson Road and Blairville Road.

I would like to thank the board for allowing me to attend Advocacy Day in Albany last week.

Respectfully submitted,

Scott B. Hillman

Highway Superintendent

RESULT: REPORT ISSUED

13. Resolution 2007-40

Traffic Study

This resolution directs the Town Clerk to write a letter to the New York State Department of Transportation requesting them to do a speed survey on Youngstown-Wilson-Road at the intersections of Youngstown-Lockport-Road and Youngstown-Wilson-Road going East on Youngstown-Wilson-Road to Braley Road in the Town of Porter in hopes of lowering the speed limit.

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

14. Report 2007-35

Building Inspector/Code Enforcement Officer

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF FEBRUARY 2007

PERMIT #	NAME	ADDRESS	ISSUED FOR	COST	FEE:
6	Erway, David	2562 Lockport Road	Demo		25.00
7	Erway, David	2556 Lockport Road	Demo		25.00
8	Erway, David	3635 Ransomville Road	Demo		25.00
				0.00	75.00

C/O #

2/7 Shears, Todd 3122 Creek Road

RESULT: REPORT ISSUED

15. Report 2007-36

Historian

The County bi-centennial book project is progressing. There have been some delays due to financing issues and getting all the municipalities to contribute.

I worked with Janet Jachlewski, the village historian, to prepare information on the veterans' and military markers throughout the town including the village as part of Senator Maziarz's project. This was used for the book that the County Historian put together.

Veterans of the town continue to send in information sheets. From this data I add to the computer database and prepare additional pages for the Veterans books that are in the town hall. I gave the village office a CD with the information for their use in updating the memorial in Veteran's Park.

Tom Yots, the Niagara Falls City Historian and an architect, is working on remodeling plans for the Carter home on Lake Road and an application for nomination to the National and State Registers of Historic Places. I am submitting a letter of support for this nomination and information on the Carter family history to the Historic Preservation Field Services Bureau.

Thank you for approving the \$500.00 contribution to the Axis POW project that will take place during the first weekend of May. At your convenience you may want to look at the website for this project: www.fortniagarapowcamp.org and also to register for the program. The workshop is bringing in a national expert on the POW experience in the US during WWII to speak on Saturday, May 5. If you need any other information or details please contact me. There is a limit of 200 attendees and registration is on a first-come, first-serve basis. There is no fee for attendance.

Norm Alt and I are working together on a project for historical markers to be erected in Ransomville as part of a project/grant of the Ransomville Business Association.

On Tuesday March 13, 2007 I will present a program at the Presbyterian Church at 7:00PM. sponsored by the Friends of the Youngstown Library on the town during World War II. I am working on writing about WWII stories from interviews that I started more than a year ago and hoping to be finished shortly.

I continue to attend meetings, respond to requests, and do research on a variety of topics.

Please advise if there are any questions, concerns etc.

Sue Diez

Town of Porter Historian

RESULT: REPORT ISSUED

16. Report 2007-37

Recreation

Received \$2,735.00 from New York State for 2006 recreation expenses.

RESULT: REPORT ISSUED

17. Report 2007-38

Engineer

Project Status -

- Water Tank Rehabilitation: Contract Documents suitable for bid are under development.
- 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 -

General process for the Town to finalize Contract amendment:

- Albany completes the review
- After approved, the amendment is in the preliminary routing phase
- After preliminary routing, the proposed amendment is mailed to the Town of Porter
- The Town signs and sends the amendment back to Albany
- Final routing occurs and the amendment is forwarded to the Office of the State Comptroller

The entire process takes approximately 1-3 months (April to May), depending on workload, amendments, mailings, etc.

RESULT: REPORT ISSUED

18. Resolution 2007-37

Amendment to Water Storage Tanks Rehab

Amended February authorization for CRA Engineering to design and prepare bid specs for the rehabilitation of the Town's water storage tanks, to read that there will be a \$12,000 cap on the expenditure for same.

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

19. Report 2007-39

Attorney

Prepared response for Zoning Board of Appeals to answer an Article 78. Gave a report to the Town Auditor regarding pending litigation for the 2006 year end report.

RESULT: REPORT ISSUED

20. Report 2007-40

Master Plan

Land Use Update Project:

The Implementation committee held its meeting in conjunction with the Land Use Update

committee on February 7, 6PM at the Village Hall. Peter J. Smith reviewed the Draft Zoning Document, including:

1. General Provisions
2. District Regulations
3. Special Districts
4. Additional Requirements for Specified Uses
5. Requirements Applying to All Districts

The two committees also met on February 27, 6:30 at the Village Hall. An Issues/Questions list was generated that focused on the document that was reviewed at the Feb. 7 meeting. Pat Lynch will incorporate this list along with any additional comments submitted to the committee, into a response document to be sent to Peter Smith and distributed to all committee members.

Submitted by:

Patricia Lynch
William Choboy

Co-chairs

RESULT: REPORT ISSUED

21. Report 2007-41

Town Board Comments

There were no Town Board comments.

With no other business before the Board the meeting was adjourned at 7:50 PM.

John Mac Arthur
Town Clerk

RESULT: REPORT ISSUED
