



Town of Porter
Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

John

Monday, August 13, 2007

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on August 13, 2007 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert 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	
Roy Rogers	Town of Porter	Building Inspector	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Karen Schmidt	Town of Porter	Assessor	Present	
Scott Hillman	Town of Porter	Highway Supt	Present	
Dave Britton	CRA	Engineer	Present	
John MacArthur	Town of Porter	Town Clerk	Present	
Mike Dowd	Town of Porter	Attorney	Absent	

II. Public Portion

1. Report 2007-119

Public Comments

Public Portion of Town Board Meeting
Monday, August 13, 2007

Mr. Eugene Jackson, Porter Center Road Ext. resident was present to discuss June Bassett's property at 3 Porter Center Road Extension. There is a car that has been parked next to a fire hydrant for the past three (3) years. I called the Health Department on this, and have seen the Fire Department down there to give assistance to her. It was hard for the Fire Department to get her out of the house with holes in the floor and much debris. There are rats, rodents, in the building. Mr. Jackson has been over to cut the grass, so that it looks decent.

Mr. Wiepert-The outside of the house looks pretty good, the Building Inspector has been down to check this out. "Roy what have you been doing about 3 Porter Center Road Ext. (Bassetts)?"

Roy Rogers, Building Inspector-"I met with the Town Attorney to see what steps to follow about the situation at 3 Porter Center Road Extension. I also met and inspected the property with Chris Amico of CRA Engineering. I also met with the Attorney for Mrs. Bassett, Mr. Washburn about the condition of the property. We toured and inspected the property on August 8th. We walked

into the building only about two (2) feet, because of all the debris, feces, human waste, garbage, etc. I drafted a report, and passed it on to Chris to study and then to the Town Attorney for his comments, I am advising that either clean it up, fix it up or have the building torn down. The Town Law states that you have thirty (30) days to decide. The Health Dept says it is not habitable. We will keep on top of this and do what is proper to rectify the problem.”

Local residents asked what has been done since the last meeting (July 9th) about the lagoon owned by Flevie Danielewicz located on Lake Road in the Town of Porter.

Supervisor Wiepert stated that the Town Attorney and the Building Inspector are reviewing the project. The Town Attorney has also written a report on the situation, and stated: “It is permissible for the Town to regulate facilities large enough to require a CAFO (Concentrated Animal Feeding Operation) Permit with the understanding that the local regulation cannot be more restrictive than state and federal regulations which, quite frankly, are not very restrictive to begin with. Understanding the Town should create its own local ordinance to insure compliance with these regulations, as weak as they may be.”

Building Inspector Roy Rogers stated that he talked to G. Tescher of the State Agriculture Dept, and Steve Doleski of the D.E.C. and they told him that the lagoon is built according to Natural Resource Specifications. The project is nearly completed.

After much discussion it was suggested by Mr. Paul Bencal from the County Farm Bureau to have a meeting with residents. Martha Baker, Town Board, DEC Inspector Bill Smythe, USDA Greg Testman, County Soil and Water Mark Seider, County Farm Bureau Paul Bencal, Town Attorney, and the Town Building Inspector Roy Rogers. (Date, Time and Place to be announced).

RESULT: REPORT ISSUED

III. Minutes Approval

1. Resolution 2007-96

Minutes Approval

Approve the July 9, 2007, Town Board meeting minutes.

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

IV. Reports

1. Resolution 2007-97

Payment of Audited Vouchers

TOWN OF PORTER			
WARRANT:		POST AUDIT - JULY 2007	7/31/07
FUND	01		5,493.44
FUND	02		3,262.67
FUND	04		728.36
FUND	06		48,216.32
FUND	07		2,392.66
FUND	10		747.46
FUND	28		7,947.47
			68,788.38
VOUCHER 'S	9555	THRU	9591
WARRANT:		# 8 AUGUST 2007	8/13/07
FUND	01		15,322.47
FUND	02		38,669.95
FUND	04		82,466.09
FUND	06		4,210.89
FUND	07		78,148.95
FUND	28		21,878.75
FUND	30		1,000.00
FUND	35		89.00
TOTAL			241,786.10
VOUCHER 'S	9592	THRU	9723
			310,574.48

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

2. Report 2007-106**Supervisor**

1. Supervisor's Monthly report for July 2007 was distributed to all Town Board members.
2. June Sales Tax \$110,660.31. This is up \$6,450.64 from June last year.
3. Resolution to accept the Supervisor's Report for July 2007.
4. Paving has been completed in front of the Ransomville Fire Hall on Route 93.
5. Copy of a letter received from Kevin O'Brien, Nia Co Commissioner of Public Works, stating that they had forwarded our speed study request (Lake Road between Jackson Street and one mile north and east) to Charles Morgante, Director of Operations, and NYS DOT.
6. Received a copy of a letter sent by NYS DOT that they had completed their review of the no-passing zone on Lower River Road, as requested by Michael Tracy of the Niagara County DPW. They feel that the no-passing zone is appropriate and they agree with Niagara County that this regulation should stand, as is, and not be changed.
7. Resolution amending the Town of Porter Employee Manual to include having on file with the Town Clerk proof of automobile liability insurance of \$100,000/\$300,000 for employees who drive their automobile on Town business.
8. Resolution supporting the Niagara County Legislature request to comment on the U.S. Army Corps of Engineers Draft Report prior to it issuance.

RESULT: REPORT ISSUED

3. Resolution 2007-98**July 2007 Acceptance of Supervisor's Report**

Resolution to accept the Supervisor's Report for the month of July 2007.

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

4. Resolution 2007-99

Employee Manual Change

Authorize inserting the following language under mileage in the Employee Manual on page 500-5.

A copy of the employee's automobile insurance policy showing at least \$100,000 / \$300,000 liability coverage with no exclusion for business use must be on file in the Town Clerk's office prior to any mileage reimbursement.

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

5. Resolution 2007-101

L. O. O. W. Storage Site

WHEREAS, THE Niagara Falls Storage Site(NFSS) is a 191-acre site in the Town of Lewiston which houses a 31-acre storage area containing radioactive waste from atomic production in the 1940's and 1950's, and

WHEREAS, THE WASTE INCLUDES NEARLY 2,000 CURIES, A MASSIVE AMOUNT OF Radium-226, which is very high-active radioactive material, and

WHEREAS, this site is located one mile east of the Lewiston Porter School district, and

WHEREAS, in the early 1980's this material was moved from a "silo" to an underground storage called the "Interim Waste Containment Structure" at the NFSS, and

WHEREAS, the U.S. Army Corps of Engineers has prepared a Draft Remedial Investigation Report and is preparing to issue a Final Report and has in the past

allowed comments from NYS Department of Health, NYS Department of Environmental Conservation, U.S. EPA, as well as the Restoration Advisory Board (RAB) but now inexplicably the Corps has declined community requests for comment on the draft report prior to issuing a Final report, now, therefore, be it

RESOLVED, the Town of Porter supports the Niagara County Legislature in their request to the U.S. Army Corps of Engineers to allow the following the opportunity to review and comment on the draft report: Restoration Advisory Board, NYS Department of health, NYS Department of environmental Conservation and the U.S. Environmental Protection Agency, and be it further

RESOLVED, copies of this resolution are submitted by the Town of Porter Town clerk to all parties listed in the Niagara County Legislature resolution.

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

6. Report 2007-107

Town Clerk

Town Clerk’s Report for July 2007

Water Receipts Collected for July, 2007: \$34,711.37
 Sewer Receipts Collected for July, 2007: 62,386.03
 License and Fees Paid To Supervisor: 712.06
 S.P.C.A. Report: 17

RESULT:	REPORT ISSUED
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7. Report 2007-108

Supervisor’s Assistant

Bookkeeper’s Monthly Report - July 2007

1. Completed processing all July 2007 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for July 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. Continued working on 2008 Budget.
8. Budget requests will be sent this week to the Department heads and will be due back to the Budget Officer by Tuesday, September 4th.

RESULT: REPORT ISSUED

8. Report 2007-109

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 meetings.
4. Continued working with developers on the East Garrison project.
5. Continued reviewing draft Zoning manual. Also attended two Land Use/Zoning update meetings.
6. Attended a presentation on bio-gas facilities.

RESULT: REPORT ISSUED

9. Report 2007-110

Recreation

The Town of Porter Summer Recreation Program has 346 registered children this year. They are averaging 158 children per day which is up 33 from last year. This is an increase of 26.5%, which is the equivalent of another whole group. Currently there are 4 groups, A-first & second grade; B-third & fourth grade; C- fifth & sixth; and D-seventh through tenth.

The Summer Story Hour is averaging 30-40 children per session plus adults at each sight. This is about the same as last year.

RESULT: REPORT ISSUED

10. Report 2007-111

Department of Public Works

Highway Department:

1. Completed monthly brush pick up.
2. Completed driveway work at Niagara River Anglers Walleye Ponds on Balmer Rd.
3. Completed driveway culvert installation on Lake Rd.
4. Completed 1 cross culvert replacement on Cain Rd.
5. Completed 5 cross culvert replacements on Dickersonville Road.
6. Completed Mix-pave resurfacing of Dickersonville Rd. with assistance from the towns of Wilson, Cambria and Pendleton.
7. Completed Nova-chip resurfacing on Brentwood Dr.,Lynnbrook Dr.,and Andre Pl.
8. Provided assistance to the Village of Lewiston with 3 trucks hauling materials for their Nova-chip project.
9. Provided assistance to the Town of Cambria with trucks and grader for their town park project.

Drainage Department:

1. Continuing drainage mowing program.
2. Completed a drainage project off Cain Road.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Repaired 4 water main leaks.
3. The Orion Meters approved at the last meeting have been ordered and should be delivered this week. We will start scheduling installations immediately.
4. The propane tanks and concrete pads have been installed at both Lakeshore Lift Stations. The transfer switches and generators will be installed in late August.

Respectfully submitted,

Scott B. Hillman
Highway Superintendent

RESULT: REPORT ISSUED

11. Resolution 2007-100

Water/Sewer Billing Adjustment

The following adjustments were made to water/sewer accounts this month.

<u>Account #</u>	<u>Amount</u>	<u>Service</u>
20-0609	63.54	Sewer

Reason: Sewer credit for pool liner replacement. Documentation was provided

Respectfully submitted,

Ramona M. Lockhart

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

12. Report 2007-112

Building Inspector

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF JULY 2007

No.	NAME	ADDRESS	ISSUED FOR	COST	FEE:
61-07	Taravella, Kenneth	2346 Lockport Road	Picnic Pavillion	2,000	25
62-07	Hillman, Steven	3925 Ransomville Road	Garage Addition	3,500	35
63-07	Kalfas, Hank	3832 Ransomville Road	Pole Barn	23,000	25
64-07	Balcom, Gary	1254 Cain Road	Pole Barn	11,000	25
65-07	Stoelting, Norm	2380 Lockport Road	Single Family Residence	220,000	275
66-07	Senek, Timothy	2194 Y-W Road	Porch	5,000	25
67-07	Keating, Jean	455 Powell Drive	Demo - Cottage	0	25
TOTALS				264,500	435
C.O.'S					
11-07	James Trzaska		Single Family Residence		
12-07	T Albert Mack		Single Family Residence		

RESULT: REPORT ISSUED

13. Resolution 2007-102**Building Inspector Travel**

Resolution authorizing the Building Inspector to go to NY State Building Officials Conference September 9th - 11th in Poughkeepsie, New York. Estimated total cost is \$800.00.

RESULT: WITHDRAWN

14. Report 2007-113**Attorney****Animal Waste Storage Facilities**

At the regular Town Board meeting for July, 2007 I was asked to investigate the recent excavation activity on property owned by the Danilwicz dairy and have determined that the activity was being conducted in furtherance of the "manure lagoon" permit which was granted to Danilwicz in late 2006 as a result of a spill from his existing lagoon into a nearby waterway. Permits were granted by the NYSDEC which addresses these types of facilities for issues related to water pollution. Generally speaking, the DEC expects that local municipal laws will exempt farming operations from local waste disposal ordinances when the waste consists of on site disposal of animal waste used in agriculture activities, particularly when conducted in an AG-district. This does not mean that there are no regulations and large farm operations are required to provide management plans for the disposal of animal waste which are titled Concentrated Animal Feeding Operation (CAFO) General Permits. These permits are designed to address water quality issues and the test for determining whether a facility should be lined or unlined is generally based on proximity to existing wells or other water bodies.

I discussed this site with Steven Doleski, DEC Regional Permit Administrator and his staff and learned that the monitoring of construction is not undertaken by the DEC but by the County Water and Soil Conservation office. This office, likewise, does not monitor the construction and instead relies on certifications by accredited engineers that the construction is being undertaken properly.

In addition to the construction monitoring, farmers with a CAFO permit are also required

to maintain records detailing the manner and amounts of disposal and these records are available for review by authorized agencies. Enforcement of deficiencies may be undertaken by the town once a local ordinance is put into effect so long as that ordinance is no more restrictive than the DEC's and I recommend that the Town immediately undertake the adoption of such an ordinance to more closely monitor the activity at the Danilwicz facility as well as any future facility.

In short, it is permissible for the Town to regulate facilities large enough to require a CAFO permit with the understanding that the local regulation cannot be more restrictive than state and federal regulations which, quite frankly, are not very restrictive to begin with. Understanding the Town should create its own local ordinance to insure compliance with these regulations, as weak as they may be.

Karen obtained a detailed Guideline from the DEC which you will find helpful in understanding the issue which I have attached to this Memo. I will be happy to prepare a local ordinance for the Town to consider at its September meeting.

RESULT: REPORT ISSUED

15. Report 2007-114

Engineers Monthly Report

No formal report

RESULT: REPORT ISSUED

16. Resolution 2007-92

Drainage Evaluation

Drainage Evaluation

Resolution to authorize CRA Infrastructure & Engineering, Inc. to proceed with the investigation and evaluation of drainage issues associated with the watershed tributary to the northwest area of Town, and not to exceed the proposed contract amount of \$28,000.00.

HISTORY:

07/09/07	Board	TABLED
Next: 08/13/07		

RESULT:	TABLED [UNANIMOUS]	Next: 9/10/2007 7:00 PM
MOVER:	Thomas Baia, Deputy Supervisor	
SECONDER:	Nancy Orsi, Councilwoman	
AYES:	Wiepert, Baia, Orsi, Baker, White	

17. Report 2007-115**Master Plan**

Report to Porter Town Board
August 2007
CPIC/Land Use Committee

A Resolution declaring the Town of Porter lead agency for the preparation of the new zoning law was unanimously adopted by the Porter Town Board at their July Town Board meeting.

Interested parties and Town of Porter members of the Zoning and Land Use Committee met on July 16 and July 23 at the Porter Town Hall for a continued review of the draft zoning document. Comments, suggestions, and areas of concern were noted and forwarded to consultant, p.j.smith & associates.

After consideration of comments and concerns, the consultant will issue a revised draft. Peter Smith will facilitate a committee meeting in late August or September to review and explain the revised draft.

Future committee meetings will be scheduled as necessary.

All information on the planning process is available on our planning website
www.porterplanning.com

Submitted by

Patricia Lynch
CPIC Co-chair

William Choboy
CPIC Co-chair

RESULT:	REPORT ISSUED
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18. Report 2007-116**Correspondence**

Received a thank you from the Ransomville Fire Company for the use of the town tent and generator at their Summer Raffle.

RESULT: REPORT ISSUED

19. Report 2007-117

Town Board Comments

With no discussion, and nothing remaining before the Board the meeting was adjourned at 8:20PM

John MacArthur
Town Clerk

RESULT: REPORT ISSUED

20. Report 2007-118

Calendar of Events

August 23rd Zoning Board of Appeals - Town Hall - 7:30PM
September 3rd Town Hall Closed
September 6th Planning Board - Town Hall - 7:00PM
September 10th Town Board Meeting - Town Hall - 7:00PM
Fridays Band Concerts - Falkner Park, Youngstown, NY

RESULT: REPORT ISSUED
