



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Gail Zachary

Monday, January 12, 2009

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on January 12, 2009 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	
Dave Britton	Town of Porter	Engineer	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	
Susan Driscoll	Town of Porter	Assistant Assessor	Present	
Dave Truesdale	Town of Porter	Town Justice	Present	

II. Public Hearing

1. Report 2009-3

Public Hearing

PLEASE TAKE NOTICE THAT THE Town of Porter Town Board will hold a Public Hearing on January 12, 2009 at 7:00 pm at 3265 Creek Road, Youngstown, New York, 14174, to hear comments concerning the Youngstown Fire Company 2009 contract with the Town of Porter, in the amount of \$139,500.

President of the Youngstown Fire Company, Greg Robertson, introduced Jeff Tower as the new Youngstown Fire Company Chief. Mr. Robertson also reported that the 17.5% increase in the budget is due, for the most part, to OSHA physicals, and increases in fuel and utilities.

RESULT: REPORT ISSUED

2. Resolution 2009-20**Close the Public Hearing**

Resolution to close the Public Hearing

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

3. Resolution 2009-21**Youngstown Fire Company Contract**

Authorize Supervisor Wiepert to sign the contract and any additional paperwork between the Town of Porter and the Youngstown Fire Company.

Greg Robertson, President of the Youngstown Volunteer Fire Company, introduced Jeff Tower as their newly-elected Chief. Mr. Robertson also reported that the 17.5% in the contract is mainly due to increased utility and fuel costs.

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

III. Public Comments**1. Report 2009-14****Public Comments**

Supervisor Wiepert greeted about twelve students, from Mr. Conti's class, who came as participants of their Economics and *Participation in Government* course at Lewiston-Porter School.

Mike Mahar, CWM, invited all town residents to attend the public hearing at Lewiston-Porter School, Wednesday, January 21, 2009 at 4pm and 7pm, which addresses the final cover design. CWM welcomes all public comments. Mr. Mahar also complimented Terry Duffy, from the *Sentinel* newspaper, on the recent coverage of this matter.

Amy Witroyl, resident of the Town of Lewiston, also complimented Mr. Duffy on his coverage in the *Sentinel*.

RESULT: REPORT ISSUED

IV. Minutes Approval

1. Resolution 2009-25

Minutes Approvals

Resolution to approve the minutes of the December 30, 2008 End-of-the-Year meeting and also to approve the Organization Meeting minutes of January 05, 2009.

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

V. Resolutions/Reports

1. Resolution 2009-22

Payment of Audited Vouchers

TOWN OF PORTER

WARRANT:	# 1	JANUARY, 2009	1/12/09
FUND	01		17,234.89
FUND	02		24,479.01
FUND	04		12,565.00
FUND	06		40,780.68
FUND	07		220.90

FUND	10	899.28
FUND	33	430.10

TOTAL		<u>96,609.86</u>
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VOUCHER 'S 11831 THRU 11883

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

2. Report 2009-4

Town Clerk

Water receipts:	\$ 29,604.01
Sewer receipts:	3,427.23
Clerk fees:	543.91

S.P.C.A. animal contacts 42

Town Clerk, Gail Zachary, was pleased to announce that Town Justice, David Truesdale, was sworn in by The Honorable Sara Sperrazza, Niagara County Court Judge, January 09, 2009, as President of the Niagara County Magistrates' Association.

RESULT:	REPORT ISSUED
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3. Report 2009-15

Supervisor

- Supervisor's Monthly Report for December 2008 (cash only) was distributed to all Town Board members.
- November Sales Tax \$74,482.74. For the year to date sales tax is up \$45,328.30.
- Second half year Mortgage Tax \$45,704.99.
- Resolution to accept the Supervisor's Report for December 2008.

- Resolution appointing Nils Olsen to the Niagara County Environmental Management Council, for the 2009 year.

Supervisor Wiepert received a drainage petition from Dayna Wiepert, 1701 Lake Road, Youngstown, who is seeking relief from a water/drainage problem on her property. Mr. Wiepert referred the petition to the Drainage Committee, Jeff Baker and Tom Baia, who will review this with Scott Hillman and report back at the February meeting.

Received notice from the Town Justice Court that their financial records and court dockets, for the year 2008, are available for examination by the Town Board.

RESULT: REPORT ISSUED

4. Resolution 2009-24

Acceptance of Supervisor's Report

Resolution to accept Supervisor Wiepert's December 2008 cash report.

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

5. Resolution 2009-23

Environmental Management Council

Resolution to appoint town resident, Nils Olsen, to the Niagara County Environmental Management Council. This term coincides with the Niagara County Legislature's term.

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

6. Report 2009-5

Supervisor's Assistant

Bookkeeper's Monthly Report - December 2008

1. Completed processing all December 2008 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for December 2008 (cash only, final report will be completed after all y/e entries are finalized) 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 Town Clerk on the Minute Traq program.
7. Worked on Year End and Organizational meetings.
8. Worked on 2008 closing and audit.

RESULT: REPORT ISSUED

7. Report 2009-16

Tax Collector

2009 TOWN/COUNTY COLLECTIONS

Taxes collected from December 31, 2008 to January 7, 2009 totaled \$350,454.87. This represents all payments collected to date.

Respectfully yours,

Sally A. Hogan, Collector
Town of Porter

RESULT: REPORT ISSUED

8. Report 2009-7**Highway Department**

Department of Public Works
Monthly Report December 2008

Highway Department:

1. Called out to plow and salt 17 times.
2. Received 400 tons of salt.
3. Removed wreaths from poles in Ransomville.

Drainage Report:

1. Investigated potential flooding problems during the rain and melt on 12/27. Several minor problems reported.

Water and Sewer:

1. Completed monthly meter reading.
2. Completed repairs to a water main break on Meadow Dr.

Consolidation of the Town of Porter and Village of Youngstown DPW's

The kickoff meeting of the consolidation study was held this morning. Councilman Baker and I, as representatives of the town, and Todd Muller DPW Supt. in the Village and Mayor Riordan representing the Village were present. Today's meeting was a basic overview of the facilities of both entities. We will be giving updates periodically as the study progresses. The study is expected to be completed by this fall.

I would like permission to send 3 employees to the WNY Water Association training seminar in Batavia on February 4th. The cost of the seminar is \$60.00.

I would also like the board's permission to attend the NYS Association of Town Superintendents of Highways Legislative Advocacy Day in Albany on March 10th and 11th 2009. The Governor's proposed budget would cut CHIPS funding to localities by 50% if adopted.

RESULT: REPORT ISSUED

9. Resolution 2009-26**WNY Assoc. Training Seminar**

Resolution to allow three highway/water employees to attend the WNY Water Association Training Seminar in Batavia, February 04, 2009. The cost of the seminar is \$60.00.

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

10. Resolution 2009-27**NYS Assoc. of Towns Supts Advocacy Day**

Resolution to permit Highway Superintendent, Scott Hillman, to attend the New York State Association of Town Superintendents of Highways Advocacy Day in Albany, March 10 and 11, 2009.

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

11. Report 2009-6**Building Inspector****TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF DECEMBER 2008**

NAME	PERMIT #	DATE	ADDRESS	CATEGORY	COST	FEE
HOLMES, Walter	72-08	05-Dec	3893 Ransomville Rd	Alterations	65,000	50
WHITMORE, Mark	73-08	12-Dec	1461 Sunrise Ln	Addition	58,000	100
					123,000	150

CERTIFICATES OF OCCUPANCY ISSUED

BUILDING DEPARTMENT REPORT: Month of December, 2008

- Building permits issued as per the report
- Periodic progress inspections on ongoing construction projects throughout the Town
- Prepared materials for the Planning Board and Zoning Board of Appeals; attended the Planning Board, Zoning Board and Town Board meetings
- Pursued numerous zoning code violations and issued to the Supervisor “Order of Violations Report” for the month of December 2008.
- Met with the Town Prosecutor and Judges pertaining to several court cases
- Continued review of draft new zoning law and subdivision regulations
- Attended flood management meeting on changes to the FEMA flood maps.

RESULT: REPORT ISSUED

12. Report 2009-8

Engineer

No report from engineer.

RESULT: REPORT ISSUED

13. Resolution 2009-30

Work Session

Resolution to held a work session, Monday, January 26, 2009, at 6:30pm at the Town Hall, to meet with Dave Britton, CRA Town Engineer, to receive and review the drainage study.

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

14. Report 2009-9**Attorney**

Because Susan Driscoll, assessor clerk, will not have the required schooling, and hours-worked, within six months, Attorney Dowd stated that Barbara Oakes should be appointed as temporary acting assessor. Mrs. Oakes would work at the pleasure of the Board.

RESULT:	REPORT ISSUED
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15. Resolution 2009-28**Appointment of Acting Assessor**

WHEREAS, the Town Board of the Town of Porter, New York (the "Town"), deems it necessary and proper for said town to fill the vacancy of the appointed position of sole Town Assessor, by the temporary appointment of an Acting Assessor pursuant to New York State Real Property Tax Law § 314 and Part 188 of the Rules of Real Property Tax Assessment of the New York State Office of Real Property Services, until such time that a permanent appointment shall be made pursuant to New York State Real Property Tax Law § 310,

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the authority granted by New York State Real Property Tax Law § 314 the office of Acting Town Assessor is hereby established for the Town, and be it

FURTHER RESOLVED, that the salary of such office is hereby fixed at \$ 30.00 per hour, and be it

FURTHER RESOLVED, that such appointment is conditioned upon the Acting Assessor being qualified to act as Acting Town Assessor by the New York State Office of Real Property Services within six months of the appointment, and be it

FURTHER RESOLVED that Barbara Oakes is hereby appointed Acting Town Assessor, to serve for an indefinite term at days and times to be established by the Town commencing on January 20, 2009, and subject to removal at the pleasure of the Town Board of said town.

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

16. Resolution 2009-32

Assessor Clerk

A resolution was made by Tom Baia, seconded by Nancy Orsi, to have Susan Driscoll resume her former position as clerk, the *day* that Barbara Oakes starts work for the Town.

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

17. Resolution 2009-29

Assessor Training

Authorize Barbara Oakes and Susan Driscoll to attend "Ethics for Assessors" training on January 30, 2009. ORPS will reimburse the Town for costs, pursuant to their rules.

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

18. Report 2009-10**Master Plan Update**

A meeting was held to review the latest revision of the Land Use update (Zoning Book). A public hearing will be scheduled after the final update is completed and the Town board has reviewed it in detail.

RESULT: REPORT ISSUED

19. Report 2009-12**Correspondance**

Supervisor Wiepert received a letter from Mayor Riordan, Village of Youngstown, requesting help in purchasing a used *car* for transporting those Town and Village senior citizens who are physically unable to climb up into the senior citizen *van*. Because the van and the previous car were used equally by town and village residents alike, the Village is asking for \$4950.00 which represents half the cost of the car. This car is a Chrysler Concord, 4-door with 22,000 miles.

Councilman Baia made the motion to purchase the vehicle, with Councilman Baker seconding. \$4950.00 will be taken out of 01-1990.4, *Contingency* and moved into fund 01-1989.4, *Government Support-Village.Other*.
All board members were in favor. Motion carried.

RESULT: REPORT ISSUED

20. Resolution 2009-31**Senior Citizen Car**

Resolution to help the Village of Youngstown purchase a Chrysler Concord *car*, 4-door, 22,000 miles, in order to transport those senior citizens who are unable to climb up into the senior *van*. \$4950.00 will be taken out of 01-1990.4 (*Contingency*) and moved to Fund 01-1989.4 (*Government Support-Village.Other*).

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

21. Report 2009-17

Calendar of Events

Porter-on-the-Lake Mtg	Thursday, January 15, 2009, 6:30 pm Town Hall
Town Hall Closed -	Monday, January 19, 2009 Martin Luther King
Zoning Board Mtg -	Thursday, January 22, 2009, 7:30pm, Town Hall
Town Board Work Session -	Monday, January 26, 2009, 6:30pm, Town Hall
Planning Board Mtg -	Thursday, February 05, 2009, 7pm, Town Hall
Town Board Mtg -	Monday, February 09, 2009, 7pm, Town Hall

RESULT:	REPORT ISSUED
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22. Report 2009-13

Town Board Comments

At the end of the meeting Councilman Baker, with all the Board in agreement, complimented Susan Driscoll, who has been handling the assessor's office since November 10, 2008. She has been doing an outstanding job and everyone is looking forward to her certification.

With no further business before the Board, the meeting was adjourned at 7:40pm.

Gail Zachary,
Town Clerk

RESULT:	REPORT ISSUED
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