



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Gail Zachary

Monday, April, 14, 2008

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on April 14, 2008 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert Wiepert	Town of Porter	Supervisor	Absent	
Thomas Baia	Town of Porter	Deputy Supervisor	Present	
Nancy Orsi	Town of Porter	Councilwoman	Absent	
Jeff Baker	Town of Porter	Councilman	Present	
Larry White	Town of Porter	Councilman	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Karen Schmidt	Town of Porter	Assessor	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Gail Zachary	Town of Porter	Town Clerk	Present	

2. Public Comments

1. Report 2008-48

Public Comments

No comments from the public.

RESULT: REPORT ISSUED

II. Minutes Approval

1. Resolution 2008-51

Minutes Approval

Resolution to accept the March 10, 2008 minutes, as presented.

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

2. *Reports*

3. Resolution 2008-52

Payment of Audited Vouchers**TOWN OF PORTER**

WARRANT: POST AUDIT - MAR 2008 3/31/08

FUND 01	36,259.45
FUND 02	88.57
FUND 03	0.26
FUND 04	17,108.55
FUND 06	450.09
FUND 07	1,931.46
FUND 35	800.00
	<u>56,638.38</u>

VOUCHER 'S 10585 THRU 10613

WARRANT: # 4 APRIL 2008 4/14/08

FUND 01	32,129.64
FUND 02	48,267.25
FUND 03	250.00
FUND 04	39,470.90
FUND 06	42,121.63
FUND 07	5,284.73
FUND 10	833.90
TOTAL	<u>168,358.05</u>

VOUCHER 'S 10614 THRU 10737

224,996.43

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

4. Report 2008-59

Justice Court

Judge David Truesdale received word from the Unified Court System that the Office of Court Administration Security Assessment review of the Town of Porter's facilities has been completed.

Justice Truesdale and Justice Holmes were present to report that their office has received the recommendations from the Office of Court Administration. At this time, these are recommendations only but, in the future, they will almost certainly be *requirements*. In light of these suggestions, the judges urge the Town Board to take a close look at the report. Copies of the report were passed out to all board members.

Security items already purchased are an office safe and a digital recorder. Security cameras, internally and externally, will be high priority.

On April 8, 2008, at the Porter Town Hall, the Honorable Sharon S Townsend, Eighth District Administrative Judge, and the Honorable Sarah Sperrazza, Supervising Judge for Town and Village Courts, presented the Town of Porter Court a grant check for \$3,353.00 given by the NYS Unified Court System under the Justice Court Assistance Program.

Councilman Baia relayed information from Judge Townsend who was impressed with the Judges and their court clerk's professionalism and efficiency.

RESULT:	REPORT ISSUED
----------------	----------------------

5. Report 2008-49

Supervisor

1. Supervisor's Monthly Report for March 2008 was distributed to all Town Board members.

- 2. February Sales Tax \$88,778.65. This is up \$14,969.98 from February last year.
- 3. Resolution to accept the Supervisor’s Report for March 2008.
- 4. Resolution to require the Planning Board and Zoning Board of Appeals to notify, in writing, all property owners adjacent to, and/or within 500 feet of any property or project subject to a Public Hearing.

RESULT: REPORT ISSUED

6. Resolution 2008-53

Supervisor’s Monthly Report Acceptance

Resolution to accept the Supervisor's March 2008 monthly report

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

7. Resolution 2008-54

Planning/Zoning Boards

Resolution to recommend to the Planning Board and Zoning Board of Appeals that they notify, in writing, all property owners adjacent to, and/or within 500 feet of any property or project subject to a Public Hearing.

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

8. Report 2008-50

Town Clerk

Water Receipts	\$23,067.03
Sewer Receipts	\$ 3,182.04
Licenses & Fees	\$ 398.44
SPCA Animal Contact	21

Received a letter from the Niagara County Health Department thanking the Town of Porter staff and Highway Superintendent, Scott Hillman, for the use of the town's highway garage, tables and chairs, on Braley Road March 11th. Over 175 cats and dogs were inoculated. Because of the great turnout, they will probably hold a clinic in the town again next year. Thanks go out to Highway Superintendent, Scott Hillman, for allowing this event to happen.

RESULT:	REPORT ISSUED
----------------	----------------------

9. Report 2008-51

Supervisor's Assistant

Bookkeeper's Monthly Report - March 2008

-
1. Completed processing all March 2008 Vouchers and Journal Entries.
 2. Prepared Supervisor's Monthly Report for March 2008 and distributed it to the Supervisor and Town Board members.
 3. Finished working with auditors on 2007 Year end audit.
 4. Completed Bi-weekly and Monthly payrolls.
 5. Completed Check registers for all check payments.
 6. Continued maintenance on the Web Page - www.townofporter.net
 7. Continues working with Town Clerk on the Minute Traq program.
 8. Worked at the Rabies Clinic at the Town DPW.

9. Need the following budget adjustment:

01-1010.0004 Town Board Contractual	\$1,000.00
01-1990.0004 Contingency	(1,000.00)

RESULT: REPORT ISSUED

10. Resolution 2008-55

Budget Adjustment

Resolution to transfer \$1,000.00 from Contingency (01-1990.0004) to Town Board Contractual (01-1010.0004).

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

11. Report 2008-52

Assessor

Date: April 9, 2008
To: Town of Porter Town Board
Cc: Town Clerk
From: Karen Wieland-Schmidt, Assessor
RE: March 2008

- Completed monthly inspections for verification of sale and completion of building projects.
- Processed monthly sales transfers and splits.
- Completed all fieldwork and valuation for tentative roll.
- Completed data entry of all exemptions for tentative roll.
- Attended NCAA meeting in Hartland. Topic of discussion was right-to-farm law.

- Continued work on GIS grant and implementation.
- Attended a land use update committee meeting.
- Completed area familiarization for new employee.
- Attended ZBA and Planning Board meetings.
- Assisted town engineers with labels and letters for drainage study.

RESULT: REPORT ISSUED

12. Report 2008-53**Tax Collector**

RE: 2008 TOWN/COUNTY COLLECTIONS

Dear Supervisor Wiepert and Town Board Members:

Paid Supervisor Wiepert the sum of \$142.23. This amount was interest earned on Tax Collector's account from February 23-March 21, 2008.

As of April 2, 2008 Town Tax Collector's account has the sum of \$452,700.71. This represents all payments and penalties collected to date. Final remittance to the County Treasurer will be made by April 14, 2008.

Respectfully yours,

Sally A. Hogan, Collector
Town of Porter

RESULT: REPORT ISSUED

13. Report 2008-54**Department of Public Works**

Highway Department:

1. Called out to plow and salt 3 times.
2. Cleared sidewalks in Ransomville and the path along River Rd. with assistance from the Town of Lewiston and the Niagara Falls Bridge Commission.
3. Working on cold patching on some roads.
4. We hosted the free Rabies Clinic for Niagara County Health Department.
5. Brush Pickup Schedule- We will start scheduled brush pickup beginning with a town wide pickup on April 21st and April 22nd. After that we will begin scheduled pickup on the first and third Mondays of each month. The schedule will be posted in the local paper as well as on the town's web site.

Drainage Department:

1. CRA is moving forward with the process; requests have gone out to residents in the study area requesting permission to enter their properties to do survey work.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed installation of 10 Orion Meters. Notices have been sent out to customers advising them of the meter change over program. This info will also be on the town's web site.
3. Replaced a water service at 742 Youngstown/Lockport Road as their service line was leaking under the road.

Resolutions:

Employees Russell Whyte and Wayne Pollow have filed for retirement from the town highway department as of April 24, 2008. Both had 32 years of service with the town. Best Wishes for a long and Happy Retirement to both.

New Employees: In accordance with NYS Highway Law Section 140 sub paragraph 2-20 I have appointed the following to the position of MEO in the Highway Department (per the Employee Manual) at the rate of \$13.50 p/h:

Mr. James Stone - 2641 New Road, Ransomville effective 4/14/08.

Mr. Steven Bills - 3373 Dickersonville Road, Ransomville effective 4/14/08.

I would like board permission to allow myself and Dave Gombert to attend a Traffic Sign and Pavement Markings Workshop on May 7th at the Cooperative Extension Center in Lockport. This program is being put on by the Cornell Local Roads Program.

I would like board permission to attend this year's Highway School in Ithaca June 1-4.

Respectfully submitted,

Scott B. Hillman
Highway Superintendent

RESULT: REPORT ISSUED

14. Resolution 2008-57

Highway

Resolution to permit Highway Superintendent, Scott Hillman, and employee, David Gombert, to attend the Traffic Sign and Pavement Markings Workshop on May 07, 2008 at the Cooperative Extension Center in Lockport.

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

15. Resolution 2008-58

Highway

Resolution to permit Highway Superintendent, Scott Hillman, to attend this year's Highway School in Ithaca, June 01 thru June 04, 2008.

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

16. Report 2008-55

Code Enforcement Officer/Building Inspector

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF March 2008

No.	NAME	ADDRESS	ISSUED FOR	COST	FEE:
5	Reese, Don	2670 New Road	Garage addition	3,000	50
6	Cabello, James	2503 Lake Rd.	Demo	0	25
7	Irwin, Mark	3570 Creek Rd.	Pole Barn	9,600	50
8	Cabello, Lewis	2497 Lake Rd,	Demo	0	25
9	Pera, Ron	460 Lake Rd.	Pole Barn	37,000	50
10	Calato, Joesph	2559 Lockport Rd	Pole Barn	20,000	50
<u>Estimated Total Cost of Construction</u>				69,600	250

C/O #

Certificate of Occupancy Issued

None

Building Department report: Month of March

- Building permits issued as per the report
- Periodic progress inspections on ongoing construction projects throughout the town.
- Completed and filed reports on brown fields for 2007 for Niagara County.
- Prepared materials for and attended the Planning and Zoning board of Appeals meetings.
- Pursued numerous zoning code violations and issued to the Supervisor the “Order of Violations Report” for the month of March 2008.
- Met with the town prosecutor and judges pertaining to several court cases.
- Appeared in Town court to testify in several zoning violations.

RESULT:	REPORT ISSUED
----------------	----------------------

17. Report 2008-56**Recreation Commission*****Summer Time at Story Hour***

Summer Story Hour is getting ready to start again!!!! You won't want to miss a single week!! We have a super line up of entertainment planned for all of our preschoolers and parents. Sessions will be held on Tuesdays at the Youngstown library beginning on July 1st from 10-11am and on Wednesdays at the Ransomville library beginning on July 2nd also from 10-11am. The Schedule is as follows:

July 1st: **Carmen Presti and Monkey Business** at Youngstown. He will be bringing 5 friends for us to meet.

July 2nd: **Nickel City Reptiles and Exotics** at Ransomville.

July 8th: **Fort Niagara Friends** in Youngstown. Learn about our local history and learn to march!

July 9th: **The Aquarium Touch Tank** at Ransomville

July 15th: **Glenn Colton in Concert** at Youngstown. Sing a long songs for the young and young at heart!

July 16th: **Monte and Marcia** at Ransomville. Join in and learn about instruments. Have you ever wondered how the bagpipes make music?

July 22nd: **Magic! Magic! Magic!** At Youngstown

July 23rd: **I Caught It Magic Show!** At Ransomville

July 30th: **Erie Canal Discovery Series** at Youngstown

July 31st: **Clumsy the Clown** at Ransomville

August 5th: **Ice Cream Birthday party and Carnival** at Youngstown

August 6th: **Ice Cream Birthday party and Carnival** at Ransomville

Please note: Some of the Youngstown programs will be held in the gym.

RESULT: REPORT ISSUED

18. Resolution 2008-59**Recreation Commission Appointment**

Resolution to approve the appointment of Debbie Parker to the Recreation Commission, effective immediately through December 2010.

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

19. Report 2008-57**Engineer**

- 1. Drainage study for the northwest area of the Town (CRA Project # 630508)**
 - Drainage study is underway. First site visit occurred on January 15 with Scott Hillman.
 - CRA met with Village of Youngstown on February 26 and received Village storm sewer map.
 - Currently reviewing storm sewer/culvert drawings from Town, Village of Youngstown, Fort Niagara, and New York State Department of Transportation (NYSDOT).
 - Town sent out resident Right of Access permission letter and form on March 28. (Residents must respond to the Clerk by April 11).
 - CRA will commence surveying in late April.
- 2. Formation of a town-wide drainage district (CRA Project # 630508)**
 - CRA to prepare a Map Plan & Report for the formation of a Town Drainage District.
(ON HOLD)
- 3. Annual Retainer - Drainage Reviews (CRA Project # 630556)**
 - There were no subdivision requests for Planning Board meeting in April.
- 4. Riverview Drive Sidewalk Extension Project (CRA Project # 630587)**
 - CRA met with Scott Hillman and surveyor (Niagara Boundary) on March 17 to discuss layout of sidewalk.
 - Niagara Boundary completed topographic survey and associated mapping on March 19.

- Preliminary design is underway.
- Bid date is late May, with construction to commence when school is completed.

RESULT: REPORT ISSUED

20. Report 2008-58

Attorney

Nothing to report

RESULT: REPORT ISSUED

21. Report 2008-60

Porter-On-The-Lake

Carol Fellows reported that the “park” committee met for their third meeting March 13th with all committees reporting and that things are progressing well. The committee will, from now on, refer to the “park” as “Porter-On-The-Lake.” Below are the minutes of that meeting:

**PORTER-ON-THE-LAKE COMMITTEE MEETING
March 13, 2008**

Attending:

Mert Wiepert	Bill Warren	Pete Johnson	Norm Ault	Lou Vuillemot
Kathy Zasucha	Carl Fellows	Linda White	Susan Hillman	Ernest Lavigueur
Jim Collins	Denise Blankenship-Schmoyer	Harry Greenwald	Tony Collard	Don Burns
Doug Canfield	Steve Schmoyer	Dan Bristol	Peter Diachun	John Bis

The second meeting of the Town of Porter Park Committee was held in the Porter Town Hall at 6:30 PM on Thursday, March 13, 2008. The secretary passed out a copy of the minutes from the February meeting along with a copy of the agenda prior to the start of the meeting. Chairman Bristol called the meeting to order and Vice-Chairmen Tony Collard and Carl Fellows assisted. Representing the Town was Supervisor Wiepert and Town Bookkeeper Ault. The Chairman welcomed the Porter residents not present at the first meeting and gave all in attendance a synopsis of the advisory role of the committee and what transpired during the February meeting. The Chairman asked that those who wished to be an active committee member to so indicate on the attendance sheet.

During the public comment period it was noted that committee meetings should be more publicized. The Chairman directed the secretary to prepare flyers to advise of committee meetings and post them throughout the Town. Supervisor Wiepert added that the Town would contact *The Sentinel* and *The*

Niagara Gazette to arrange for their publication in the local news section. In addition, the meetings will be posted on the calendar of the Town of Porter website and the minutes read into the Town Board's meetings to keep residents aware of the committee's progress.

In addition to the standing sub-committees of Infrastructure and Functionality, a new sub-committee called O & M (Operations and Maintenance) was formed to prepare estimated costs of park operations and maintenance. Members of this committee are Harry Greenwald, Peter Diachun, Norm Ault and Ernie Lavigueur. It was also agreed that the Finance sub-committee would be called the Functionality sub-committee. The following additions were made to the Infrastructure and Functionality sub-committees: Denise Blankenship-Schmoyer and Richard Roach to Functionality and Bill Warren and Steve Schmoyer to Infrastructure. The Functionality sub-committee contacted Niagara County and local towns and villages with parks in order to obtain their rules and regulations on use.

In regards to funding, Supervisor Wiepert advised that he has sent letters to county, state and federal elected officials requesting funds in the form of member items and is working on identifying available grants with Bernie Rotella. Chairman Bristol and Supervisor Wiepert advised the committee that they contacted several resources to obtain estimates on roof and building repairs; electrical work, plumbing and lawn care equipment for the park. The committee will be advised of these estimates of costs when they are received. In addition, the Supervisor stated that Highway Superintendent Hillman would provide as much support as he is able to.

Chairman Bristol stated that after discussions with Bernie Rotella (grants writer), Steve Richards (Niagara Town Supervisor) and others, he was convinced of the need for a park master plan to supplement the town's master plan. This would improve the town's capability to get support from state and federal governments in addition to Greenway and other funding. Chairman Bristol suggested Trowbridge and Wolf from Binghamton, NY, who had developed a park plan for the Town of Niagara.

The committee agreed to arrange for the open house at the site tentatively in June of this year if safety and sanitary needs are met. At this time a survey of Porter residents would be conducted for their thoughts as to the park. The committee will refer to the park as "**Porter-on-the-Lake**". Supervisor Wiepert will contact the Niagara County Sheriff's Work Release Program for availability of their crews to assist in park cleanup the week of April 28th, weather permitting. The committee meeting adjourned at 8:30 PM.

The next Porter-on-the-Lake Committee meeting will be held on Thursday, April 10, 2008 at 6:30PM in the Porter Town Hall Auditorium.

Submitted by: Ernest A. Lavigueur

The Porter-on-the-Lake Committee needs a resolution authorizing the issuance of RFP's to establish costs of Operations and Maintenance of Porter-on-the-Lake in 2008.

RESULT:	REPORT ISSUED
----------------	----------------------

22. Resolution 2008-60

Porter-On-The-Lake RFP

The Porter-on-the-Lake Committee needs a resolution authorizing the issuance of RFP's to establish

“Operation and Maintenance Cost” for Porter-on-the-Lake in 2008.

.

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

23. Report 2008-63

Correspondence

Received correspondence, April 4, 2008, from Deborah Parker, 3903 Ransomville Road, Ransomville, NY 14131 requesting permission from the Town Board to allow her to remove surplus soil from around her recreation pond.

Councilman Baker stated Larry Elia, who has state approval for his erosion control project, will also have a volume of dirt to remove. Instead of addressing this again next month the resolution will include Town Board approval for soil removal by Larry Elia.

RESULT:	REPORT ISSUED
----------------	----------------------

24. Resolution 2008-61

Soil Removal

The Town of Porter Town Board authorizes Deborah Parker and Larry Elia to remove surplus soil from around their projects after securing all required permits.

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

25. Report 2008-61

Town Board Comments

Councilman White expressed concern that the Town’s grantwriter has not attended any board meetings nor submitted monthly reports. This will be looked into.

RESULT:	REPORT ISSUED
----------------	----------------------

26. Report 2008-62

Calendar of Events

Townwide BRUSH PICKUP-	Monday, April 21 and Tuesday, April 22
Zoning Board Meeting -	Thursday, April 24, 2008 @ 7:30 pm
Planning Board Meeting -	Thursday, May 01, 2008 @ 7:00 pm
Town Board Meeting -	Monday, May 12, 2008 @ 7:00 pm

With no further business before the town Board the meeting was adjourned at 7:30 PM.

Gail A. Zachary
Town Clerk

RESULT:	REPORT ISSUED
----------------	----------------------