



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Gail Zachary

Monday, July, 14, 2008

7:00 PM

Town Hall Auditorium

I. Call to Order

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	
Gail Zachary	Town of Porter	Town Clerk	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Karen Schmidt	Town of Porter	Assessor	Present	
Dave Britton	Town of Porter	Engineer	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	

2. Public Comments

3. Report 2008-94

Public Comments

Robert Slaven, 970 River Road, Youngstown, returned to this month's meeting, and again asked that the Town Board allow his rezoning plan to be sent back to the Town Planning Board. Supervisor Wiepert stated that this proposal is substantially the same as his previous one and that the Niagara County Planning Board had denied his request; Mr. Wiepert also explained that the Town's engineering firm was doing a drainage study of that area and that the Land Use Committee was also working on updating the zoning, town-wide and, at this time, Mr. Slaven's proposal will not be addressed.

Mr. Slaven contended that his drainage engineer said that his proposal would pose no significant problems that couldn't be solved; Mr. Slaven also said that, as far as a traffic problem, the road is hardly ever used.

Ted Hogan, from Ransomville Road, stated that he had been to Porter-On-The-Lake and that, even though he had been opposed to the purchase, the property is beautiful and that he hoped the Town would never contemplate selling it.

RESULT: REPORT ISSUED

II. Minutes Approval

1. Resolution 2008-90

Minutes Approval of June 09 and June 16, 2008

Correction of the June 09, 2008 minutes, under the public comments section:

- *Change* "363" Brentwood to Mrs. Campbell's correct address, "360."
- *Delete*, "Attempts by the Town have fixed the problem temporarily," and to *add*, "This has been an ongoing problem for the past ten years."

Resolution to accept the June 09, 2008 minutes of the *regular* Town Board meeting, with corrections, and the June 16, 2008 minutes of the Town Board *work session*.

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

III. Reports

1. Resolution 2008-91

Payment of Audited Vouchers

TOWN OF PORTER				
WARRANT:		POST AUDIT - JUNE 2008	6/30/08	
FUND	01			9,872.01
FUND	02			1,302.56
FUND	04			1,042.10
FUND	06			403.52
FUND	07			1,236.43
FUND	10			726.32
FUND	33			4,388.29
TOTAL				18,971.23
VOUCHER 'S		10970	THRU	10996

WARRANT:		# 7 JULY 2008	7/14/08
FUND	01		24,360.89
FUND	02		44,601.59
FUND	04		79,536.15
FUND	06		6,472.13
FUND	07		6,695.25
FUND	28		7,916.46
FUND	33		20,530.48
TOTAL			<u>190,112.95</u>
VOUCHER 'S		10997	THRU 11137
			<u>209,084.18</u>

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

2. Report 2008-95

Town Clerk

Per Robert Slaven's request of a copy of the section of the December 10, 2007 Town Board meeting, which details his request for, and denial of, rezoning of his property on Lake Road, was sent to him on June 11, 2008.

Letters to the International Joint Commissions in Washington, D.C. and Ottawa, Ontario, were sent in support of "Plan 2007" as appropriate Lake Ontario water levels are of great concern.

DECALS conversion to DSL is complete.

June '08	Water Receipts	\$26,718.30	
"	Sewer Receipts	\$ 9,311.26	
"	Licenses and Fees	\$ 544.46	
"	SPCA Animal Contacts		23

Set a public hearing to amend the local dog law for the purpose of increasing impoundment fees.

RESULT: REPORT ISSUED

3. Resolution 2008-92

Town Dog Law Public Hearing

Resolution to hold a Public Hearing at 7:00pm on August 11, 2008 to amend the Town of Porter Local Dog Law to increase impoundment fees.

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

4. Report 2008-96

Supervisor

1. Supervisor's Monthly Report for June 2008 was distributed to all Town Board members.
2. May Sales Tax \$78,817.59. This is up \$830.46 from May last year. For the year to date sales tax is up \$41,388.86.
3. Resolution to accept the Supervisor's Report for June 2008.
4. Received two bids for the renewal of the \$335,000.00 Water Line BAN. The low bid was from HSBC at 2.72% for total interest of \$9,112.00. The other bid was from First Niagara Financial Group at 2.85% interest for \$9,547.50. The bid from HSBC was accepted.
5. Youngstown Estates sidewalk contractor is obtaining bonding & insurance papers to meet requirements.
6. Resolution to Support Senator Maziarz's attempt to stop 75,000 tons of PCB's being shipped to CWM.
7. Resolution to appoint Susan Driscoll as a part-time clerk for the Building Inspector.

Supervisor Wiepert read excerpts from his letter to Senator Maziarz in support of Maziarz's opposition to the transport of PCB's from Glens Falls to CWM on Balmer Road. Mr. Wiepert

went on to say he was not in favor of the DEC's decision to ship across New York State to the Balmer Road facility. Apparently the DEC received only one bid and *that* was over budget. "GE has its own hazardous waste site in Schenectady. They created this contamination, so let them dispose of it on *their* site." Supervisor Wiepert also disagreed with CWM's statement that there would be no impact on truck traffic. He felt CWM's estimate of 1500 trucks was not a correct figure based on GVW allowed for each truck. Mike Mahar, CWM spokesman, agreed with Mr. Wiepert and said it would be more like 3,000 trucks, or approximately 14 trucks per day

Supervisor Wiepert will be sending a letter to the new DEC Commission, Peter Grannis, urging that this not be allowed to happen and that the Town of Porter is opposed to more hazardous waste coming to the Town.

Mr. Wiepert said, "Why should Porter be the only place?... there has to be another way. The DEC must review the clean-up plan. Letters must be sent to Assemblywoman DelMonte, Congresswoman Slaughter, Governor Paterson, the Niagara County legislature, the town and village of Lewiston and the Village of Youngstown. I invite the new DEC Commissioner to come to Porter and view the truck route that passes by the Lewiston-Porter School and residential homes."

RESULT:	REPORT ISSUED
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5. Resolution 2008-93

Acceptance Supervisor's Report

Resolution to accept Supervisor Wiepert's June 2008 report.

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

6. Resolution 2008-95

Support Senator Maziarz

The Town Board supports Senator George Maziarz in his effort to stop the shipment of 75,000 tons of PCB's being transported across New York State to the CWM land fill in the Town of Porter. We further authorize the Supervisor to send a letter requesting the

appropriate Federal, State and County elected officials to support Senator Maziarz.

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

7. Resolution 2008-97

Appointment - Part Time

Appoint Susan Driscoll as clerk p-t to assist the Building Inspector, as needed. This appointment is contingent upon her sitting for the next Clerical I test.

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

8. Report 2008-97

Bookkeeper

Bookkeeper's Monthly Report - **June 2008**

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1. Completed processing all June 2008 Vouchers and Journal Entries.
 2. Prepared Supervisor's Monthly Report for June 2008 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. Met with Councilwoman Orsi concerning wage and salary issues.
 8. Starting 2009 Budget process.

RESULT: REPORT ISSUED

9. Report 2008-98**Recreation**

The Town of Porter Summer Recreation program is in full swing. It is being held at the Ransomville Fire Hall. So far this year there are 298 children registered and they are averaging 165 children each day. The program will run until August 14th.

RESULT: REPORT ISSUED

10. Report 2008-99**Assessor**

June 2008

1. Completed monthly inspections for verification of sale and completion of building projects.
2. Processed monthly sales transfers and splits.
3. Attended NCAA meeting in Lockport. This was a joint meeting with ECAA; guest speaker was Tom Cusack, who spoke on the sub-prime mortgage crisis.
4. Continued work on GIS grant and implementation. We held a training session for staff regarding the usage of the system; feedback seems favorable.
5. Attended a land use update committee meeting and continued work on the new manual.
6. Attended a meeting on countywide assessing.
7. Attended a training class on Deeds and Easements in Batavia.
8. Attended mandatory training on Ethics for Assessors.
9. Completed the final assessment roll for 2008.
10. Attended ZBA and Planning Board meetings.

Councilwoman Orsi, a member of the Land Use Committee, commented that Assessor Schmidt's

input has been, "invaluable and that, without her, we'd be stumbling."

RESULT:	REPORT ISSUED
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11. Report 2008-100

Highway/Water/Sewer

Department of Public Works
Monthly Report for June 2008

Highway Department:

1. Completed monthly brush pickup.
2. Provided assistance to the Towns of Wilson, Cambria, Niagara and Wheatfield with various equipment and trucks for road repair projects.
3. Received assistance from the Town of Lewiston, they supplied their road sweeper to sweep the curbed and guttered roads.
4. Completed the Cold In-Place Recycle of pavement on Dickersonville Road between Youngstown/Wilson Rd. and Lake Rd.
5. Completed the 1st round of roadside mowing on state highways.

Drainage Department:

1. We are continuing the off road ditch mowing program.

Water and Sewer Department:

1. Completed monthly meter reading.
2. Completed a water push service install on Youngstown/ Lockport Rd.
3. Completed the Lead and Copper water sampling survey required by NYS Health Dept.
4. Received assistance from NY Rural Water Association circuit rider doing leak detection.

GIS Survey:

1. The GIS Intern continues to collect information. To date she has completed locates on all fire hydrants, water main valves, drainage structures and sewer manholes.

Amend Local Law - Public Hearing (Proposed Amendment to Local Law No. 2, 1969)

Superintendent Hillman stated that the current town local law allows for copper line, only, from the main to the house. Now, because of the high cost of copper (.65 per foot 12 years ago as opposed to over \$4.00 per foot today), Mr. Hillman would like to see the local law amended to include polyethylene materials:

RESULT: REPORT ISSUED

12. Resolution 2008-96

Public Hearing - Amend Local Water Law

Resolution to set a Public Hearing on August 11, 2008 at 7:15 P.M. regarding the proposed amendment to Town of Porter Local Law #2, 1969; a local law which provides regulations for the operation of water districts within the Town of Porter; specifically to amend Article II, Section 2.21, "Service Line Installations," and to include "acceptable alternative water service line materials, which shall be polyethylene water supply tubing (SDR-90 Aqual-Jet Tubing, Copper Tubing Size O.D., 200 psi; specification ASTM-3408, SDR-9/200 psi."

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

13. Resolution 2008-94

Water/Sewer Adjustments

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

<u>Account #</u>	<u>Address</u>	<u>Amount</u>	<u>Service</u>
20-0509	245 Mary's Lane.	-\$80.00	Sewer
Reason: Should have been court payment			
30-0037.01	2503 Parker Rd.	- \$22.30	Water
Reason: Returned check			

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

14. Report 2008-101

Building Inspector

TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF JUNE 2008

PERMIT	NAME	ADDRESS	ISSUED FOR	COST	FEE:
28-08	Berczynski, Donna	2428 Y-Wilson Road	Pole Barn Addn	5,000	50
29-08	Pollow, Dennis	3575 Ransomville Rd	Shed	2,500	25
30-08	Eismuller, James	3735 River oad	Pole Barn	40,000	50
31-08	Dyskstra, Anne	2101 Lake Road	Demo	0	25
32-08	Stone, James	2641 New Rd	Deck	2,000	25
33-08	Renzi, Ernesto	417 Riverview Dr	Shed	2,000	25
34-08	Ferry, Michael	653 Blairville Rd	Pool	1,800	25
35-08	Stevens, Gerald	3692 Creek Rd.	Deck	4,500	25
<u>Estimated Total Cost of Construction</u>				57,800	250

C/O

Certificate of Occupancy Issued

06-08 David Burke 3787 River Rd Single Family residence

Building Department report: Month of June, 2008

- Building permits issued as per the report
- Periodic progress inspections on ongoing construction projects throughout
- Prepared materials for the Planning Board and Zoning Board of Appeals, attended the Planning, Zoning and Town Board meetings.
- Pursued numerous zoning code violations and issued to the Supervisor the "Order of Violations Report" for the month of June 2008.
- Met with the town prosecutor and judges pertaining to several court cases.
- Met with CRA and residents of creek road adjoining 1491 Lake Road concerning drainage.
- Reviewed draft of new zoning law and subdivision regulations.

- Attended training on new GIS system.

RESULT: REPORT ISSUED

15. Report 2008-102

Engineer

TOWN OF PORTER

Engineering Report

Update - July 14, 2008

- 1. Drainage study for the northwest area of the Town (CRA Project # 630508)**
 - 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.
 - Town sent out resident Right of Access permission letter and form on March 28.
 - CRA completed surveying on May 6. May still need to do a few spot checks, but bulk of the surveying is complete.
 - Culvert and ditch capacity calculations are ongoing.
- 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)**
 - CRA completed drainage review on June 26 for a minor subdivision request from Phillip Incorvaia.
 - CRA completed drainage review on June 26 for a minor subdivision request from Paul and Amy Incorvaia.
 - CRA completed drainage review on July 7 for a minor subdivision request from Donald and Suzanne Larrabee.
- 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 reviewed with Scott on May 5.
 - A public informational meeting was held on May 12.
 - Contract was awarded to Valeri Concrete Construction for the amount of \$47,400 at

the June 9 Town Board meeting.

- Contract Documents are currently in the process of execution.

RESULT:	REPORT ISSUED
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16. Report 2008-103

Attorney

Mr. Dowd stated that the Town Board needs to extend Mr. Elia's work permit to mirror the DEC permit extension for another 150' of lake erosion protection at Fort Niagara Beach.

RESULT:	REPORT ISSUED
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17. Report 2008-106

Porter-On-The-Lake Citizens Committee

“PORTER-ON-THE-LAKE” PARK COMMITTEE MEETING July 9, 2008

Attending:

Norm Ault
Dan Bristol

Jeff Baker
Gloria Baker

Joanne Basta
Don Larrabee

Ernest Lavigueur
Bob Reese

Linda White
Mert Wiepert

The seventh general meeting of the “Porter-on-the-Lake” Park Committee was held at “Porter-on-the-Lake” Town Park at 6:30 P.M. on Wednesday, July 9, 2008. Chairman Bristol called the meeting to order. The minutes from the prior meeting were unavailable. No correspondence was received. Representing the Town were Supervisor Wiepert, Councilman Baker and Bookkeeper Ault. Chairman Bristol recognized Linda White who was the chairwoman for the June 15th Preview Day and all the volunteers who had made the day a success.

Chairman Bristol provided index cards for those members in attendance that had not previously submitted their suggestions on opening day events.

Planning for the “Porter-on-the-Lake” Park grand opening day ceremonies continued. Committee members discussed entertainment, food, games, vendors and other activities. Mrs. Sandra (Hays) Mies, the President of the Lower Niagara River Region Chamber of Commerce will be invited to our next general meeting. Councilman Baker advised that he has contacted both Ransomville and Youngstown Volunteer Fire Companies to see if they were interested in

participating in the grand opening. In addition, Councilman Baker is working on several bands to provide entertainment between the hours of 12:00 P.M. and 7:30 P.M. It was decided that the first order of business at the next meeting would be the discussion on grand opening day events on Labor Day, September 1, 2008. Linda White agreed to be the chairwoman for the grand opening.

Supervisor Wiepert gave an update on the progress of repairs in the park. He advised that approximately one hundred and twenty five people attended a private party at the pavilion on Saturday, July 5th and no problems occurred. Furthermore, the Supervisor advised that the town is in the process of removing existing park locks and affixing new locks where appropriate. Finally, Supervisor Wiepert advised that the *Buffalo News* will send a reporter and photographer to the park and a story will be forthcoming in that publication.

Chairman Bristol spoke on the need for a park master plan in phase two as a necessity in obtaining federal, state and other financial assistance. He has contacted Trowbridge and Wolf and he will address the Town Board to advise them of his preliminary discussions. In addition, Chairman Bristol spoke on the New York State Department of State grant for \$30,000.

Committee members discussed additional cleanup and mowing in the recreational (swing) area. It was decided that on Tuesday, July 15th from 4:00 P.M. till dusk available park volunteers would endeavor to clean up certain targeted areas in the park.

Chairman Bristol called upon each sub-committee for their report. No other committee reports were received.

The committee meeting adjourned at 8:00 P.M.

The next Park Committee regular meeting will be held on Thursday, August 7, 2008 at 6:30 P.M. in the conference room at the Porter Town Hall.

Submitted by: Ernest A. Lavigueur

RESULT: REPORT ISSUED

18. Report 2008-104

Communications

1. Letter from Clyde Burmaster, Legislature Vice Chairman, requesting the Town of Porter appoint a citizen to an Environmental Management Council, if established.
2. Letter from Edward J. Barbiero, Fieldcrest Drive cul-de-sac, requesting landscape assistance from the Town of Porter.
3. Letter from Mrs O'Keefe stating her concerns about zoning regulations on the new pole barn on Lake Road.

RESULT: REPORT ISSUED

19. Report 2008-107

Calendar of Events

July 15	Porter-on-the-Lake Clean-Up	Porter-on-the-Lake	4:00 PM
July 24	Zoning Board of Appeals	Porter Town Hall	7:30 PM
August 7	Porter-on-the-Lake Committee	Porter-on-the-Lake	6:30 PM
August 7	Planning Board	Porter Town Hall	7:00 PM
August 11	Town Board	Porter Town Hall	7:00 PM

RESULT: REPORT ISSUED

20. Report 2008-105

Town Board Comments

Supervisor Wiepert reported that a graduation party was held at Porter-On-The-Lake and that all went well. The park committee continues to improve and maintain POTL.

With no further business to discuss, the regular board meeting of the Town of Porter was adjourned at 8:00 p.m. by a motion from Councilman Baia with Councilman White seconding. Motion carried unanimously.

Submitted by Gail Zachary, Town Clerk

RESULT: REPORT ISSUED