



Town of Porter

Town Board Meeting

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

~ Minutes ~

John MacArthur
(716) 745-3730

Monday, September, 11, 2006

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on September 11, 2006 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 | Present | |
| Larry White | Town of Porter | Councilman | Present | |
| John MacArthur | Town of Porter | Town Clerk | Present | |
| Norm Ault | Town of Porter | Supervispr's Assistant | Present | |
| Scott Hillman | Town of Porter | Highway Supt. | Present | |
| Karen Schmidt | Town of Porter | Assessor | Present | |
| Mike Dowd | Town of Porter | Town Attorney | Present | |
| Dave Britton | CRA | Town Engineer | Present | |
| Roy Rogers | Town of Porter | Bldg Inspector/Code Enforcement | Absent | |

II. Public Hearings

1. Public Hearing Comments

Supervisor Merton K. Wiepert introduced Mr. George R. Frantz, whose firm drafted, along with the Town of Porter Implementation Committee, the DRAFT **“A Strategic Plan for Preserving Agricultural Lands and Revitalizing the Agricultural Economy in the Town of Porter, New York”**.

Mr. Frantz began by stating this draft is a Strategic Plan, not a Master Plan, but is a supplement to the Master Plan. There are five priorities that stand out as being the most important for the

Town of Porter to pursue: (1) Right To Farm Local Law, (2) Public Education Campaign, (3) Grant Writing, (4) Town Agriculture Committee, and (5) Zoning Law Amendments.

Mr. Frantz passed out a revised Appendix G. These changes are the result of some initial input, and do not mean that the Town Board has to adopt them. They can be forwarded to Peter J. Smith and Company who can incorporate the concepts and provisions into the new zoning ordinance currently being drafted. These are *only recommendations*. Frantz' firm drafted these changes because they feel the current regulations for agriculture in the Town of Porter are not friendly ones to agriculture and farmers in the Town of Porter.

William Tower, 1709 Youngstown-Wilson Road- asked, on page 3 of the proposed revised Appendix G, there is a requirement for a lot area of a minimum 2 acres. He finds this very restrictive and discriminatory. He stated that the "Right To Farm Law" is a state law and should be enforced, and not changed to be in the Town of Porter Zoning Laws. Farmers live with many restrictions already and Mr. Tower says this two acre minimum recommended lot size is not right.

George Spira, 327 Riverview Drive - stated he felt the job on this "draft", very comprehensive, but when the draft was discussed at a Planning Board Meeting, the Planning Board couldn't see the reasoning for the 2 acre minimum. The Board also felt that the draft was very restrictive for farm lots. Mr. Spira stated that his Board (Planning) wants farmers to prosper and not make this plan too restrictive.

A question was asked about Elders Cottages.

George Frantz, "This Elder Cottage issue started in Pennsylvania, and the Town should consider establishing standards for this type of zoning, which could be incorporated into the Zoning Law. This is in the proposed revisions to Appendix G , dated September 8, 2006."

Tom Tower, 759 Youngstown-Lockport-Road- "I have written comments for the Town Board to review. I would like to thank the Town Board for their courage and foresight to embrace the concept of a Comprehensive Plan, and specifically recognizing the importance of agricultural issues to our Township. Thanks for the Public Hearing and all meetings, hearings, and work sessions over the past four years. Thanks to Supervisor Wiepert and Council members Nancy Orsi and Tom Baia for their unending and essential contributions. We cannot predict the future of the farmers and their value to the community, which is immeasurable. We need to protect farmland for our children and future generations. This Plan represents an excellent "snapshot" of where we are now as a rural/suburban fringe community and an examination of some of our weaknesses, a wide ranging offering of possible areas of opportunity and the proper role of local government in this process. It is important to our society and to our lives, we may not get rich, but to make a living. Do not have the Town Board hinder us, impair us, restrict us and not encumber us, but let us do our work on our farmland. Our Town government has recognized this project as an important step in the implementation of the Comprehensive Plan and I commend you heartily. I urge the Town Board to adopt this Strategic Plan for agriculture without reserve. I specifically commend the work of George Frantz and Associates on identifying as examples some of the glaring weaknesses in our zoning code-the contrary objectives in the ARR-100 Purpose Statement and sections 401.3 and 402.3 regarding special permits in Agriculture Districts. The only criticism I could offer would be the failure to stress the importance of this

step of the Comprehensive Plan to the awarding of grant money in future years. And once again, I thank the Town of Porter for its thoughtful efforts, specifically Supervisor Wiepert and Council Members Nancy Orsi and Tom Baia for your selfless dedication, and again recommend the adoption of this draft without reserve.”

William Choboy, 740 Lake Road said - “Thanks to all of you who have participated in this project, recognize and appreciate the value of our farmland, not only to those who farm it, but to its contribution to our quality of life and the character of our community. This draft report is the consultant’s work product and the conclusions and suggestions contained are a result of his (Mr. Frantz’s) observations and study. *These are only recommendations.* It is up to the Town to assess these recommendations and to determine which ones are beneficial. It is up to the Town to decide which ones they would like to implement, if any. As it says in the report, the report represents a first step in the process: a snapshot of agriculture in the Town of Porter today. I strongly urge the Town to adopt this report and consider the report’s recommendation to establish a Town Agricultural Advisory Committee composed of members of the farming community.”

Anna McCollum, 2417 Youngstown Lockport Road, stated her taxes have gone up the last three years. “I cannot develop the land. I will try to sell the land, just so that I have money to pay for the taxes.”

Cleland Truesdale, 3249 Lutts Road- “We would like to go on record as opposing our property at 3249 Lutts Road and the 40 acres west of Lutts Road being included in an Agriculture Only District as shown on pages 17 and 29 of the strategic plan. The Comprehensive Plan adopted by the Town in December 2004, sets forth the goals and objectives and is the basis upon which zoning and other land use regulations in the Town must be based. Section 2.1 (page 7) of the Town’s Comprehensive Plan provides for residential development. Primarily single-family residential uses mixed with existing agricultural uses. The Strategic Plan speaks of reducing development potential by requiring one house per two acres of land. This proposed zoning amendment is not in compliance with the comprehensive goals and is a veiled attempt to amend the Comprehensive Plan to eliminate residential use in agricultural/residential districts. Such proposed limitations may constitute a public taking by eliminating my right to sell my land for single-family use and require the payment by the Town to landowners such as myself for the loss of potential revenue. I am also concerned that the Town is not conducting such a review or study in accordance with SEQRA procedures. Shouldn’t this be occurring simultaneously? This addition to the Master Plan is a thinly disguised plan to keep the area as it was at the end of WW2, when everything that was open land was in use. Farming is not the answer. If your plan of no development is put into effect, you will end up with more property growing up to scrub growth like the Magna International property.

If you have the finances and ability to farm the land, ours is available for you to purchase. In closing, I have never seen such a blatant, arrogant attempt to trample on another persons freedom of choice by such a few people. I wish the group that formulated this “Strategic Plan” and the Planning Board would get in the 21st Century and let progress and new development occur.”

JoAnne Choboy, 740 Lake Road - “I would like to thank George for this report. Supervisor Wiepert have you heard from Niagara County Planning Board?”

Supervisor Wiepert, -“Yes I have heard from Niagara County Planning Board. The Niagara

County Planning Board calls it a good plan, and the Town was asked to refer it to the State Department of Agriculture and Markets for their review. This was done by Karen Schmidt.”

JoAnne Choboy - asked if the Town had made their recommendations on the Draft Report?

George Frantz - stated that the Town does not have to adopt the recommendations in Appendix G, and that it's not a complete set of zoning regulations. The Town may pick and choose what parts of this draft the Town wants Peter J. Smith and Company to fit into the Zoning Ordinance.

Marn Weld, 533 Lake Road - discussed the protection of the minority (Farmer).

Jane Richardson, 3529 East Avenue - “ I Look favorable on this plan. We need to eat. Up until World War II, the majority of the Town of Porter was farmland. I ask that you solicit input, and to revive farming in the Town of Porter.”

Paul Lehman, Niagara County Co-Operative Extension Service - “I have observed the process in the Town of Porter. I am very impressed. You need to listen to outsiders. The other Towns in Niagara County should use the Porter Model to do their own plan. The non-farm public does appreciate the farmer. I feel that we will need farmers a lot more in the future. It is important to get young people interested in farming. I am proud to have the Town of Porter in Niagara County, and I will work with the Town on this plan.”

Mary Ann Rolland, 3215 Creek Road- “I am very impressed with the draft. I am going to study this, and how to go about implementing some of these items. I'm presently working on the revitalizing of the Cold Storage Building in Youngstown. This revitalizing could create jobs. We need farmers working together and possibly start a Farm Co-Operative Operation.”

JoAnne Choboy - I would like to urge the Town Board to adopt this Plan. George Frantz and associated did a good job. If anyone has any comments, please submit them in writing to the Town Supervisor.

Supervisor Wiepert - stated Mr. Frantz will review the comments that he heard tonight, and we will forward any written comments to him, and ask him to prepare a new draft.

2. Agriculture Report Public Hearing

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

III. Public Portion

1. Public Comments

Harriet “Skeeter” Tower, 800 Main Street - “It has been about ten months now and I would like to know what is going on with the Code of Ethics Board. There are people on this Board that have a conflict of interest; I am speaking to those who have an interest with Chemical Waste Management.”

Councilman Baker asked, “Who on this Board has an interest in CWM?”

Harriet “Skeeter” Tower - “It is rumored *out there* that Jeff Baker, Larry White and Nancy Orsi all have conflicts.”

Councilwoman Orsi stated that her husband owns a security company which has a contract with CWM, but she has NO relatives she knows of who have anything to do with CWM.

Councilman White stated most emphatically that he has NO relatives who are associated with CWM.

Supervisor Wiepert - calmed tempers and stated, “Our Code of Ethics Law is approximately 30 years old. We do have a Code of Ethics in the Town Employee Handbook which was adopted July 14, 1997. The revision was adopted by Town Board resolution October 3, 2005. If you would like copies, I will make them for you.”

William Choboy - “The Town does not have an update Ethics Plan like the Town of Amherst.”

Attorney Dowd - “The Code of Ethics and Conflicts of Interest laws fall under the Public Officials Law, and the Town will comply with the statutes of the Law as it pertains to them.”

William Choboy-“I think that it is time for the Town Board to work on an update of the Code of Ethics Law.”

Supervisor Wiepert - “I have copies of other Towns Ethics Laws, Amherst has one and is very lengthy. The Town of Porter is a small Town, and we do not have to get as specific as the Town of Amherst. I advise that the Town Board read the Code of Ethics Law in Town Law and also in the Town Employee Handbook. Mr. Choboy if you want copies let me know.”

Mike Mahar, CWM - reported on several updates: (1) August 25, 2006, 500 people attended the CWM Open House. (2) September 7, 2006 we received permission from the Department of Environmental Conservation to discharge Pond 3 into the Niagara River, and will start discharging this week (9/11-9/15); (3) September, the Town of Porter will be hosting a CAC (Community Advisory Committee) Meeting at the Porter Town Hall at 3:00 P.M.

IV. Minutes Approval

1. Monday, August 14, 2006

| Ü Vote Record - Acceptance of Minutes for August 14, 2006 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 | Seconder | p | .. | .. | .. |
| | Jeff Baker | Voter | p | .. | .. | .. |
| | Larry White | Voter | p | .. | .. | .. |

V. Reports and Resolutions**1. Resolution 2006-117**

Payment of Audited Vouchers Totaling \$496,072.63

TOWN OF PORTER

WARRANT: POST AUDIT - AUG 2006 8/31/06

| | | |
|-------------|-----------|------------------|
| FUND | 01 | 5,611.32 |
| FUND | 02 | 907.53 |
| FUND | 03 | 344.50 |
| FUND | 04 | 468.80 |
| FUND | 06 | 204.42 |
| FUND | 07 | 1,794.30 |
| FUND | 10 | 749.92 |
| | | 10,080.79 |

VOUCHER 8264 THRU 8286

WARRANT: # 9 SEPT 2006 9/11/06

| | | |
|-------------|-----------|------------|
| FUND | 01 | 23,529.67 |
| FUND | 02 | 50,676.91 |
| FUND | 03 | 5,232.18 |
| FUND | 04 | 397,176.29 |
| FUND | 06 | 5,951.51 |
| FUND | 07 | 1,175.28 |
| FUND | 12 | 1,650.00 |
| FUND | 35 | 600.00 |

TOTAL 485,991.84

VOUCHER 8287 THRU 8369

496,072.63

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

2. Report 2006-4

Supervisor

- Supervisors Monthly report for August 2006 was distributed to all Town Board Members.
- July Sales Tax \$78,307.65, down \$663.96 from July 2005.

RESULT: REPORT ISSUED

3. Report 2006-5

Town Clerk Report

Town Clerk's Report for August 2006

| | |
|---------------------------|--------------|
| Water Receipts: | \$ 26,013.41 |
| Sewer Receipts: | 62,192.88 |
| Licenses and Fees: | 840.25 |
| S.P.C.A. Animal Contacts: | 15 |

RESULT: REPORT ISSUED

4. Report 2006-2

Supervisor's Assistant

Supervisor's Assistant Monthly Report - August 2006

1. Completed processing all August 2006 Vouchers and Journal Entries.
2. Prepared Supervisor's Monthly Report for August 2006 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 the 2007 Town Budget.
8. The 2006 Cabbage Festival will be October 1st.
9. Attended Town Board work session.
10. Attended meeting on the "Needs Assessment" Grant.
11. Attended meeting with Flexcare concerning 2007 rates.
12. Met with Beyondus on new web page design.

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

5. Report 2006-1**Assessor**

Monthly Report

RE: August 2006

Completed monthly inspections for verification of sale and completion of building projects.

Processed monthly sales transfers and splits.

Defended two SCAR claims (three filed total).

Prepared and filed school assessment roll in preparation of school tax warrant.

Met with website designers to develop protocols for new website.

Attended Planning Board and Zoning Board of Appeals meetings.

Prepared annual department budget estimate.

Requesting approval of contract for appraisal consulting for 2007 assessment cycle.

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

6. Resolution 2006-116**Contract for Professional Assessment Services**

Authorize Porter Town Supervisor to sign a contract with Penale Appraisal Services, in the amount of \$10,000, to provide appraisal consulting services to the Town of Porter for the 2007 assessment cycle.

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

7. Report 2006-11

Highway Department

Department of Public Works
Monthly report for August 2006

Highway Department:

1. Completed monthly brush and refrigerator pick up.
2. Completed Nova Chip resurfacing on Riverview Dr., Howard Dr. and Calkins Rd.
3. Provided assistance to the Village and Town of Lewiston with trucks and roller for their Nova Chip projects.
4. Provided assistance to the Town of Wilson with trucks for their IPR on Birch Rd.
5. Completed an additional round of roadside mowing.
6. I attended a training work shop regarding the MS4 regulation for municipalities.
7. Provided assistance to the Town of Newfane with trucks hauling blacktop for their repaving project.
8. Road work on Mallory Drive and Groveland Ave. will start as soon as the DOT permits are approved.

Drainage Department:

1. Completed 2 drainage projects off Ransomville Rd. south of Balmer Rd.
2. We have resumed drainage mowing with two mowers.

Water and Sewer Department:

1. Completed monthly meter reading.
2. The Balmer Rd Water Tank has been refilled and tested and will be put back on line when the test results are approved by the county health department.
3. We have started repainting fire hydrants and will continue as long as the weather allows.

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

8. Resolution 2006-119**Highway Expo**

Authorize Highway Superintendent Scott Hillman to attend the 2006 Highway Expo on October 18th, 2006 in Syracuse, NY.

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

9. Resolution 2006-118**Billing Adjustment - One-Time Sewer Deduction; First Time Pool Filled**

Pool credit for sewer (per sewer contract) was adjusted for Account # 20-0091.02 in the amount of \$64.22.

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

10. Report 2006-9**Building Inspector****TOWN OF PORTER PERMITS ISSUED IN THE MONTH OF AUGUST 2006**

| # | NAME | ADDRESS | Reason | COST: | FEE: |
|----------|-------------------|--------------------------|---------------|--------------|-------------|
| 47 | Kramer, Jason | 923 Balmer Rd | Deck | 700 | 25.00 |
| 48 | Brown, William | 2652 Yngstwn-Lockport Rd | Addition | 2,500 | 50.00 |
| 49 | Copping, William | 373 Riverview Dr | Shed | 3,000 | 25.00 |
| 50 | Wieland, Ken | 801 Lockport Rd | Addition | 4,500 | 35.00 |
| 51 | Mathewson, Caroll | 3660 Parkdale Dr | Shed | 1,800 | 25.00 |
| 52 | Orsi, Paul | 629 Lake Rd | Garage | 14,100 | 35.00 |

| | | | | | |
|--|------------------|------------------------|--------|---------------|---------------|
| 53 | Swanson, Timothy | 1315 Yngstwn-Wilson Rd | Shed | 5,300 | 25.00 |
| 54 | Farr, Heather | 3843 Ransomville Rd | Fence | 1,200 | 25.00 |
| 55 | Knapp, Mary Jane | 3644 Lutts Rd | Garage | 10,000 | 35.00 |
| 56 | Sirianni, Victor | 509 Lake Rd | Shed | 4,000 | 25.00 |
| 57 | Masic, Frank | 2452 Lockport Rd | Shed | 4,000 | 25.00 |
| <u>Estimated total cost of construction</u> | | | | 51,100 | 330.00 |

Certificate of occupancy issued to:

14- Michael Sloma 458 Riverview Dr.
06

RESULT: REPORT ISSUED

11. Report 2006-6

Engineer's Report

Water Tower recommendations was given to the Town board

Mallory/Groveland Road improvement project ready to start

RESULT: REPORT ISSUED

12. Report 2006-7

Town Attorney

Town Attorney Mike Dowd had nothing to report.

RESULT: REPORT ISSUED

13. Report 2006-12

Master Plan Implementation Committee

The committee had nothing to report for August 2006.

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

14. Report 2006-13

Communication

Received a letter of resignation from Planning Board member, Gary Myers, effective immediately.

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

15. Report 2006-8

Upcoming Events

9/28 Zoning Board of Appeals - 7:30Pm
10/1 Cabbage Festival
10/5 Planning Board - 7:00Pm
10/9 Town Hall Closed - Columbus Day
10/16 Town Board Meeting - 7:00Pm

With nothing else for the Board to consider the meeting was adjourned at 9:17PM.

Submitted by,

John MacArthur, Town Clerk

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