



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Barb DuBell
716-745-3730

Monday, December 11, 2017

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on December 11, 2017 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert Wiepert	Town of Porter	Supervisor	Present	
Jeff Baker	Town of Porter	Deputy Supervisor	Present	
Thomas Baia	Town of Porter	Councilman	Present	
Larry White	Town of Porter	Councilman	Present	
J. Duffy Johnston	Town of Porter	Councilman	Present	
Barb DuBell	Town of Porter	Town Clerk	Present	
Kara Hibbard	Town of Porter	Deputy Town Clerk	Absent	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	
Bernie Rotella	Town of Porter	Grant Writer	Present	
Mary Siegrist	Town of Porter	Bookkeeper	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Susan Driscoll	Town of Porter	Assessor	Present	

II. Reports/Resolutions

III. Resolutions

1. Resolution 2017-90

Minutes Approval

Resolution to approve the minutes of the November 13, 2017 regular meeting of the Porter Town Board and the work session held on November 15, 2017.

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

2. Resolution 2017-91

Audited Vouchers

Resolution to approve the vouchers as audited by the Porter Town Board.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry White, Councilman
SECONDER:	J. Duffy Johnston, Councilman
AYES:	Wiepert, Baker, Baia, White, Johnston

3. Resolution 2017-92

Acceptance of Supervisor's Report

Resolution to accept the Supervisors report for November 13, 2017.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Baker, Deputy Supervisor
SECONDER:	J. Duffy Johnston, Councilman
AYES:	Wiepert, Baker, Baia, White, Johnston

4. Resolution 2017-96

Reduce Number of Recreation Commissioners

Resolution to reduce the number of Recreation Commissioners from seven to five.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry White, Councilman
SECONDER:	J. Duffy Johnston, Councilman
AYES:	Wiepert, Baker, Baia, White, Johnston

IV. Reports

1. Report 2017-251

Supervisor's Report

Public hearing on water sewer rates Monday December 18, 2017 @ 7:00 pm.

Motion to set Public Hearing for December 18, 2017 @ 7:00 PM was made by

Councilman Baker and seconded by Councilman Johnston. Motion carried.

Checks and warrants to be paid for the month of November.

Go over Porter on the Lake, rules, regulations and needed improvements.

Year-end meeting December 27, @ 3pm.

Jackie Robinson is the Chairperson for the Zoning Board of Appeals.

Updating the alarm system.

Motion to spend no more than \$1,000 to update the alarm system made by Councilman Baker and seconded by Councilman Johnston. Motion carried.

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

2. Report 2017-240

Town Clerk

November Clerk Fees: \$570.41

Water \$21,532.73

Sewer: \$26,515.91

Received the following resignation:

Dear Commission Members:

With much regret, for health reasons, I am resigning my position as a member of the town of Porter Recreation Commission. I have enjoyed the time I was able to spend as a commission member and I hope that, in the future, when I am able, I could be allowed to volunteer during the Summer recreation Program from time to time.

I have been proud to be a part of this wonderful program and I wish you all further success.

Sincerely,
Michelle Downs

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

3. Report 2017-241**Bookkeeper**Bookkeeper

Payroll completed for the month of November

Refunds made \$100.zoning hearing / \$50.dog shelter

Completed all monthly reports - supervisor report, November retirement. Deposit summary.

Completed Adopted Budget for 2018

All vouchers paid for November \$ 67,057.26

Resolution to move \$12,000 from building equipment to building contractual.

No action taken at this time.

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

4. Report 2017-242**Recreation****RE: November Recreation Report**

- Story Hour continues at the Youngstown Library on Tuesdays and the Ransomville Library on Wednesdays. Programs begin at 9:30am.
- Yoga continues on Wednesday evenings at 6:30pm in the Cora Gushee Room at the Youngstown Village Center.
- Chair Yoga is offered on Tuesdays at 9:30am in the Cora Gushee Room at the Youngstown Village Center.
- Our next meeting is Thursday, December 14, 2017 at 7:00pm.

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

5. Report 2017-243

Assessor

ASSESSOR'S REPORT

- With Lewiston Assessor, attended Lewiston Porter School Board meeting at their invitation, to answer questions from the Board and the public on the topic of a potential Veteran's Star exemption
 - Met with Jim Sharpe to discuss future workflow between the Tax Collection and the Assessor's Office
 - Attended Niagara County Assessors, Planning Board, Zoning Board of Appeals monthly meetings
 - Continued receiving STAR Enhanced exemption and agricultural assessment annual renewals for 2018 roll
 - On-going training of temporary clerk in all aspects of position
 - Processed October deed transfers.
- October sales of note, which will affect our equalization rate going forward:

45.19-1-54.2	Lockport St	TAV \$17,000	Sale Price \$55,000
46.03-1-41	966 Meadow Dr	TAV \$95,200	Sale Price \$190,000
59.00-2-33.11	687 Blairville Rd	TAV \$59,700	Sale Price \$89,000
46.00-2-39.3	3393 Creek Rd	TAV \$120,900	Sale Price \$175,000

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

6. Report 2017-244

Building Inspector/Code Enforcement Officer

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER - MONTHLY REPORT - November 2017

- ☐ Reviewed and issued permits as per Permit Report - forwarded to the Board via email & paper copy in mail boxes.
- ☐ Prepared information and attended Planning Board Regular Meeting 11/2/17.
- ☐ Prepared information and attended Zoning Board of Appeals - regular meeting 11/30/17.

- ☐ Plan review and analysis for submitted building projects.
- ☐ Received, inspected, and issued Complaint/Violations as per "Complaint by date" report - forwarded to the Board via email & paper copy in mail boxes.
- ☐ Successfully completed course Four (4) of six certification training course (NYSDOS) - three (3) days.
- ☐ Received notice and grade from Civil Service exam; thereby making appointment possible.
- ☐ Responded to multiple emailed & telephone inquiries - (questions regarding building and zoning requirements); on a daily basis.
- ☐ Attended two court hearings regarding complaint violations.
- ☐ Met with Dave Britton, GHD engineering, regarding Drainage provisions/stipulations on East Ave. Marigold subdivision.
- ☐ Researched and assembled a presentation on "Zombie Properties" for the Training Seminar of both the Planning & Zoning Boards on Nov. 6, 2017.

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

7. Report 2017-245

Highway

Monthly Report for November 2017

Highway Department:

1. Completed a driveway culvert replacement on Dickersonville Road.
2. Installed Christmas wreaths and Banners in Ransomville with assistance from the Town of Wheatfield.
3. Finished marking snow plow routes.
4. We are continuing to work on our winter equipment.
- 5.

Drainage Department:

1. The off road mowing is complete.
2. We installed a flared end section on a drainage pipe off Cain Rd.

Water and Sewer Department:

1. Completed our monthly meter readings.
2. Completed a water service installation on Ransomville Road.
3. Completed repairs to 3 water breaks, 1- on Youngstown/Lockport Rd., 1- on Riverview Drive and 1- on Wilkesmore Lane.
4. Completed repairs to the stand-by power generator at Lakeshore 2 Lift Station.

Respectfully submitted,

Scott B. Hillman

Superintendent of Highways

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

8. Report 2017-246

Engineer

1. General Engineering Support

- New generator at Town Hall
 - Final Plans and Contract Documents have been completed and Cost Estimate provided.
- Future Action Items: Advertise for construction subject to availability of funds
- Residential Drainage Plan Reviews
 - 3309 East Avenue
 - 1723 Harrison Lane
 - 2432 Balmer Road
- Water Tank Replacement Project.
 - EFC Grant Application submitted June 2017
 - SEQR Lead Agency coordination completed
 - 30 day comment period over and regulatory agency comments received (SHPO - No impact)
 - Town Board to authorize the Supervisor to sign a Negative Declaration at the December board meeting
- Porter - Bank Stabilization Grant
 - Environmental Due Diligence requirements (NEPA, SEQRA, SHPO/THPO, Floodplain)

Town Board Action Items: **SEQR resolution, lead agency designation, floodplain notice**

Engr. Amico: Completed a couple of residential drainage plan reviews for East Avenue, Harrison Lane and Balmer Road. For the water tank replacement project and the Porter Stabilization Project, I need a resolution for you to sign a negative declaration for both projects.

Grant Writer Rotella: We went thru the environmental facilities corporation; they requested that we submit SEQR and the SHPO letter that the Engineer is working on. Part of my report is that we're putting in the grant for the shoreline stabilization and the property at Fort Niagara Beach which also requires a negative declaration. That grant is 100% funded, if awarded it's \$450,000. This is ready to go at the end of the month; we need the negative declaration for this project as well.

Attorney Dowd: Did we ever adopt lead agency for the shoreline stabilization? We can't issue a negative declaration on the waterfront stabilization because we can't review the SEQR until the coordination period has passed. We can't take action on the second one.

Rotella: What do I do with the application; I need that for the 29th of December.

Dowd: Technically you can't do anything on SEQR until that coordinated review letter is out. We'll need to have a special meeting.

Baker: We have another meeting on Monday the 18th.

Rotella: I will still get the application done with the thought that SEQR will be approved by resolution.

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

9. Resolution 2017-94

Negative Declaration

Town Board to authorize the Supervisor to sign a negative declaration for the project based, water tank, upon the Engineer recommendation of no significant environmental impact.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Baker, Deputy Supervisor
SECONDER:	J. Duffy Johnston, Councilman
AYES:	Wiepert, Baker, Baia, White, Johnston

10. Report 2017-247

Attorney

Went to Rochester to argue the Freck vs Town of Porter appeal. There is an appeal on that decision.

Working with Scott to finish that Corrective Action plan by the end of the month.

I took a look at the contract that Scott provided for the paver, now there a 4 or 5 lawyers from other towns involved. It's ground to a halt trying to hash out the language.

At the last zoning board meeting we had a discussion regarding the drainage problem that's creating problems for the people that are building homes on East Avenue. Back in the early 90's when the subdivision was approved, the town got the easement. The town engineers indicated that drainage was required and asked for a **PIP** permit from the developer. It means that the developer was supposed to get a bond to ensure that the work was done and then pay for the engineers to do the work of putting in a drainage swale. That work was never done. The developer is now dead and the property has been sold a few times. Now people are looking for building permits and the engineers tell us that there are drainage problems back there, we can't issue the permits.

I think Scott would like permission from the town board to put in the swale. We should've made sure it was done on time years ago. Now these homeowners are affected. The town already has the easement; Scott could take of it in the spring. Pete needs to make sure that is approved because there are people here tonight that are looking for a building permit.

Bldg. Inspector Jeffery: We have 3 new houses there that are waiting to be approved with the stipulation that the drainage swale gets installed. There are 6 lots and more to be sold.

Hwy Supt. In order to adhere to the drainage plans that were submitted by the engineers that swale has to go in. It's not a huge project. I believe that the town should do it so they can have their drainage as long as we're sure we can go in there and maintain it after the fact. It'll have to go in in the spring.

Motion made by Councilman White to allow Highway Superintendent Hillman to install a swale behind the houses on East Avenue. Seconded by Councilman Johnston. Motion carried.

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

11. Report 2017-248

Grant Writer

Grants Status Report: Projects we are currently working on:

LWRP: Meeting was held last week (November. 5th) LWRP moving along and on schedule. The LWRP is complete as far as sections go. The consultant will prepare a complete draft for review by February 2018.

Greenway: Reimbursement requested will be submitted for the sign this week.

EFC Drinking Water Grant: The Water Tower and water distribution grant was denied and EFC has request a resubmitted. They are requesting additional SEQR and SHPO letters. This will be completed and resubmitted this spring.

- Project will include GHD's engineering model
- Listing will include the entire project area
- Project cost submitted for \$5,800,000

CFA POL Kayak Launch Project was submitted July 28th.

Project \$64,830 (Town share 50%) Notification is pending.

Waterfront Advisory Committee Meeting Summary

Date of Meeting: September 7, 2017

Meeting Time: 10:00 AM

Meeting Location: Porter Town Hall

Subject: Town of Porter Local Waterfront Revitalization Program

Attendees:

<input checked="" type="checkbox"/>	Kathy Zasucha	<input checked="" type="checkbox"/>	Wendy Salvati, WWS Planning
<input type="checkbox"/>	Wendy Shaw	<input type="checkbox"/>	Ellen Parker, Wendel
<input checked="" type="checkbox"/>	Tony Collard	<input type="checkbox"/>	Merton Wiepert, Town Supervisor
<input checked="" type="checkbox"/>	Dottie Riordan	<input type="checkbox"/>	Renee Parsons, DOS
<input checked="" type="checkbox"/>	Bernie Rotella (by telephone)	<input type="checkbox"/>	

PROJECT SCHEDULE UPDATE/OLD BUSINESS

Wendy Salvati provided the committee with a copy of an updated schedule, which more accurately reflects project tasks and timelines in light of the fact that the committee has not met since June, which allowed the schedule will slip. However, Wendy explained that the next tasks (which includes the preparation of Sections IV and V) could be expedited in an effort to not let the schedule move out more than necessary. We are still on track to get the project finished up by early spring 2018.

INVENTORY AND ANALYSIS - REVIEW AND COMMENTS

An updated copy of Section II - Inventory and Analysis, which reflected the comments that were gathered at the June 8th WAC meeting (see June 8th meeting summary), was previously sent to the committee for their review and comments. Wendy asked for any further comments, as she would like to get this section finished and sent to Renee Parsons at DOS for her review. Wendy reviewed each area in the inventory narrative that was revised, with primary focus on Section 2.7.5 - Erosion and Section 2.9.3 - Wastewater Management. Wendy also provided Kathy Zasucha with a copy of the information that was received from the Niagara County Dept. of Health with regard to Willow Beach (permit and inspection report. She explained that the erosion section was updated to reflect her conversation with DEC regarding shoreline erosion and conditions along the Lake Ontario shoreline. The Wastewater Management section includes new text to reflect how sanitary waste disposal is handled at Willow Beach and the current status of this facility based on the information received from Niagara County.

Wendy asked the Committee to please review the updated erosion and wastewater sections and provide her with any last comments at or before the October committee meeting so she can get this section finalized. Thereafter, the draft inventory and maps would be sent to DOS and it could be posted on the Town's website, along with the mapping.

A few minor comments were offered for Section II, including a name change for the Buffalo Niagara Riverkeeper, who is now the Buffalo Niagara "Waterkeeper".

LWRP POLICIES

Wendy previously provided the committee with a preliminary draft copy of Section III - LWRP Policies, which is a revision of the 44 NYS coastal management policies to reflect local conditions in Porter. Wendy noted that all of the new narrative and sub-policies were highlighted in yellow to illustrate what was revised or added. Wendy reviewed the draft, page by page, to discuss the changes and confirm that certain provisions were accurate.

Wendy emphasized that sub-policies and narrative language were included for Four-Mile and Six-Mile creeks, to recognize the need for maintenance of erosion protection structures, and to address the Town's position on energy generation and alternative energy resources, among other things. Kathy Zasucha asked if the Town would need to petition the State to have Six Mile Creek evaluated for significant habitat designation. Wendy said that she would ask Renee Parsons about this.

Wendy asked the Committee to please review draft Section III and provide any comments, questions or concerns at the next committee meeting so that the draft could be finalized.

SECTION IV - PROPOSED LAND AND WATER USES AND PROPOSED PROJECT AND SECTION V - TECHNIQUES FOR IMPLEMENTATION OF THE LWRP

Wendy explained that the next sections of the LWRP to be completed were Section IV and V and what they entailed (referring the committee to the draft Table of Contents). Wendy reviewed the existing land use map with the committee; aside from the desire for the Niagara Country Club to remain a recreational use in the future, no other areas were identified for change. As the Town does not have any marinas, public docks, or other harbor infrastructure, a formal Harbor Management Plan will not be prepared; additionally, there are no significant water uses to discuss and no changes to recommend.

Proposed projects were discussed and a few suggestions were made, as follows:

- Potential for erosion protection improvements along the shoreline of the Town-owned land in the Fort Niagara Beach area. Tony Collard noted that there is one resident in that area that currently wants the Town to seek SEQR lead agency status for an erosion protection project that is being proposed. As the Town owns the entire shoreline (approximately 610 feet) in this area, and there are other residential structures that need protection, it would make sense to undertake a larger project to fortify the shoreline, which is currently badly in need of repair and protection.
- Improve the existing pedestrian pathway, which extends from the southern Town line to the Village of Youngstown in Sub-Area 1 (along Lower River Road), to accommodate bicycle use. The path would need to be widened to ensure there is sufficient area for multiple users and to ensure ADA accessibility. Improving this pathway will provide for a better trail connection along the Niagara River between Joseph Davis State Park, the Village of Youngstown and Fort Niagara State Park.
- Extend the multi-use trail along the Niagara Scenic Parkway, which currently ends at Joseph Davis State Park in the Town of Lewiston, immediately south of the Town of Porter. This trail should be extended to the north to connect with (and interconnect) Fort Niagara State Park, Four Mile Creek State Park and Porter on the Lake Town Park, which are all part of the Niagara Greenway system.
- Identify potential locations for public access to Six Mile Creek for passive recreational use, similar to the fishing access currently available along Four Mile Creek.

Wendy discussed the sub-sections for Section V; she will prepare a narrative discussion of existing laws that affect LWRP implementation. She said that the zoning along the waterfront was previously updated as a part of the Town's comprehensive plan update in 2004 and she did not see any changes that would be required to the Waterfront Residential district that extends along the full extent of the waterfront. However, it was recommended that the Town consider the adoption of a Parks and Recreation zoning classification that could be applied to the State and Town parks in the LWRP. This classification could also be applied to the Niagara Country Club to help ensure that this facility remains in recreational use, and is not readily transitioned to residential use if the country club should close. It is the Town's desire to maintain and expand recreational uses, and this site is one of the few locations available for such action. Wendy will provide a copy of a draft Parks and Recreation district that was recently prepared for the City of Tonawanda LWRP, for the committee to review and consider (see attached).

Other local laws that would be needed to implement the LWRP include the Local Waterfront Revitalization Coastal Consistency Law, and supporting waterfront assessment form (WAF), and a local Coastal Erosion Hazard Area (CEHA) Law. The coastal consistency review law is required and Wendy will provide a draft of this law and the WAF. The committee had previously discussed the desire to localize the erosion protection and permitting process, similar to what the Town of Wilson does (see June 8th meeting summary). Wendy can also provide a draft CEHA law for the committee to review and consider. This will be discussed further at the next committee meeting.

Finally, Wendy asked about the management structure for undertaking LWRP consistency review. It was noted that the Town's Building Inspector would be the point person for the required use and receipt of completed waterfront assessment forms for certain projects proposed within the LWRA. These forms would be forwarded to the Town Planning Board for review and recommendations, which would be provided back to the building inspector for final action.

OTHER BUSINESS

Wendy also briefly discussed the final sections of the LWRP (see Table of Contents) and what they involve. She explained that Section VI is comprised of two parts, one that is boiler plate narrative provided by DOS and a second part that she will complete to identify the federal and state agencies that could assist the Town with LWRP implementation. Wendy explained that Section VII outlines how the Town worked to gain local support for the LWRP, including the use of the WAC, public meetings, website postings, and recognition of other regional LWRP programs (Lewiston and Wilson).

The next public meeting was briefly discussed. This meeting would be held to present a summary of the inventory findings (issues and opportunities), a summary of the LWRP policies, proposed land uses and projects, and proposed zoning and other regulations. It was noted that now that the public understands that the LWRP is not the vehicle for achieving immediate action for erosion protection, and that there is a separate initiative in motion to address existing shoreline erosion and water level problems on Lake Ontario, attendance at the next meeting will likely be reduced. The tentative date for the meeting is Thursday, October 26th. This is the night of a ZBA meeting and Kathy is investigating the possibility for the committee to hold the public meeting on this same evening (there may be no ZBA agenda or they could possibly meet earlier or meet in the conference room depending on their agenda).

ACTION ITEMS / NEXT STEPS

- Prepare meeting summary and distribute to Committee and DOS.
- Address any final comments on the draft inventory and analysis and submit revised draft to DOS for review and comments.
- Post draft Section I - LWRA Boundary and draft Section II - Inventory and Analysis, and supporting maps, on the Town's website.
- Prepare draft Section IV - Proposed Land and Water Uses and Proposed Projects, and draft Section V - LWRP Implementation, and send to the Committee prior to next meeting.
- Committee to review draft Section III - LWRP Policies and provide comments at next meeting.

Meeting adjourned at 11:45 AM. **Next meeting tentatively scheduled for Tuesday, October 3rd at 10:00am.**

Respectfully Submitted,

Wendy E. Weber Salvati, AICP

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

12. Report 2017-252

Calendar of Events

Public Hearing on Proposed Water/Sewer Rates:

Monday, December 18, 2017 @ 7:00 PM

Zoning Board Meeting:

No December Meeting

End of Year Meeting:	Wednesday, December 27, 2017 @ 3:00PM
Organizational Meeting:	Tuesday, January 2, 2018 @ 3:00 PM
Planning Board Meeting:	Thursday, January 4, 2018 @ 7:00 PM
Town Board Meeting:	Monday, January 8, 2018 @ 7:00 PM

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

13. Report 2017-249

Public Comments

Norm Swann: Thanked Mert for his services to the town. Tom the same thing to you. Not too many people want to put their necks out to service on boards anymore.

I've been reading about this water sewer problem in the paper. Seems like someone must have tipped of the state to get them involved. What's the total, it's been going on for 5 years.

Attorney Dowd: The comptrollers audit dealt with the state and the state parks. Part of that figure, they had assumed that they didn't put a dime towards the recent capital improvements. Part of that corrective action plan that I talked about was to sit down with the state. I spoke to Mr. Caserta today on the village action to get all three communities together and try to figure out what that real number is. The town thinks that the villages inflate the numbers and the village thinks that the town owes them some money. We have to get the state involved. Going forward we need to change the method. Right now I can't tell you what the dollar amount is, we'll have that number in the next 60 - 90 days.

Swann: Who figures the rates for the town, who does the billing?

Dowd: That's all part of the budget process and based on the previous year's expenses were, you try to do an estimate to see if you're going to have enough.

Swann: Is the town sewer in the red, right now, with the village not paying you guys?

Wiepert: Very close.

Bob Emerson, Old Fort Niagara: I just wanted to announce that the every year the Youngstown Garden Club decorates the French Castle. This year from the 17th thru the 23rd, Sunday thru Saturday, from 9:00 to 4:30, any town of Porter resident and family can come for free and see the decorations. Please bring ID to show you are a resident.

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

14. Report 2017-250**Town Board Comments**

Councilman Johnston: At our last work session we talked about these metal roofs going on, we're going to have to address that and put it in our codes. We're one of the only towns around that don't have the safety clips at the end for the snow flow. We need to get that in our books, our zoning laws don't cover that. They have them over doorways but they should be put all the way around.

Attorney Dowd: I don't know if it's in the NYS Building code that there are supposed to be snow breaks, it should be in the code.

Bldg. Inspector Jeffery: I don't believe it is, I've done a cursory check and not found anything. I'll look into it.

Attorney Dowd: Congratulations Mert ,Tom enjoy your retirement.

Supv. Wiepert: It's been a pleasure serving the board I've been a supervisor for 17 years and 18 as a councilman, so I got my retirement time in. I have a couple of cars I want to work on. I had a good time, learned a lot.

Councilman Baia: I served 2 terms on the town board, I enjoyed it very much. I walk in here during the week and everyone is nice to me. We're very fortunate to have a town like this. Thank you so much.

Supv. Wiepert: Merry Christmas everyone.

Motion to adjourn was made at 7:41 pm by Councilman Baker and seconded by Councilman White.
Motion carried

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



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-90

Meeting: 12/11/17 07:00 PM

Minutes Approval

Resolution to approve the minutes of the November 13, 2017 regular meeting of the Porter Town Board and the work session held on November 15, 2017.

✓ Vote Record - Resolution RES-2017-90						
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Mert Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jeff Baker	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Thomas Baia	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. Duffy Johnston	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-91

Meeting: 12/11/17 07:00 PM

Audited Vouchers

Resolution to approve the vouchers as audited by the Porter Town Board.

✓ Vote Record - Resolution RES-2017-91						
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Mert Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jeff Baker	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Thomas Baia	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry White	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. Duffy Johnston	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-92

Meeting: 12/11/17 07:00 PM

Acceptance of Supervisor's Report

Resolution to accept the Supervisors report for November 13, 2017.

✓ Vote Record - Resolution RES-2017-92						
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Mert Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jeff Baker	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Thomas Baia	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. Duffy Johnston	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-96

Meeting: 12/11/17 07:00 PM

Reduce Number of Recreation Commissioners

Resolution to reduce the number of Recreation Commissioners from seven to five.

✓ Vote Record - Resolution RES-2017-96						
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Mert Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jeff Baker	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Thomas Baia	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry White	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. Duffy Johnston	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Town of Porter
3265 Creek Road
Youngstown, NY 14174

2017-251

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

Meeting: 12/11/17 07:00 PM

4.1

Supervisor's Report

Public hearing on water sewer rates Monday December 18, 2017 @ 7:00 pm.

Motion to set Public Hearing for December 18, 2017 @ 7:00 PM was made by Councilman Baker and seconded by Councilman Johnston. Motion carried.

Checks and warrants to be paid for the month of November.

Go over Porter on the Lake, rules, regulations and needed improvements.

Year-end meeting December 27, @ 3pm.

Jackie Robinson is the Chairperson for the Zoning Board of Appeals.

Updating the alarm system.

Motion to spend no more than \$1,000 to update the alarm system made by Councilman Baker and seconded by Councilman Johnston. Motion carried.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-240

Meeting: 12/11/17 07:00 PM

Town Clerk

November Clerk Fees: \$570.41

Water \$21,532.73

Sewer: \$26,515.91

Received the following resignation:

Dear Commission Members:

With much regret, for health reasons, I am resigning my position as a member of the town of Porter Recreation Commission. I have enjoyed the time I was able to spend as a commission member and I hope that, in the future, when I am able, I could be allowed to volunteer during the Summer recreation Program from time to time.

I have been proud to be a part of this wonderful program and I wish you all further success.

Sincerely,
Michelle Downs



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-241

Meeting: 12/11/17 07:00 PM

Bookkeeper

Bookkeeper

Payroll completed for the month of November

Refunds made \$100.zoning hearing / \$50.dog shelter

Completed all monthly reports - supervisor report, November retirement. Deposit summary.

Completed Adopted Budget for 2018

All vouchers paid for November \$ 67,057.26

Resolution to move \$12,000 from building equipment to building contractual.

No action taken at this time.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-242

Meeting: 12/11/17 07:00 PM

Recreation

RE: November Recreation Report

- Story Hour continues at the Youngstown Library on Tuesdays and the Ransomville Library on Wednesdays. Programs begin at 9:30am.
- Yoga continues on Wednesday evenings at 6:30pm in the Cora Gushee Room at the Youngstown Village Center.
- Chair Yoga is offered on Tuesdays at 9:30am in the Cora Gushee Room at the Youngstown Village Center.
- Our next meeting is Thursday, December 14, 2017 at 7:00pm.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-243

Meeting: 12/11/17 07:00 PM

Assessor

ASSESSOR'S REPORT

- With Lewiston Assessor, attended Lewiston Porter School Board meeting at their invitation, to answer questions from the Board and the public on the topic of a potential Veteran's Star exemption
- Met with Jim Sharpe to discuss future workflow between the Tax Collection and the Assessor's Office
- Attended Niagara County Assessors, Planning Board, Zoning Board of Appeals monthly meetings
- Continued receiving STAR Enhanced exemption and agricultural assessment annual renewals for 2018 roll
- On-going training of temporary clerk in all aspects of position
- Processed October deed transfers.

October sales of note, which will affect our equalization rate going forward:

45.19-1-54.2	Lockport St	TAV \$17,000	Sale Price \$55,000
46.03-1-41	966 Meadow Dr	TAV \$95,200	Sale Price \$190,000
59.00-2-33.11	687 Blairville Rd	TAV \$59,700	Sale Price \$89,000
46.00-2-39.3	3393 Creek Rd	TAV \$120,900	Sale Price \$175,000



Town of Porter
3265 Creek Road
Youngstown, NY 14174

2017-244

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

4.6

Meeting: 12/11/17 07:00 PM

Building Inspector/Code Enforcement Officer

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER - MONTHLY REPORT - November 2017

- ☐ Reviewed and issued permits as per Permit Report - forwarded to the Board via email & paper copy in mail boxes.
- ☐ Prepared information and attended Planning Board Regular Meeting 11/2/17.
- ☐ Prepared information and attended Zoning Board of Appeals - regular meeting 11/30/17.
- ☐ Plan review and analysis for submitted building projects.
- ☐ Received, inspected, and issued Complaint/Violations as per "Complaint by date" report - forwarded to the Board via email & paper copy in mail boxes.
- ☐ Successfully completed course Four (4) of six certification training course (NYS DOS) - three (3) days.
- ☐ Received notice and grade from Civil Service exam; thereby making appointment possible.
- ☐ Responded to multiple emailed & telephone inquiries - (questions regarding building and zoning requirements); on a daily basis.
- ☐ Attended two court hearings regarding complaint violations.
- ☐ Met with Dave Britton, GHD engineering, regarding Drainage provisions/stipulations on East Ave. Marigold subdivision.
- ☐ Researched and assembled a presentation on "Zombie Properties" for the Training Seminar of both the Planning & Zoning Boards on Nov. 6, 2017.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-245

Meeting: 12/11/17 07:00 PM

Highway

Monthly Report for November 2017

Highway Department:

1. Completed a driveway culvert replacement on Dickersonville Road.
2. Installed Christmas wreaths and Banners in Ransomville with assistance from the Town of Wheatfield.
3. Finished marking snow plow routes.
4. We are continuing to work on our winter equipment.
- 5.

Drainage Department:

1. The off road mowing is complete.
2. We installed a flared end section on a drainage pipe off Cain Rd.

Water and Sewer Department:

1. Completed our monthly meter readings.
2. Completed a water service installation on Ransomville Road.
3. Completed repairs to 3 water breaks, 1- on Youngstown/Lockport Rd., 1- on Riverview Drive and 1- on Wilkesmore Lane.
4. Completed repairs to the stand-by power generator at Lakeshore 2 Lift Station.

Respectfully submitted,

Scott B. Hillman

Superintendent of Highways



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-246

Meeting: 12/11/17 07:00 PM

Engineer

1. General Engineering Support

- New generator at Town Hall
 - Final Plans and Contract Documents have been completed and Cost Estimate provided.

Future Action Items: Advertise for construction subject to availability of funds
- Residential Drainage Plan Reviews
 - 3309 East Avenue
 - 1723 Harrison Lane
 - 2432 Balmer Road
- Water Tank Replacement Project.
 - EFC Grant Application submitted June 2017
 - SEQR Lead Agency coordination completed
 - 30 day comment period over and regulatory agency comments received (SHPO - No impact)
 - Town Board to authorize the Supervisor to sign a Negative Declaration at the December board meeting
- Porter - Bank Stabilization Grant
 - Environmental Due Diligence requirements (NEPA, SEQRA, SHPO/THPO, Floodplain)

Town Board Action Items: **SEQR resolution, lead agency designation, floodplain notice**

Engr. Amico: Completed a couple of residential drainage plan reviews for East Avenue, Harrison Lane and Balmer Road. For the water tank replacement project and the Porter Stabilization Project, I need a resolution for you to sign a negative declaration for both projects.

Grant Writer Rotella: We went thru the environmental facilities corporation; they requested that we submit SEQR and the SHPO letter that the Engineer is working on. Part of my report is that we're putting in the grant for the shoreline stabilization and the property at Fort Niagara Beach which also requires a negative declaration. That grant is 100% funded, if awarded it's \$450,000. This is ready to go at the end of the month; we need the negative declaration for this project as well.

Attorney Dowd: Did we ever adopt lead agency for the shoreline stabilization? We can't issue a negative declaration on the waterfront stabilization because we can't review the SEQR until the coordination period has passed. We can't take action on the second one.

Rotella: What do I do with the application; I need that for the 29th of December.

Dowd: Technically you can't do anything on SEQR until that coordinated review letter is out. We'll need to have a special meeting.

Baker: We have another meeting on Monday the 18th.

Rotella: I will still get the application done with the thought that SEQR will be approved by resolution.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-94

Meeting: 12/11/17 07:00 PM

Negative Declaration

Town Board to authorize the Supervisor to sign a negative declaration for the project based, water tank, upon the Engineer recommendation of no significant environmental impact.

✓ Vote Record - Resolution RES-2017-94						
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Mert Wiepert	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jeff Baker	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Thomas Baia	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Larry White	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. Duffy Johnston	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-247

Meeting: 12/11/17 07:00 PM

Attorney

Went to Rochester to argue the Freck vs Town of Porter appeal. There is an appeal on that decision.

Working with Scott to finish that Corrective Action plan by the end of the month.

I took a look at the contract that Scott provided for the paver, now there a 4 or 5 lawyers from other towns involved. It's ground to a halt trying to hash out the language.

At the last zoning board meeting we had a discussion regarding the drainage problem that's creating problems for the people that are building homes on East Avenue. Back in the early 90's when the subdivision was approved, the town got the easement. The town engineers indicated that drainage was required and asked for a **PIP** permit from the developer. It means that the developer was supposed to get a bond to ensure that the work was done and then pay for the engineers to do the work of putting in a drainage swale. That work was never done. The developer is now dead and the property has been sold a few times. Now people are looking for building permits and the engineers tell us that there are drainage problems back there, we can't issue the permits.

I think Scott would like permission from the town board to put in the swale. We should've made sure it was done on time years ago. Now these homeowners are affected. The town already has the easement; Scott could take of it in the spring. Pete needs to make sure that is approved because there are people here tonight that are looking for a building permit.

Bldg. Inspector Jeffery: We have 3 new houses there that are waiting to be approved with the stipulation that the drainage swale gets installed. There are 6 lots and more to be sold.

Hwy Supt. In order to adhere to the drainage plans that were submitted by the engineers that swale has to go in. It's not a huge project. I believe that the town should do it so they can have their drainage as long as we're sure we can go in there and maintain it after the fact. It'll have to go in in the spring.

Motion made by Councilman White to allow Highway Superintendent Hillman to install a swale behind the houses on East Avenue. Seconded by Councilman Johnston. Motion carried.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

4.11

2017-248

Meeting: 12/11/17 07:00 PM

Grant Writer

Grants Status Report: Projects we are currently working on:

LWRP: Meeting was held last week (November. 5th) LWRP moving along and on schedule. The LWRP is complete as far as sections go. The consultant will prepare a complete draft for review by February 2018.

Greenway: Reimbursement requested will be submitted for the sign this week.

EFC Drinking Water Grant: The Water Tower and water distribution grant was denied and EFC has request a resubmitted. They are requesting additional SEQR and SHPO letters. This will be completed and resubmitted this spring.

- Project will include GHD's engineering model
- Listing will include the entire project area
- Project cost submitted for \$5,800,000

CFA POL Kayak Launch Project was submitted July 28th.

Project \$64,830 (Town share 50%) Notification is pending.

Waterfront Advisory Committee Meeting Summary

Date of Meeting: September 7, 2017

Meeting Time: 10:00 AM

Meeting Location: Porter Town Hall

Subject: Town of Porter Local Waterfront Revitalization Program

Attendees:

<input checked="" type="checkbox"/>	Kathy Zasucha	<input checked="" type="checkbox"/>	Wendy Salvati, WWS Planning
<input type="checkbox"/>	Wendy Shaw	<input type="checkbox"/>	Ellen Parker, Wendel
<input checked="" type="checkbox"/>	Tony Collard	<input type="checkbox"/>	Merton Wiepert, Town Supervisor
<input checked="" type="checkbox"/>	Dottie Riordan	<input type="checkbox"/>	Renee Parsons, DOS
<input checked="" type="checkbox"/>	Bernie Rotella (by telephone)	<input type="checkbox"/>	

PROJECT SCHEDULE UPDATE/OLD BUSINESS

Wendy Salvati provided the committee with a copy of an updated schedule, which more accurately reflects project tasks and timelines in light of the fact that the committee has not met since June, which allowed the schedule will slip. However, Wendy explained that the next tasks (which includes the preparation of Sections IV and V) could be expedited in an effort to not let the schedule move out more than necessary. We are still on track to get the project finished up by early spring 2018.

INVENTORY AND ANALYSIS - REVIEW AND COMMENTS

An updated copy of Section II - Inventory and Analysis, which reflected the comments that were gathered at the June 8th WAC meeting (see June 8th meeting summary), was previously sent to the committee for their review and comments. Wendy asked for any further comments, as she would like to get this section finished and sent to Renee Parsons at DOS for her review. Wendy reviewed each area in the inventory narrative that was revised, with primary focus on Section 2.7.5 - Erosion and Section 2.9.3 - Wastewater Management. Wendy also provided Kathy Zasucha with a copy of the information that was received from the Niagara County Dept. of Health with regard to Willow Beach (permit and inspection report. She explained that the erosion section was updated to reflect her conversation with DEC regarding shoreline erosion and conditions along the Lake Ontario shoreline. The Wastewater Management section includes new text to reflect how sanitary waste disposal is handled at Willow Beach and the current status of this facility based on the information received from Niagara County.

Wendy asked the Committee to please review the updated erosion and wastewater sections and provide her with any last comments at or before the October committee meeting so she can get this section finalized. Thereafter, the draft inventory and maps would be sent to DOS and it could be posted on the Town's website, along with the mapping.

A few minor comments were offered for Section II, including a name change for the Buffalo Niagara Riverkeeper, who is now the Buffalo Niagara "Waterkeeper".

LWRP POLICIES

Wendy previously provided the committee with a preliminary draft copy of Section III - LWRP Policies, which is a revision of the 44 NYS coastal management policies to reflect local conditions in Porter. Wendy noted that all of the new narrative and sub-policies were highlighted in yellow to illustrate what was revised or added. Wendy reviewed the draft, page by page, to discuss the changes and confirm that certain provisions were accurate.

Wendy emphasized that sub-policies and narrative language were included for Four-Mile and Six-Mile creeks, to recognize the need for maintenance of erosion protection structures, and to address the Town's position on energy generation and alternative energy resources, among other things. Kathy Zasucha asked if the Town would need to petition the State to have Six Mile Creek evaluated for significant habitat designation. Wendy said that she would ask Renee Parsons about this.

Wendy asked the Committee to please review draft Section III and provide any comments, questions or concerns at the next committee meeting so that the draft could be finalized.

SECTION IV - PROPOSED LAND AND WATER USES AND PROPOSED PROJECT AND SECTION V - TECHNIQUES FOR IMPLEMENTATION OF THE LWRP

Wendy explained that the next sections of the LWRP to be completed were Section IV and V and what they entailed (referring the committee to the draft Table of Contents). Wendy reviewed the existing land use map with the committee; aside from the desire for the Niagara Country Club to remain a recreational use in the future, no other areas were identified for change. As the Town does not have any marinas, public docks, or other harbor infrastructure, a formal Harbor Management Plan will not be prepared; additionally, there are no significant water uses to discuss and no changes to recommend.

Proposed projects were discussed and a few suggestions were made, as follows:

- Potential for erosion protection improvements along the shoreline of the Town-owned land in the Fort Niagara Beach area. Tony Collard noted that there is one resident in that area that currently wants the Town to seek SEQR lead agency status for an erosion protection project that is being proposed. As the Town owns the entire shoreline (approximately 610 feet) in this area, and there

are other residential structures that need protection, it would make sense to undertake a larger project to fortify the shoreline, which is currently badly in need of repair and protection.

- Improve the existing pedestrian pathway, which extends from the southern Town line to the Village of Youngstown in Sub-Area 1 (along Lower River Road), to accommodate bicycle use. The path would need to be widened to ensure there is sufficient area for multiple users and to ensure ADA accessibility. Improving this pathway will provide for a better trail connection along the Niagara River between Joseph Davis State Park, the Village of Youngstown and Fort Niagara State Park.
- Extend the multi-use trail along the Niagara Scenic Parkway, which currently ends at Joseph Davis State Park in the Town of Lewiston, immediately south of the Town of Porter. This trail should be extended to the north to connect with (and interconnect) Fort Niagara State Park, Four Mile Creek State Park and Porter on the Lake Town Park, which are all part of the Niagara Greenway system.
- Identify potential locations for public access to Six Mile Creek for passive recreational use, similar to the fishing access currently available along Four Mile Creek.

Wendy discussed the sub-sections for Section V; she will prepare a narrative discussion of existing laws that affect LWRP implementation. She said that the zoning along the waterfront was previously updated as a part of the Town's comprehensive plan update in 2004 and she did not see any changes that would be required to the Waterfront Residential district that extends along the full extent of the waterfront. However, it was recommended that the Town consider the adoption of a Parks and Recreation zoning classification that could be applied to the State and Town parks in the LWRA. This classification could also be applied to the Niagara Country Club to help ensure that this facility remains in recreational use, and is not readily transitioned to residential use if the country club should close. It is the Town's desire to maintain and expand recreational uses, and this site is one of the few locations available for such action. Wendy will provide a copy of a draft Parks and Recreation district that was recently prepared for the City of Tonawanda LWRP, for the committee to review and consider (see attached).

Other local laws that would be needed to implement the LWRP include the Local Waterfront Revitalization Coastal Consistency Law, and supporting waterfront assessment form (WAF), and a local Coastal Erosion Hazard Area (CEHA) Law. The coastal consistency review law is required and Wendy will provide a draft of this law and the WAF. The committee had previously discussed the desire to localize the erosion protection and permitting process, similar to what the Town of Wilson does (see June 8th meeting summary). Wendy can also provide a draft CEHA law for the committee to review and consider. This will be discussed further at the next committee meeting.

Finally, Wendy asked about the management structure for undertaking LWRP consistency review. It was noted that the Town's Building Inspector would be the point person for the required use and receipt of completed waterfront assessment forms for certain projects proposed within the LWRA. These forms would be forwarded to the Town Planning Board for review and recommendations, which would be provided back to the building inspector for final action.

OTHER BUSINESS

Wendy also briefly discussed the final sections of the LWRP (see Table of Contents) and what they involve. She explained that Section VI is comprised of two parts, one that is boiler plate narrative provided by DOS and a second part that she will complete to identify the federal and state agencies that could assist the Town with LWRP implementation. Wendy explained that Section VII outlines how the Town worked to gain local support for the LWRP, including the use of the WAC, public meetings, website postings, and recognition of other regional LWRP programs (Lewiston and Wilson).

The next public meeting was briefly discussed. This meeting would be held to present a summary of the inventory findings (issues and opportunities), a summary of the LWRP policies, proposed land uses and projects, and proposed zoning and other regulations. It was noted that now that the public

understands that the LWRP is not the vehicle for achieving immediate action for erosion protection, and that there is a separate initiative in motion to address existing shoreline erosion and water level problems on Lake Ontario, attendance at the next meeting will likely be reduced. The tentative date for the meeting is Thursday, October 26th. This is the night of a ZBA meeting and Kathy is investigating the possibility for the committee to hold the public meeting on this same evening (there may be no ZBA agenda or they could possibly meet earlier or meet in the conference room depending on their agenda).

ACTION ITEMS / NEXT STEPS

- Prepare meeting summary and distribute to Committee and DOS.
- Address any final comments on the draft inventory and analysis and submit revised draft to DOS for review and comments.
- Post draft Section I - LWRA Boundary and draft Section II - Inventory and Analysis, and supporting maps, on the Town's website.
- Prepare draft Section IV - Proposed Land and Water Uses and Proposed Projects, and draft Section V - LWRP Implementation, and send to the Committee prior to next meeting.
- Committee to review draft Section III - LWRP Policies and provide comments at next meeting.

Meeting adjourned at 11:45 AM. Next meeting tentatively scheduled for Tuesday, **October 3rd at 10:00am.**

Respectfully Submitted,

Wendy E. Weber Salvati, AICP



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

4.12

2017-252

Meeting: 12/11/17 07:00 PM

Calendar of Events

Public Hearing on Proposed Water/Sewer Rates:	Monday, December 18, 2017 @ 7:00 PM
Zoning Board Meeting:	No December Meeting
End of Year Meeting:	Wednesday, December 27, 2017 @ 3:00PM
Organizational Meeting:	Tuesday, January 2, 2018 @ 3:00 PM
Planning Board Meeting:	Thursday, January 4, 2018 @ 7:00 PM
Town Board Meeting:	Monday, January 8, 2018 @ 7:00 PM



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

4.13

2017-249

Meeting: 12/11/17 07:00 PM

Public Comments

Norm Swann: Thanked Mert for his services to the town. Tom the same thing to you. Not too many people want to put their necks out to service on boards anymore.

I've been reading about this water sewer problem in the paper. Seems like someone must have tipped of the state to get them involved. What's the total, it's been going on for 5 years.

Attorney Dowd: The comptrollers audit dealt with the state and the state parks. Part of that figure, they had assumed that they didn't put a dime towards the recent capital improvements. Part of that corrective action plan that I talked about was to sit down with the state. I spoke to Mr. Caserta today on the village action to get all three communities together and try to figure out what that real number is. The town thinks that the villages inflate the numbers and the village thinks that the town owes them some money. We have to get the state involved. Going forward we need to change the method. Right now I can't tell you what the dollar amount is, we'll have that number in the next 60 - 90 days.

Swann: Who figures the rates for the town, who does the billing?

Dowd: That's all part of the budget process and based on the previous year's expenses were, you try to do an estimate to see if you're going to have enough.

Swann: Is the town sewer in the red, right now, with the village not paying you guys?

Wiepert: Very close.

Bob Emerson, Old Fort Niagara: I just wanted to announce that the every year the Youngstown Garden Club decorates the French Castle. This year from the 17th thru the 23rd, Sunday thru Saturday, from 9:00 to 4:30, any town of Porter resident and family can come for free and see the decorations. Please bring ID to show you are a resident.



Town of Porter
3265 Creek Road
Youngstown, NY 14174

Barb DuBell
Town Clerk
716-745-3730
TownofPorter.Net

2017-250

Meeting: 12/11/17 07:00 PM

Town Board Comments

Councilman Johnston: At our last work session we talked about these metal roofs going on, we're going to have to address that and put it in our codes. We're one of the only towns around that don't have the safety clips at the end for the snow flow. We need to get that in our books, our zoning laws don't cover that. They have them over doorways but they should be put all the way around.

Attorney Dowd: I don't know if it's in the NYS Building code that there are supposed to be snow breaks, it should be in the code.

Bldg. Inspector Jeffery: I don't believe it is, I've done a cursory check and not found anything. I'll look into it.

Attorney Dowd: Congratulations Mert ,Tom enjoy your retirement.

Supv. Wiepert: It's been a pleasure serving the board I've been a supervisor for 17 years and 18 as a councilman, so I got my retirement time in. I have a couple of cars I want to work on. I had a good time, learned a lot.

Councilman Baia: I served 2 terms on the town board, I enjoyed it very much. I walk in here during the week and everyone is nice to me. We're very fortunate to have a town like this. Thank you so much.

Supv. Wiepert: Merry Christmas everyone.

Motion to adjourn was made at 7:41 pm by Councilman Baker and seconded by Councilman White.
Motion carried