



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Barb DuBell
716-745-3730

Monday, December 12, 2016

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on December 12, 2016 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert Wiepert	Town of Porter	Supervisor	Present	
Larry White	Town of Porter	Deputy Supervisor	Present	
Thomas Baia	Town of Porter	Councilman	Present	
Jeff Baker	Town of Porter	Councilman	Present	
Joe Fleckenstein	Town of Porter	Councilman	Present	
Barb DuBell	Town of Porter	Town Clerk	Present	
Kara Hibbard	Town of Porter	Deputy Town Clerk	Present	
Chris Amico	Town of Porter	Engineer	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Bernie Rotella	Town of Porter	Grant Writer	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Susan Driscoll	Town of Porter	Assessor	Present	
Mike Dowd	Town of Porter	Attorney	Absent	

II. Reports/Resolutions

1. Resolution 2016-121

Close Public Hearing

Resolution to close the Public Hearing.

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

2. Resolution 2016-122

Adopt Local Law 1-2016

Whereas; the Town of Porter adopted a Town Zoning Law on November 8, 2010, and

Whereas; the Town of Porter, prior to the adoption of the current Town Zoning Law, permitted the sales and service of garden/farm equipment in rural residential areas; and

Whereas; said Town amended said zoning law to permit sales and service of garden and farm equipment in areas zones Rural Agricultural by local law Number 1 of 2014; and

Whereas; the Town Planning and Zoning Boards, after having considered the Town's Master Plan, have recommended that such amendment be rescinded as being too broad in its scope when considering said Master Plan; and

Whereas; the Master Plan does provide for the Town's continued efforts to maintain and support the use of land in the Town for agricultural purposes; and

Whereas; it is the Town of Porter desires to continue permitting the service and repair of garden/farm equipment in rural residential areas on a limited basis not inconsistent the primary characteristics of the Rural Agricultural District;

Whereas, the Niagara County Planning Board has considered and approved a proposed amendment to permit the service of farm and garden equipment in Rural Residential areas of the Town pursuant to General Municipal Law 239, it is

Resolved; that the Town adopt a local law amending Article II, Section 7, Figure II-1 of the Town of Porter Zoning Law related to the sales and service of garden/farm equipment in the Town of Porter by amending the Permitted Primary Use Table as follows:

Use	RA	LDR	WR	MDR	CMU	RC	M-1	M-2	M-3
Sales and Service of					SP	SP	SP	SP	
Garden/Farm Equipment									

And it is further;

Resolved, that the Town adopt a local law amending Article IV, Section 35, related to the service and repair of garden/farm equipment in the Town of Porter by amending the Permitted Primary Use Table as follows:

Home Occupations

Home occupations shall be subject to the following requirements:

- A. A home occupation shall be conducted entirely within a dwelling or existing accessory structure.
- B. The home occupation is clearly incidental and secondary to the principal use of the dwelling.
Suitable home occupations include, but are not limited to, office for professional (architect, attorney, accountant, etc.); instructors limited to one or two students at a time; barber limited to one chair; hairdresser limited to two chairs; computer technician, repair and service of farm and garden equipment.
- C. The establishment of a home occupation shall not change the principal character or use of the dwelling unit involved.
- D. A maximum of one person other than members of the immediate family residing on the premises may be employed.
- E. A maximum of 25% of the floor area of one story shall be devoted to the home occupation for

activities occurring within a dwelling. This requirement shall not apply to family day-care homes and activities occurring within accessory structures. Activities occurring within an accessory structure may not exceed 1000' square feet in area in an existing accessory building. New accessory structures in which the home occupation activity is conducted shall not exceed 1000' square feet in area with a maximum sidewall height of 10'.

- F. A home occupation shall not require internal or external alteration or invoke construction features not customarily in a dwelling.
- G. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- H. Storage or display of materials, goods, supplies or equipment related to operation of a home occupation shall not be visible to the public from outside the dwelling or any accessory structure.
- I. Mechanical, electrical or other equipment, which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall not be used.
- J. A home occupation shall not be permitted which is noxious, offensive or hazardous by reason of hours of operation, vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.
- K. A home occupation shall not involve the use of advertising signs. Only one non-illuminated nameplate, not to exceed one foot by two feet, shall be allowed. It may display the name of the occupant and/or the name of the home occupation.

This resolution is effective upon approval of the Town Board.

PASSED AND ADOPTED this 12th day of December, 2016 by the Town Board of the Town of Porter.

Ayes: 5

Nays: 0

Supervisor Wiepert: There is a form that we have to send back to the Niagara County Planning Board that indicates the town boards final action

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

3. Resolution 2016-115

Minutes Approval

Resolution to approve the minutes of the Special Meeting held on November 10th and the November 14th regular meeting of the Porter Town Board.

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

4. Resolution 2016-116

Audited Vouchers

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

TOWN OF PORTER

WARRANT: POST AUDIT - NOV, 2016 11/30/16

FUND	01	13,988.78
FUND	02	68.57
FUND	04	5,939.22
FUND	06	1,880.30
FUND	07	1,603.11
FUND	28	
FUND	36	
TOTAL		<u>23,479.98</u>

VOUCHER 'S 22866 THRU 22983

WARRANT: # 12 DECEMBER, 2016 12/12/16

FUND	01	50,690.41
FUND	02	56,456.21
FUND	04	6,391.80
FUND	06	2,020.81
FUND	07	3,014.33
FUND	10	830.50
FUND	28	3,225.00
FUND	35	
TOTAL		<u>122,629.06</u>

VOUCHER 'S 22984 THRU 23060

TOTAL 146,109.04

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joe Fleckenstein, Councilman
SECONDER:	Thomas Baia, Councilman
AYES:	Wiepert, White, Baia, Baker, Fleckenstein

5. Report 2016-241**Town Clerk**

Water \$25,570.94
Sewer \$43,493.77
Clerk Fees \$ 968.29

RESULT:	REPORT ISSUED
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6. Report 2016-234**Supervisor's Report**

Supervisor's Monthly Report for November, 2016 was distributed to all Town Board members.

Resolution to accept the Supervisor's Monthly Report for November, 2016.

October Sales Tax: \$96,063.14. The Town is down \$22,220.52 for the year 2016.

RESULT:	REPORT ISSUED
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7. Resolution 2016-119**Acceptance of Supervisor's Report**

Resolution to accept the Supervisor's report for November, 2016.

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

8. Resolution 2016-118

Standard Work Day & Reporting

Standard Work Day & Reporting

BE IT RESOLVED, that the Town of Porter hereby establishes the following as standard work day for elected and appointed officials, and will report the following days worked to the New York State and Local Employees' System based on the record of activities maintained and submitted by these officials to the clerk of the body:

	Std		S.S. NO.	REGIS.		Time		
						Keeping	Days/	Not
Elected Officials	Wk Day				Term Begins/Ends	System	Month	SUB.
Board Member	6	BAIA, TOM	4299	39477013	1/1/2014 - 12/31/2017	N		X
Town Clerk	7	DUBELL, BARBARA	2278	39458369	1/1/2016 - 12/31/2019	N		X
Tax Collectr	6	HOGAN, SALLY	5818	35197920	1/1/2014 - 12/31/2017	N		X
Supervisor	6	WIEPERT, MERTON	3584	39437017	1/1/2014 - 12/31/2017	N		X
Appointed Officials								
Conf Sec to the Supervisor	7	AULT, NORMAN	3203	39810411	1/1/2016-12/31/2016	Y	N/A	
MEO	8	BILLS, STEVE	5691	42776435	1/1/2016-12/31/2016	Y	N/A	
MEO	8	BURMASTER, DAVE	4442	31111974	1/1/2016-12/31/2016	Y	N/A	
MEO	8	CUDNEY, SCOTT	1481	43193689	1/1/2016-12/31/2016	Y	N/A	
Assessor	7	DRISCOLL, SUSAN	1413	42652560	1/1/2016-12/31/2016	Y	N/A	
Planning Sect. (P/T)	6	FREIERMUTH, AMY	2313	60840097	1/1/2016-12/31/2016	N		X
MEO	8	GOMBERT, DAVE	1886	35350412	1/1/2016-12/31/2016	Y	N/A	
Court Clerk	7	HASTINGS, LISA	8554	37525854	1/1/2016-12/31/2016	Y	N/A	
Deputy Town Clerk	7	HIBBARD, KARA	2481	60526530	1/1/2016-12/31/2016	Y	N/A	
Story Hour (P/T)	6	LAUGER, HEIDI	3052	60523453	1/1/2016-12/31/2016	N		X
Water/Sewer Clerk (P/T)	8	LOCKHART, RAMONA	3978	39092044	1/1/2016-12/31/2016	Y	N/A	
Court Attendant	6	MEIGS, NATE	2403	60380904	1/1/2016-12/31/2016	Y	N/A	
Story Hour Leader (P/T)	6	RUGG, SHARON	8835	39058615	1/1/2016-12/31/2016	N		X
Story Hour (P/T)	6	Shackelford, Amanda	9264	60324928	1/1/2016-12/31/2016	N		X
Asst. Rec. Dir.	6	SHARP, ANDREW	7118	60363462	1/1/2016-12/31/2016	N		X
MEO	8	SHAW, WENDY	4458	60013216	1/1/2016-12/31/2016	Y	N/A	
MEO	8	STONE, JIM	8575	42776450	1/1/2016-12/31/2016	Y	N/A	
Court Attendant	6	WILKESMORE, TIM	1277	33192469	1/1/2016-12/31/2016	Y	N/A	

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

9. Report 2016-222**Bookkeeper**

Bookkeeper's Monthly Report - November, 2016

Completed processing all November, 2016 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for November, 2016, and distributed it to the Supervisor & Town Board members.

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Working on year-End meeting.

Working on Organizational meeting.

Resolution on new hire

RESULT:	REPORT ISSUED
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10. Resolution 2016-120**Salary Adjustment**

Resolution to change the starting salary for Confidential secretary to the Supervisor Mary Siegrist from \$16.46 p/h to \$17.65 p/h. When originally hired, omitted pay for Budget assistant.

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

11. Report 2016-224**Assessor**

November 2016

Processed October deed transfers.

Mailed out agricultural assessment renewal applications for 2017.

Prepared RS8 exemption renewals for 2017 roll.

October sales of note, which will have a negative effect on our LOA going forward:

- 545 Main St	TAV \$189,000	Sale Price \$310,000
- 507 Westwood Ave	TAV \$ 83,000	Sale Price \$117,500
- 538 Oak St	TAV \$92,400	Sale Price \$130,000
- 225 Elm St	TAV \$92,000	Sale Price \$132,000
- 364 Brentwood Dr	TAV \$150,000	Sale Price \$205,000
- 1025 Lockport Rd	TAV \$107,200	Sale Price \$162,000
- 953 Lake Rd	TAV \$87,000	Sale Price \$200,000
- 1575 Lake Rd	TAV \$91,000	Sale Price \$115,000

November 2016

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Mailed out agricultural assessment renewal applications for 2017.

Prepared RS8 exemption renewals for 2017 roll.

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- 1025 Lockport Rd	TAV \$107,200	Sale Price \$162,000
- 953 Lake Rd	TAV \$87,000	Sale Price \$200,000
- 1575 Lake Rd	TAV \$91,000	Sale Price \$115,000

RESULT: REPORT ISSUED**12. Report 2016-225****Building Inspector/Code Enforcement Officer****NOVEMBER****TOWN OF PORTER**

No.	Date	Owner	TYPE	LOCATION	VALUE	FEE
116-16	11/1	G. Gima	Shed	2317 Lake	1,800	25
117-16	11/29	D Mitchell.	P.B.	3344 P.C. Rd	1,500	50
118-16	11/30	J Fetzner	Shed	1237 Lkpt Rd	300	25
119-16	11/30	J Fetzner	Shed	1237 Lkpt Rd	300	25

P.B. - Pole Barn

MONTHLY

3,900**125**

Y-T-D

2,903,705**8,187****BUILDING DEPARTMENT REPORT - November 2016**

Building permits issued as per the report

Periodic progress inspections on ongoing construction projects throughout the Town

Prepared materials for and attended the Planning and Zoning meetings

Contracts for Porter on the Lake pavilions

Attended Niagara Frontier Building Officials meeting

Prepared materials for ISO BCEGS questionnaire

ISO meeting

RESULT:	REPORT ISSUED
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13. Report 2016-223**Recreation****RE: November Recreation Report**

- The Saturday Kids' Karate Class will be held at the Youngstown Village Center Gym on December 3rd.
- The Story Hour Program continues in the Youngstown Library on Tuesdays and in the Ransomville Library on Wednesdays.●

- The next Saturday Story Hour Program will be held on Saturday, December 10th, at 10:00am at the Ransomville Library.
- Tai Chi continues on Tuesday mornings at 9:30am and Yoga continues on Wednesday evenings at 6:30pm. Both programs are held in the Cora Gushee Room at the Youngstown Village Center.
- Our next meeting will be Monday, December 5, 2016 at 7:00pm.

RESULT:	REPORT ISSUED
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14. Report 2016-226

Justice Revenue			
JUSTICE FINES 2016		01-1000.2610	
	<u>GROSS REVENUE</u>	<u>DISTRIBUTION</u>	<u>NET REVENUE</u>
JANUARY	3,524.00	(1,229.00)	2,295.00
FEBRUARY	4,429.50	(2,224.50)	2,205.00
MARCH	5,775.50	(3,529.50)	2,246.00
APRIL	2,950.00	(1,325.00)	1,625.00
MAY	3,819.50	(1,934.50)	1,885.00
JUNE	4,988.50	(2,758.50)	2,230.00
JULY	4,866.50	(1,846.50)	3,020.00
AUGUST	6,881.50	(3,882.50)	2,999.00
SEPTEMBER	3,529.50	(1,519.50)	2,010.00
OCTOBER	4,457.00	(2,367.00)	2,090.00
NOVEMBER			0.00
DECEMBER			0.00
	<u>45,221.50</u>	<u>(22,616.50)</u>	<u>22,605.00</u>

RESULT:	REPORT ISSUED
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15. Report 2016-242**Highway**

Department of Public Works

Monthly Report for November 2016

Highway Department:

1. Completed the final round of roadside mowing.
2. Completed installation of obstruction markers on all snow plow routes.
3. Completed installation of all plows and spreaders.
4. Installed Christmas Wreaths and Banners in Ransomville.
- 5.

Water and Sewer Department:

1. Completed monthly meter readings.
2. Completed repairs to a water main break on Hillview Drive.
3. Completed a new water service installation at 1961 Youngstown/Wilson Rd.

Respectfully submitted,

Scott B. Hillman

Superintendent of Highways

RESULT:	REPORT ISSUED
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16. Report 2016-227**Engineer**

report

RESULT:	REPORT ISSUED
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17. Report 2016-229**Grant Writer**

Grants Status Report: Projects we are currently working on:

- **LWRP:** We had a kick off meeting with Renne Parson (over the phone) and the committee outlined the boundary map, reviewed what should be inventoried for the LWRP. Next meeting scheduled for January.
- **CFA POL Kayak Launch Project** submitted we should hear by end December
-
- **Greenway:** The balance of our Greenway funding is \$89,000. This needs to be decided on as soon as possible.
- **NYS Archives:** Review with Town Clerk is required. Attending last workshop on December 15th for parameters of the new grant requirements.
- **EFC Drinking Water Grant:** The next round of the EFC drinking water is scheduled for April 2017. Between now and then we will upload the project into the IUP for the 2017-2018 listing. The annual list Closes Sept of each year. Will keep the board updated as we get closer to that date.

Grant Writer Rotella: Wendy just told me that we spent \$37,500 of our Greenway money on POTL.

Having workshop with NYS Archives on Thursday, the grant is 100% funded if we get it.

Bad news, we did not get the kayak launch, it was announced last week. We will revisit that next time around if we want to pursue it.

LWRP next meeting is scheduled for the end of January

COMMENTS - Current Meeting:

Grant Writer Rotella: Wendy just told me that we spent \$37,500 of our Greenway money on POTL.

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LWRP next meeting is scheduled for the end of January

RESULT:	REPORT ISSUED
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18. Report 2016-228

Attorney

none

RESULT:	REPORT ISSUED
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19. Report 2016-230**Correspondance**

Received the following from Suzanne Simon Dietz:

Thank you for choosing me to service the community as town historian for the past ten years.

As of December 31, 2016, I am planning other historical adventures and do not wish to be considered for another term.

I appreciate all the town employees that have given me periodic assistance during my tenure, including the personnel in the offices of the Clerk, Assessor, and Justice. (Barb, Kara, Lisa, Annie and Susan).

I am especially grateful for working with Norm Ault. Norm has always been my "go to" person for the efforts to expand and preserve the historical record of the town, the Village of Youngstown, and the Hamlet of Ransomville. Norm could always be counted on to follow through. We served together as co-chairs for the successful town's bi-Centennial.

Hopefully you will proceed to fill the historian and deputy historian positions as soon the next key task will be coordinating the bi-centennial in 2017 of the first settler to Ransomville.

The municipal historians throughout the county meet typically at the County Historian's Office in Lockport and the president Jesse Bieber and the County Historian Kate Emerson should be advised as to your choice for the positions. Their contact information:

Catherine Emerson
Niagara County Historian
Civil Defense Building
139 Niagara Street
Lockport, NY 14094
(716) 439-7324

Jesse Bieber, President Niagara County Historians
Town of Royalton Historian
5316 Royal Center Road
Middleport, NY 14105
716-772-2431 ext.26 (office)
716-735-7355 (home)

I am in the process of finishing the third book this year for the town "Who Made the News" Volume Two 1886-1897 and will do what is necessary to complete this work even if it extends beyond the end of the calendar year. My final historian's report for the 2016 year will follow shortly.

Supervisor Wiepert thanked Sue for all the work she's done. She has done a good job, very dedicated.

Now we need another historian and a deputy historian.

RESULT:	REPORT ISSUED
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20. Report 2016-235**Calendar of Events**

Zoning Board Meeting	Thursday, December 15 @ 7:00 PM	Town Hall
Christmas Holiday	December 26 - TOWN HALL CLOSED	Town Hall
Year End Meeting	Wednesday, December 28 th @ 3:00 PM	Town Hall
New Year's Holiday	January 2 - TOWN HALL CLOSED	
Organizational Meeting	Tuesday, January 3 rd @ 3:00 PM	Town Hall
Planning Board Meeting	Thursday, January 5 @ 7:00 PM	Town Hall
Town Board Meeting	Thursday, January 9 @ 7:00 PM	Town Hall

RESULT:	REPORT ISSUED
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21. Report 2016-231**Public Comments**

Sue Dietz: Several inactive cemeteries including the Universal Cemetery in the Village of Youngstown have monuments that have shifted off their foundations and present a hazard to life and limb. One of the things that has happened across New York State is that there have been deaths at cemeteries. The state established a hazardous monument fund, but it is only available for active cemeteries. We have quite a few cemeteries in the Town of Porter that are inactive. Several years ago when I addressed this issue with you, the supervisor directed Mike Dowd to give you a copy of all the deeds. I stopped waiting, so I think it might be helpful to give Mike a timeline. It's really to a point that it's a concern for the health and safety of the community and any visitors to the cemetery. Unfortunately the state cemetery monies are not available for inactive cemeteries. I encourage you to look at this issue and all the cemeteries.

I want to thank all the people that I worked with Barb, Lisa, Kara, Sue were all helpful at different times. Norm who was my "go to" person. I really appreciate it.

Wally Nowacki: When I was a resident of Lewiston I was quite involved with the Lions and the residents of Lewiston. Two times a year we would get a group together to fix the stones. We stood up the stones in the cemeteries using tractors and slings. I am willing to donate my time to the Town of Porter to do the same thing. If we can get a committee together once or twice a year, usually in the spring, we can get all the cemeteries cleaned up. I would be more than happy to get involved.

Supervisor Wiepert: Thru our Niagara County Legislature we got a \$5,000 grant this year to be used for cemeteries.

Wally Nowacki: My neighbors went past this board and went to the Planning Board and created issues over there. Complaining about me as a neighbor, renting the place. One of the board members told me that I have to show up to the meeting in January. I can't do that, I will be gone for a few months. When is the town going to tell me I'm doing wrong or tell me neighbor to give up and stop complaining. I am to the point that I am going to get an attorney and file for harassment. Enough is enough. I want to be left alone.

Bldg Inspector Rogers: The Planning Board was asked to make a recommendation. They started some deliberation at the last meeting but when the Planning Board discussed it, it was postponed until the January meeting.

Councilman Fleckenstein: Can we do a teleconference with the Planning Board?

Supervisor Wiepert: Ok, let's work on that and see if we can do a teleconference. Other than that they are going to have to schedule you at a different time. Let me find out.

RESULT:	REPORT ISSUED
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22. Report 2016-232

Town Board Comments

Councilman Fleckenstein: I would like to ask the Town Board to close town hall on December 20th at noon for a town Christmas party held at the town garage.

Town hall will close from town 12:00 to 3:00 pm on Wednesday, December 20th.

Motion made by Councilman Fleckenstein and seconded by Councilman White. Motion carried.

The regular meeting of the Porter Town Board was adjourned at 7:38 pm. Motion to adjourn was made by Councilman Baker and seconded by Councilman Fleckenstein. Motion carried.

COMMENTS - Current Meeting:

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RESULT:	REPORT ISSUED
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