



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Barb DuBell
716-745-3730

Monday, July 10, 2017

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on July 10, 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	Present	
Mary Siegrist	Town of Porter	BOOKKEEPER	Present	
Peter Jeffery	Town of Porter	Building Inspector/Code Enforcement	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Bernie Rotella	Town of Porter	Grant Writer	Late	7:30 PM
Susan Driscoll	Town of Porter	Assessor	Present	

II. Reports/Resolutions

1. Resolution 2017-65

Minutes Approval

Resolution to approve the minutes of the June 12th meeting of the Porter Town Board and the June 22nd Work Session.

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

2. Resolution 2017-63

Audited Vouchers

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

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

3. Report 2017-154

Supervisor's Report

Looking into hiring a part time, temporary, assessor clerk to fill in for part time clerk that will be off do to surgery.

Checks and warrants to be paid for the month of June \$85,287.77

Ad was placed in paper for planning board member.

Letter was sent to McCabe for time frame and route of trucking.

Historian request for scrolls to be made for Labor Day parade in Youngstown.

Received letter from the Community Faire Committee thanking us and letting us know all profits will going to the Historical room.

Have a proposal from Ray Barry to hold ART and MUSIC Fest at Porter on the Lake .

Attended meeting on June 6, 2017 with the Governor about the local flooding.

RESULT:	REPORT ISSUED
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4. Resolution 2017-64

Acceptance of Supervisor's Report

Resolution to accept the Supervisor's report for June 12, 2017 town board meeting.

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

5. Resolution 2017-52**Niagara County Hazard Mitigation Plan**

WHEREAS, The Town of Porter, with the assistance from Witt O'Brien's, has gathered information and prepared the Niagara County NY Hazard Mitigation Plan; and

WHEREAS, the Niagara County NY Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, The Town of Porter NY is a local unit of government that has afforded the citizens and opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, The Town of Porter NY has reviewed the Plan and affirms that the Plan will be updated no less than every five (5) years;

NOW THEREFORE, BE IT RESOLVED by the Town Board that The Town of Porter NY adopts the Niagara County NY Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED this 10th day of July, 2017 at the meeting of the Porter Town Board.

Supervisor Merton Wiepert

Town Clerk Barbara DuBell

HISTORY:

06/12/17	Board	TABLED
Next: 07/10/17		

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

6. Resolution 2017-57**Close Public Hearing**

July 10, 2017:

Resolution to close the Public Hearing concerning Town of Porter Local Law #1 for 2017.

LOCAL LAW #1 OF 2017

A local law adding a definition of "Short Term Rental Homes" to Chapter 200 "Zoning" of the Town of Porter Ordinance Article XI, Section 122 "Definitions" affecting residentially zoned districts within the Town of Porter:

" SHORT TERM RENTAL HOMES

Occupancy of single-family residential premises for a term of no more than two weeks, on two or more occasions during any six-month period. Occupancy shall not exceed two persons for each bedroom, plus two additional occupants. Onsite parking as otherwise required by the Town of Porter Zoning Law shall be provided. Short Term Rentals are permitted in any district where a single-family residence is permitted."

June 12, 2017: Decision tabled for further review.

HISTORY:

06/12/17 Board TABLED
Next: 07/10/17

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

7. Report 2017-142

Town Clerk

Clerks fees for the Month of June: \$691.46

Water: \$25,517.96

Sewer: \$ 8,076.24

RESULT:	REPORT ISSUED
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8. Report 2017-156**Court Clerks Conference**

Dear Members of the Board:

We would like to request permission for our Clerk, Lisa Hastings to attend the NYS Association of Magistrates Court Clerks Conference in Ellicottville from Sunday, September 24 through Wednesday, September 27, 2017. The cost of the conference is \$40.00 for registration, \$737.00 for the room and meal package and whatever the mileage would be for the trip there and back.

This is an excellent conference for the clerks to be updated on all of the changes that take place each year with the procedures and paperwork. It also is a great opportunity for the clerks to interact with each other and see how other clerks handle all of the situations that arise in the courts.

We do have the money in our budget for Lisa to attend this conference.

Sincerely,

David J. Truesdale
Wayne Pollow

RESULT:	REPORT ISSUED
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9. Resolution 2017-66**Court Clerks Conference**

Resolution to approve Justice Court Clerk, Lisa Hastings, to attend the NYS Association of Magistrates Court Clerks Conference on Sunday, September 24 thru Wednesday September 27, 2017.

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

10. Report 2017-143**Bookkeeper**

Payroll completed for the month of June

NYS retirement had online training, just going over NYS new online system.

Met with 2017 summer rec leaders, to fill out tax & retirement forms and processed 20 employee folders and did payroll input.

Trained on new web-site

Checks were received from Waste Management \$1,000. Summerfest \$1,000. For town concert series

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

Worked with Risk Management about renters of Porter on the Lake and The Town of Porter being listed on as added insured.

All vouchers paid for June. \$85,287.77.

RESULT:	REPORT ISSUED
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11. Report 2017-144

Recreation

RE: June Recreation Report

- Our Summer Story Hour continues at the Youngstown Library on Tuesdays and the Ransomville Library on Wednesdays. Programs begin at 10:00am.
- Tai Chi continues on Tuesdays at 9:30am at Porter on the Lake Park.
- Yoga continues on Wednesday evenings at 6:30pm in the Cora Gushee Room at the Youngstown Village Center.
- Our Summer Recreation Program began on Monday, July 3rd and continues through Thursday, August 10th at Stevenson School.
- There was one change to the Summer Recreation Staff as Lisa Jacobs was replaced with:

Tiffany Chandler

1046 Upper Mountain Road

Lewiston, NY 14092

- The Recreation Commission currently has one vacant position.
- Our next meeting will be on Monday, July 10, 2017 at 7:00pm.

RESULT:	REPORT ISSUED
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12. Report 2017-145**Assessor**

- Attended Niagara County Assessors Association meeting in Lockport.
- Balanced special franchise full values and telecommunications ceiling values on 2017 roll
- Reinstated Village Enhanced exemption per 'just cause' decision from Albany.
- Submitted 2017 final roll to County together with roll section totals, school totals, special district totals, exemption totals, BAR changes, signed Assessor's oath.
- Attended sessions in Batavia on the topic of exemption administration and aged low income and veteran's exemption issues.
- Attended State run session on advanced agricultural assessment and valuation in V4.
- Hosted meeting on Lake Levels and Legislative Bill A8013, with State, County, Lewiston, Wilson, Newfane representatives.
- Processed May deed transfers.

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

45.18-1-36	347 Main St	TAV \$52,400	Sales Price \$165,000
59.06-2-33	390 Church St	TAV \$105,900	Sales Price \$142,500
45.18-1-1.24	1 Main St	TAV \$65,800	Sales Price \$170,000
59.18-1-47	397 Howard Dr	TAV \$148,000	Sales Price \$213,000
21.18-1-48	2557 Lake Rd	TAV \$172,000	Sales Price \$262,000
59.00-2-6.122	627 Blairville Rd	TAV \$169,700	Sales Price \$233,000
45.00-1-87	East Ave	TAV \$12,200	Sales Price \$20,000
59.14-1-41	3672 Parkdale Dr	TAV \$143,000	Sales Price \$206,800

RESULT:	REPORT ISSUED
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13. Report 2017-146**Building Inspector/Code Enforcement Officer**

MONTHLY REPORT - JUNE 2017

- Received, reviewed, and subsequently rejected plans for a single family residence on Creek Rd., dated 1995. The plans did not meet the current NYS building code requirements. New revised drawings requested showing compliance requirements.
- Responded to an enquiry re setback requirements for an accessory structure on Ransomville Rd.
- Responded to a request for removal of two dead trees on Town property, corner of Park Ave and Powell Dr.
- Received an enquiry as to whether there is a working bathroom in a local business; and if so, does the facility require Health Department approval
- Liaised with Town Attorney on legal requirements for a permit for a fence on an easement.
- Discussed drainage plan requirements with contractor building a single family residence on East Ave.
- Obtained a new ID badge.
- Attended Town Board monthly meeting.
- Attended webinar training on new Town of Porter website.
- In depth exploration of the computer software that runs the Building Inspection/Code Enforcement office.
- Building permits issued as per the report.
- Periodic progress inspections on ongoing construction projects throughout the Town.
- Complaint files opened as per the report.
- Responded to an enquiry concerning pond overflow on Lake Rd, and was there a drainage review?
- Responded to request to explore relocating a Lake Rd residence.
- Responded to ongoing general enquires on the permitting process.
- Developed general guidelines for work requiring building permits, list to be available to permit applicants.
- Responded to resident enquires regarding a minor subdivision application at rear of Collingwood Estates.
- Responded to an enquiry about setbacks for constructing a garage at property on Youngstown-Wilson Rd.
- Returned unsealed/unsigned building plans for a new construction on East Ave. Requested and obtained stamped/signed replacements.
- Requested updated and sealed plans for another new construction on East Ave.
- In depth analysis of moving local business from Parker to Balmer Rd.

P T JEFFERY

Building Inspector/Code Enforcement Officer

RESULT:	REPORT ISSUED
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14. Report 2017-147

Highway

Highway Department:

1. Completed monthly brush pickup.
2. Completed replacement of 3 cross culverts on Braley Road.

3. Completed the milling of pavement in Youngstown Estates and North Creek Rd with assistance from the Towns of Wilson, Cambria, Pendleton, Lewiston, Wheatfield and the Villages of Lewiston and Youngstown.
4. Assisted the Villages with trucks for their milling projects.
5. Provided trucks to the Town of Wheatfield for their Oil sealing and paving projects.

Drainage Department:

1. We are continuing to mow off road ditches.
2. Completed the cleaning of a ditch between Braley Rd and Youngstown/Wilson Rd.
3. Completed sewer jetting of culverts in Youngstown Estates and along Ransomville Road at Parker Rd to check for blockages.

Water and Sewer Department:

1. Completed the monthly meter reading.
2. Completed the installation of 36 new Orion Transponders.
3. Repaired a water main break at Dickersonville Rd and Rt 93.

Porter on the Lake:

1. Completed mowing the park 5 times.
2. The pavilion was rented 8 times.

Respectfully submitted,

Scott B. Hillman
Superintendent of Highways

RESULT:	REPORT ISSUED
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15. Report 2017-148

Engineer

Engineering Report, July 10, 2017

1. General Engineering Support

New generator at Town Hall

Final Design underway.

Tentative Schedule:

Advertise	July 18, 2017
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Pre-bid meeting	July 27, 2017 (3:00 pm)
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Bid opening

August 9, 2017

Awary

August 14, 2017

Site grading plan reviews (3327 east Avenue and 3375 East Avenue)

Completed minor subdivision review of parcel adjacent to Youngstown Estates.
GHD letter dated June 29, 2017

RESULT:	REPORT ISSUED
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16. Report 2017-149

Attorney

No report

RESULT:	REPORT ISSUED
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17. Report 2017-150

Grant Writer

Grants Status Report: Projects we are currently working on:

LWRP: Next Meeting is scheduled for Thursday June 27th. Last meeting was to review the boundary map and current land inventory. Draft of both are available upon request.

Greenway: Still waiting for formal letter requesting a change in purchases needs to be sent to the AD Hoc Committee for approval. Formal quote for what will be purchased must be attached to the letter.

EFC Drinking Water Grant: The Water Tower and water distribution grant was submitted to EFC on June 23rd, 2017. The IUP was submitted for the October listing (part of the grant requirement).

- 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 will submitted before July 28th

Project \$64,830 (Town share 50%)

RESULT:	REPORT ISSUED
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18. Report 2017-155**Calendar of Events**

Zoning Board Meeting	Thursday, July 27 @ 7:00 PM
Planning Board Meeting	Thursday, August 3 @ 7:00 PM
Town Board Meeting	Monday, August 14 @ 7:00 pm

RESULT:	REPORT ISSUED
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19. Report 2017-151**Correspondance**

None

RESULT:	REPORT ISSUED
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20. Report 2017-152**Public Comments**

Linda White: We are here as representatives of waterfront homeowners and businesses. We request your support of our efforts to protect our properties. We ask you to join us at our next meeting which is going to be Wednesday, July 12 @ 7:00 PM at POTL in the large pavilion.

The question is what can be done? As a group we are more effective than a single person. We are also seeking monetary compensation from New York State and the Federal Government for reclamation of our shorelines. That's why most of these people are here, they're looking for support from the Town of Porter.

Councilman White: I think we need to make it public that we support the efforts of the people who are trying to solve this problem. The IJC needs to be disbanded or they need to get some people in there that care about this lake. There are supposed to be six people on the IJC and there are only five. One of the ones from the U.S. is from Montana, that's a long way from Lake Ontario or any of the lakes. We should get somebody to replace him, that has our interests at heart.

I'd like to make a resolution that the town will support what the politicians spoke about last week in Wilson. The Governor signed \$55 million for repairs to help the landowners and the businesses along the lake and along the river.

Councilman White made the following Resolution:

RESOLUTION: The Porter Town Board resolves that as members of the Board we support the efforts of the local Waterfront Homeowners Group. We also support Congressman Chris Collins as well as other local officials to seek help from the Federal Government (FEMA) for assistance in obtaining reimbursement. Local businesses as well as local waterfront homeowners have damage resulting from high water on Lake Ontario. We also feel that the International Joint Commission be restructured and Plan 2014 be rescinded to allow lowering of the lake level before it again reached destructive high levels.

Seconded by Councilman Baker. Motion carried

Linda White: I have petitions to sign as the town board.

Supervisor Wiepert: I received a letter from Kathleen Steinman, she has to do with the Niagara Falls Housing Authority. She apparently is taking over the residents for the EFC, does your applications and so on, she's the one you apply to. She is supposed to be at the town hall in Newfane on July 12th from 10 to 2. And she will to be there every Wednesday for the month of July from 10 to 2. She is will have the applications to apply for the grant money for your loss. She's will be at the meeting on Wednesday night.

Councilman White: If you come to the meeting on Wednesday night you are going to have Mike Norris, and representative from Rob Ort's office will be there, Clyde Burmaster will be there. Dave Godfrey from Wilson is a County Legislator from Wilson, he has been very instrumental in addressing this issue long before it become an issue, back when the IGAC was trying to get this 2014 in place, Dave Godfrey was out there fighting for us.

Supervisor Wiepert: A lot of people have lost property and they want to get their property reassessed. Sue what did you find on that today?

Assessor Driscoll: We had a meeting with state and county representatives and the municipalities that were affected by the high lake levels. There are two parts, one is the grant program the assessor's office is not involved in that part. The second part that the assessor office is involved in is only for improvements. So if you lost lake frontage, you're out of luck in the assessor program. It only covers improvements. It defaults at 50 percent, so if your house is worth \$500,000 and you lost your stairs and deck your pretty much out of luck.

RESULT:	REPORT ISSUED
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21. Report 2017-153

Town Board Comments

Senora Miller, Youngstown Library: I would like to welcome everyone to the library. If it's been a while since you've been to the library, please come. We are doing an Alzheimer's program On Thursday, July 20th from 6:00 to 7:00 pm. Please come out.

Tom Rockwood: We have a cottage in Youngstown. The neighboring property is in atrocious condition. We have rodent issues, raccoons and possums living in it. We've had 3 or 4 owners, each time we think the property is going to get fixed or improved but unfortunately every couple of years it goes on the market again. We keep hoping that it will resolve itself, clearly it hasn't. The address is 447 Powell. I can give you the photos.

Bldg. Inspector Jeffery will look into it.

Grant Writer Rotella: Just wanted to let you know that I submitted the water grant and that went in at 5.8 million dollars' worth of water tower and distribution. Our next LWRP meeting is scheduled for July 27th. Our greenway sign is finally going up at POTL. The kayak launch project will be going in on July 28th. Total project cost is \$64,000 and it's a 50 percent matching grant. We passed a resolution at the last meeting.

At 7:37 pm a motion to adjourn the Town Board meeting was made by Councilman Baker and seconded by Councilman Johnston. Motion carried.

RESULT:	REPORT ISSUED
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