



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Barb Dubell
716-745-3730

Tuesday, October 11, 2016

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on October 11, 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	
Mike Dowd	Town of Porter	Attorney	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Roy Rogers	Town of Porter	Code Enforcement Officer	Present	
Norm Ault	Town of Porter	Bookkeeper	Present	
Chris Amico	Town of Porter	Engineer	Present	
Bernie Rotella	Town of Porter	Grant Writer	Present	
Susan Driscoll	Town of Porter	Assessor	Present	

II. Reports/Resolutions

III. Resolutions

1. Resolution 2016-94

Public Hearing for Constabulary for the Town of Porter

Local Law to establish a Town Constabulary for the Town of Porter, a town of the second class that has no police department.

Attorney Dowd: Now that we have the resolution and a copy of the Local Law, and we adopt the local law, then we send that to the Secretary of State for filing, effective immediately. After we adopt the Local Law we send it to the Division of Criminal Justice Services for them to approve it. They won't approve it until we approve it. Hopefully when they get it they won't want us to change it.

Motion to close the Public Hearing made by Councilman Baia and seconded by Councilman White. The motion carried.

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

IV. Reports

1. Resolution 2016-89

Minutes Approval

Resolution to approve the minutes of the September 12, 2016 regular meeting of the Porter Town Board.

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

2. Resolution 2016-90

Payment of Audited Vouchers

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

TOWN OF PORTER

WARRANT: POST AUDIT - SEPT, 2016 9/30/16

FUND	01	16,775.71
FUND	02	68.63
FUND	04	6,055.94
FUND	06	2,170.18
FUND	07	1,690.03
FUND	28	
FUND	36	
TOTAL		<u>26,760.49</u>

VOUCHER 'S 22756 THRU 22776

WARRANT: # 10 OCTOBER, 2016 10/11/16

FUND	01	20,692.30
FUND	02	28,195.27
FUND	04	50,491.55
FUND	06	733.34
FUND	07	4,952.66
FUND	10	809.82

FUND	12	
FUND	35	
TOTAL		<u>105,874.94</u>
VOUCHER 'S	22777	THRU 22851
	TOTAL	<u>132,635.43</u>

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

3. Report 2016-186

Town Clerk

Water: \$41,291.81

Sewer: \$ 9,023.84

Clerk Fees: \$ 981.47

RESULT:	REPORT ISSUED
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4. Report 2016-198

Supervisor's Report

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

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

August Sales Tax: \$101,086.85. The Town is down \$19,983.99 for the year 2016.

Resolution authorizing the Supervisor to sign an Officer's Certification with key Bank for the Town of Porter Credit Card.

RESULT:	REPORT ISSUED
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5. Resolution 2016-91**Acceptance of Supervisor's Report**

Resolution to accept the Supervisor's Report for September 30, 2016.

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

6. Resolution 2016-93**Officier's Certification**

Resolution authorizing the Supervisor to sign an Officer's Certification for the Town of Porter Credit Card with Key Bank.

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

7. Report 2016-187**Bookkeeper**

Bookkeeper's Monthly Report - September, 2016

Completed processing all September, 2016 Vouchers & Journal Entries.

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

Completed bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Turned in the 2017 Tentative Budget to the Town Clerk on September 27, 2016

RESULT:	REPORT ISSUED
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8. Report 2016-188**Recreation****RE: September Recreation Report**

- We recommend and request the appointment of Melissa Tower to the Recreation Commission, to fill the vacant position expiring on December 31, 2018.

Motion to approve Melissa Tower to fill the vacant position expiring on December 21, 2018 was made by Councilman White and seconded by Councilman Baker. All agreed, motion passed.

- Our Summer Recreation Program ended for the children on Thursday, August 11th. There were approximately 350 children registered. It was another very successful program.
- The next Saturday Kids' Karate Class will be held at the Youngstown Village Center Gym on October 1st at 10:00am.
- The Story Hour Program is held in the Youngstown Library on Tuesdays and in the Ransomville Library on Wednesdays.
- The next Saturday Story Hour Program will be held on Saturday, October 8th 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.
- The Safer Self Program will be held on October 11th and 18th at 6:30pm in the Cora Gushee Room; this program is geared towards adults.
- Our next meeting will be Monday, October 3rd, 2016 at 7:00pm.

RESULT:	REPORT ISSUED
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9. Report 2016-189**Assessor****ASSESSOR'S REPORT**

September 2016

Processed twenty-three August deed transfers.

Made eight site visits for data collection.

Sent out STAR Enhanced renewal letters for 2017, and began processing returns.

Attended Niagara County Assessor meeting.

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

• 1593 Lake Rd	TAV \$95,000	Sale Price \$360,000
• 3429 Creek Rd	TAV \$ 131,900	Sale Price \$277,900
• 3775 Ransomville Rd	TAV \$81,000	Sale Price \$111,500
• 2117 Lake Rd	TAV \$209,500	Sale Price \$380,000
• 2325 Lake Rd	TAV \$170,000	Sale Price \$375,000
• 550 Northfield Dr	TAV \$82,600	Sale Price \$121,000

RESULT:	REPORT ISSUED
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10. Report 2016-190

Building Inspector/Code Enforcement Officer

Sept. 2016

TOWN OF PORTER

No.	Date	Owner	Type	Location	Value	Fee
095-16	9/7	I Dolan	P.B.	3705 River Rd	25,000	50
096-16	9/8	W Suitor	Shed	3327 Creek	500	25
097-16	9/9	S Jones	Fence	3735 River Rd	7,000	25
098-16	9/14	F M Church	F.W.	3924 Ransmv	0.00	50
099-16	9/23	T Lockhart	S.F.R.	1961 Y-W rd	225,000	300
100-16	9/26	G Wiepert	Carport	3504 Ransmv	2,000	25
101-16	9/26	N Shahram	Gar	1723 Harrison	12,000	50
102-19	9/30	W Suitor	S.F.R.	3333 East	180,000	300
103-16	9/30	K Heffler	S.F.R.	3715 River Rd	450,000	387
104-16	9/30	W Collins	Add	706 Lake	5,000	100
105-16	9/30	A Reid	S.F.R..	Blairville	130,000	300
P.B. - Poll Barn					1,036,500	1,612
Monthly Y.T.D.					2,721,520	7,662

BUILDING DEPARTMENT REPORT - September 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

Pursued Zoning code violations and issued the Supervisor 'Complaints Report' for the month of September 2016

Contracts for Porter on the Lake pavilions

Attended Niagara Frontier Building Officials meeting

Meeting with Attorney re Lakefront Cottages

RESULT:	REPORT ISSUED
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11. Report 2016-191

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			0.00
OCTOBER			0.00
NOVEMBER			0.00
DECEMBER			0.00
	<u>37,235.00</u>	<u>(18,730.00)</u>	<u>18,505.00</u>

RESULT:	REPORT ISSUED
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12. Report 2016-192**Highway****Department of Public Works
Monthly Report for September 2016****Highway Department:**

1. Completed monthly brush pickup. Last pick up for the year will be Monday November 7th Lutts Rd and west. Tuesday November 8th area east of Lutts Rd.
2. Completed the oil sealing of Creek Lane and the shoulder installation with help from the Town of Wilson, Lewiston, Cambria and Newfane.
3. Provided assistance with a truck hauling blacktop to the Town of Niagara.
4. Completed a driveway installation on Braley Rd and installed culverts on East Ave. and Cain Road.
5. Just a reminder that the Winter Parking Restrictions start on November 1st until April 1st 2017. No Parking on All Roads in the town between the hours of Midnight and 8:00 AM
6. Completed replacement of 19 sidewalk block in Ransomville.

Drainage Department:

1. Off road mowing is 98% complete.

Water and Sewer Department:

1. Completed the monthly meter readings.
2. Completed repairs to a service leak on Riverview Drive.
3. We have started our winterization program for all fire hydrants.
4. Have submitted applications for Class D Water Operators licenses to the NYSDOH for Wendy Shaw and Jim Stone.
5. We are starting to experience meter transponder failures in the sewer areas. The units are 13 years old and no longer supported by the Trace Read Meter reading system. We have some replacement units in stock that will allow us to read the meters with our Orion system. I have included a budget item to replace all 500 Trace Transponders in the 2017 Water Budget.

RESULT:	REPORT ISSUED
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13. Report 2016-200**Engineer****General Engineering Support**

- Completed Engineering review of minor subdivision at 3681 and 3691 River Road, Ransomville
- Hydraulic Model and Tank Evaluation
 - Base map of water system complete
 - Data collection task completed
 - Model runs for domestic and fireflow have been developed and is currently being calibrated.
 - Schedule for completing the hydraulic model and evaluation is targeted for October 21, 2016. (Draft Engineering report to be issued with the model)

RESULT:	REPORT ISSUED
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14. Report 2016-193**Attorney**

The board asked that myself, the supervisor and building inspector meet with Mr. Lynch and Miss. Lynch and their attorney Mr. Coykendall regarding the use of property near their home for short term rentals. We had that meeting for about an hour to talk about that issue. The conclusion was that at this time the code enforcement officer is not going to enforce anything. He doesn't believe there is anything in our code that applies.

I am asking for your direction in doing this to ask the zoning and planning boards to take a look at adopting current regulations on these short term rentals. We will take a look at adopting some regulations. Do I have that instruction?

Supervisor Wiepert: Yes, proceed.

Attorney Dowd: The past few years the code enforcer and I with the two chairman will have the annual meetings for the Zoning and Planning Boards to get their credentials every year. I will set this up with the boards approval to allow the seminar to be the qualification for the 4 hours of annual training. The instructors will be myself, the Chairman of the Zoning Board, the Chairman of the Planning Board and Mr. Rogers. The Town Board has to approve that this will be accepted as the 4 hours of annual training.

Motion made that the annual 4 hours in-house training for the Zoning Board and Planning Boards will be accepted by the Town Board.

**Motion made by Councilman Baker and seconded by Councilman Fleckenstein.
Motion carried.**

RESULT:	REPORT ISSUED
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15. Resolution 2016-92**SEQR Zoning Amendment for Farm & Garden Repair**

Town Board to consider a negative declaration regarding zoning amendment.

Amending Zoning Ordinance to permit service and repair of farm & garden equipment in rural residential zones. No natural resources will be affected by the adoption of this local law.

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

16. Report 2016-194**Grant Writer****Grants Status Report: Projects we are currently working on:**

- **LWRP:** Meeting is scheduled for October 6th to review the program and parameters of the LWRP. Review of proposed boundaries and inventory will be discussed and the committee will make a determination of the project and make its recommendations to the Board at the Town Meeting. More details to follow.
- **CFA POL** Kayak Launch Project submitted we should hear by November
- **Greenway:** The balance of our Greenway funding is \$89,000. This needs to include a sign. This will be discussed at the LWRP meeting on the 6th, more details to follow at the meeting on the 11th.
- **NYS Archives:** A project exit interview meeting was held with Denis Meadows, Director for the NYS Archives on Friday September 30th. Will meet with the Town Clerk to review that application exit reviews and prepare for the next round of Archives Grants.

RESULT:	REPORT ISSUED
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17. Report 2016-195**Correspondance**

report

RESULT:	REPORT ISSUED
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18. Report 2016-199**Calendar of Events**

Zoning Board	Thursday, October 27 th	7:00 PM	Porter Town Hall
Tire Day	Saturday, October 22nd at Ransomville Fire Hall	8:00 AM - 2:00 PM	
Halloween - Hours	Monday, October 31st from 5:00 PM - 7:30 PM		
Planning Board	Thursday, November 3 rd	7:00 PM	Porter Town Hall
ELECTION DAY	Tuesday, November 8th		
Town Board	Monday, November 14 th	7:00 PM	Porter Town Hall

RESULT:	REPORT ISSUED
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19. Report 2016-196**Public Comments**

Joanne Basta: Owner of 12, 13 & 14 Porter Center Extension. In August I had a site visitation with Roy Rogers. At which time I brought to his attention some violations my neighbor had, one is a problem with the fence and the other was the tall grass that is not being mowed.

After repeated attempts to get a response from Mr. Rogers and Supervisor Wiepert and waiting for 6 weeks I called Mert to ask what was happening. The conversation I had with Mr. Rogers went nowhere, he said I don't what I am going to do, I don't have a plan. To me that was ridiculous. Supposedly you issued a 10 day warning and no action was taken. So I called Mert, we had a conversation for quite a while. Mert agreed and said that he promised that he would talk to Roy the next morning. Said he would call me back or e-mail me. To this day I have not heard back from Mert. I told him that I would wait till that Friday. I am sick and tired of being told that I will call you, I will get back to you

I have contacted my attorney and he advised me that there are several violations that I could sue the

town for. This is really a waste of my time. You have a code enforcer, how can they not have the teeth to enforce the code? Does the board know what your employees are doing? Leaving you vulnerable to law suits?

Joanne handed out pictures of the fence showing it is falling down with posts out of the ground.

Councilman Fleckenstein: Directed to Mert...why aren't you telling us this, why do we have to go thru this?

After a lengthy and heated discussion the topic was changed.

Mark Lynch: Reviewed the Town Board meeting held on August 8th regarding the question of a violation of the zoning code associated with the motel operation at 2087, 2085 and 2053 Lake Road. He requested that the town board enforce the existing town code and shut down the commercial activity at those locations.

Attorney Dowd: We are going to do our due diligence, we are going to look and see what we can do, but the code enforcement officer doesn't think and I don't have any reason to disagree with him, that until we pursue this there is nothing to enforce. I also advised him that if that answer wasn't satisfactory that I respected their decision if they wanted to pursue action against the town. But I suggested that they at least allow the town the next several months to explore the possibility of adopting new regulations. Other communities have not been able to restrict the use of homes for short term rentals. Several other property owners rent their homes out along the lake or river for a short term basis and I think it's appropriate that we try to adopt regulations that satisfy the residents and that don't infringe on owners' rights.

Waldemar Nowacki: I had members of the Lynch family that stayed at my place when their mother passed. When Mr. Lynch had his 30th anniversary there was a party on my property, I didn't say anything, I want you to enjoy yourself. I didn't chase you, I didn't say anything. You on my property and didn't ask for permission. You want everything to please you. The last couple weeks ago the roofers were working on your roof and you told them it was ok with me that they could come onto my property to do the work. When I bought the properties nobody said I couldn't rent them. How many properties in the Town of Porter are being rented? Just because you have a problem with it and you are creating problems. And you come onto my property *without my permission* taking pictures of people, interfering with my guest's privacy by taking pictures of them and their license plates, that's not right either.

RESULT:	REPORT ISSUED
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20. Report 2016-197

Town Board Comments

At 8:03 pm a motion to adjourn the meeting was made by Councilman Baker, seconded by Councilman White. Motion carried.

RESULT:	REPORT ISSUED
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