



Town of Porter

Town Board Meeting

~ Agenda ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, June 12, 2023

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on June 12, 2023 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Present	Absent	Late	Arrived
Supervisor J. Duffy Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Deputy Supervisor Jeff Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilman Larry White	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilman Tim Adamson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Councilman Jipp Ortiz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Town Clerk Kara Hibbard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Deputy Town Clerk Elaine Porto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bookkeeper Kimberli Boyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Highway Superintendent Dave Burmaster	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Town Attorney Mike Dowd	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Code Enforcement Officer Peter Jeffery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Selah Dell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

II. Resolutions/Reports

III. Resolutions

- Resolution 2023-67**
Audit of Justices for the Town of Porter Court
- Resolution 2023-52**
Minutes Approval
- Resolution 2023-53**
Audited Vouchers
- Resolution 2023-54**
Acceptance of Supervisor's Report
- Resolution 2023-59**
Porter on the Lake Park Improvements Bid

6. Resolution 2023-71

Resolution to Amend the Short Term Rental Definition

7. Resolution 2023-72

Heating and Ventilating System in the Town Hall Auditorium

8. Resolution 2023-73

Sub Division Amendment SEQR, Lead Agency Status

9. Resolution 2023-74

Fitness Court at Porter on the Lake

10. Resolution 2023-76

Generators (Two) for Woodcliff Dr. Sewer Lift Stations

11. Resolution 2023-77

Roadside Mowing Tractor

12. Resolution 2023-78

Roadside Mower with a Forestry Package

13. Resolution 2023-79

Resolution to Have Donegal (State Bid Sheet) Mill Town Roads

14. Resolution 2023-80

Resolution to Purchase a New Peterbuilt Tandem Dump Truck

15. Resolution 2023-81

Resolution Approving Change Order to Swain and Lake Road

16. Resolution 2023-82

Resolution Regarding the Contract Between the Town of Porter and Atlantic Testing Laboratories, Limited.

IV. Reports**1. Report 2023-52**

Supervisor's Report

2. Report 2023-53

Bookkeeper

3. Report 2023-54

Town Clerk

4. Report 2023-55

Assessor

5. Report 2023-56

Building Inspector/Code Enforcement Officer

6. Report 2023-57

Highway

7. Report 2023-58

Recreation

8. Report 2023-59

Calendar of Events

9. Report 2023-60

Public Comments

10. Report 2023-61

Town Board Comments



Town of Porter
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2023-67

Meeting: 06/12/23 07:00 PM

Audit of Justices for the Town of Porter Court

To acknowledge receipt that the Town of Porter's Town Justice Court Records and Dockets have been examined and audited by Drescher & Malecki, Certified Public Accountants, for the year ending December 31, 2022. As required by law, after approval by the Porter Town Board, the audit will be sent to the State Comptroller's Office by the Town Clerk.



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2023-52

Meeting: 06/12/23 07:00 PM

Minutes Approval

Resolutions to approve the minutes of the May 8, 2023 Town Board meeting and May 26, 2023 Special meeting.



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2023-53

Meeting: 06/12/23 07:00 PM

Audited Vouchers

TOWN OF PORTER

WARRANT: POST AUDIT #5A 5/31/23

FUND	01	15,563.24
FUND	02	3,931.21
FUND	04	11,024.90
FUND	06	8,060.20
FUND	07	221,836.78
FUND	10	0.00
FUND	11	0.00
FUND	35	6,150.00

TOTAL 266,566.33

VOUCHER 'S 31571 THRU 31598

WARRANT: POST AUDIT #6 JUNE 2023 6/8/23

FUND	01	66,358.33
FUND	02	53,912.66
FUND	04	35,661.38
FUND	06	17,655.98
FUND	07	4,261.20
FUND	10	789.44
FUND	11	29,380.77
FUND	35	39.96
FUND	21	
FUND		

TOTAL 208,059.72

VOUCHER 'S 31599 THRU 31693

TOTAL 474,626.05

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



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2023-54

Meeting: 06/12/23 07:00 PM

Acceptance of Supervisor's Report

Resolution to accept the Supervisor's report from May 8, 2023



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2023-59

Meeting: 06/12/23 07:00 PM

Porter on the Lake Park Improvements Bid

Bids for the Porter on the Lake Park Improvement were received on Monday, May 1, 2023. Bid opening was at 10:00 AM and bids were received as follows:

Mark Cerrone Inc.	\$248,725.00
A1 and Care Inc.	\$219,742.00
1895 Electric	\$156,450.00
Scott Lawn Yard	\$271,602.00

Board decided to discuss at next Town Board Meeting on June 12, 2023. Engineers have not finished reviewing the bids .



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2023-71

Meeting: 06/12/23 07:00 PM

Resolution to Amend the Short Term Rental Definition

Resolution to request a public hearing.



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2023-72

Meeting: 06/12/23 07:00 PM

Heating and Ventilating System in the Town Hall Auditorium

Bids were received for replacing the old ventilation system in the Town Hall auditorium.

- | | | |
|------------------------------|---|-------------|
| 1) H. W. Bryk & Sons | - | \$49,835.00 |
| 2) M. H. Thilk Electric, LLC | - | \$55,332.00 |
| 3) Johnson Controls | - | \$77,200.00 |

Resolution needed to award the bid.



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2023-73

Meeting: 06/12/23 07:00 PM

Sub Division Amendment SEQR, Lead Agency Status

**Porter Town Board Resolution to Establish SEQRA and adopt Lead Agency Status
for the amendment of the definition of Sub Division.**

The division of any single lot, tract or parcel thereof, into two or more but not less than four lots, sites, tracts or parcels of land, with or without streets or highways, for the purpose, whether immediate or future, of sale, transfer of ownership or building of development. The sale or exchange of parcels of land between, adjacent or adjoining property owners or where such sales do not create additional lots shall not be considered a subdivision of land so long as such exchange does not result in the creation of an otherwise substandard size lot as defined in these regulations subject to the requirements of 165-9.

The code of the Town of Porter shall be amended by repealing the currently adopted chapter 165, Section 165-9 Minor Subdivision of the Code of the Town of Porter, in entirety, and replace with:

In cases where a transfer or sale of land between neighboring property owners does not create an additional lot or which does not otherwise create a substandard lot not having dimensions otherwise required by this law, the property owners may seek an expedited review of such transfer. The property owners shall apply to the Town Code Enforcement Officer, in writing, seeking approval of such transfer. The Code Enforcement Officer shall refer the request to the Planning Board and Town of Porter Tax Assessor for further review. In such a case the Planning Board may approve such a request without requiring a public hearing or the submission of a survey and depending on the individual circumstances of each request for an expedited review the Planning Board may require a public hearing of any document submissions required pursuant to this § 165-9.

Further amend Chapter 165, Section 36 Definitions as follows;

Repeal the definition of Subdivision, B. Minor Subdivision and replace with:

B. <https://ecode360.com/16126417> MINOR SUBDIVISION
<https://ecode360.com/16126417>

Any division of a single lot, tract or parcel of land, or a part thereof, into two or more but not more than four lots fronting on an existing street or not involving any new street, road or the extension of municipal facilities beyond the frontage requirements of a single lot within the designated zone and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Land Use Plan, Official Map or Zoning Law of the Town of Porter. A minor subdivision may be deemed a major subdivision if it is part of or contiguous to a previously approved subdivision.

Application for further subdivision of any portion of a minor subdivision or for a further subdivision of the parent parcel shall constitute application for a major subdivision. The sale or exchange of parcels of land between adjacent or adjoining property owners or where such sales do not create additional lots shall not be considered a subdivision of land so long as such exchange does not result in the creation of an otherwise substandard size lot as defined in these regulations subject to the requirements of § 165-9 (F).

-Please refer to the handout submitted by Code enforcer Jefferys.



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2023-74

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Fitness Court at Porter on the Lake

Town Board resolution needed to release the remaining funds for the installation of the Fitness Court at Porter on the Lake. The installation is being done by the National Fitness Campaign Team - sole source- no bids required.



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2023-76

Meeting: 06/12/23 07:00 PM

Generators (Two) for Woodcliff Dr. Sewer Lift Stations

Bids were received regarding the generators and installation for the Woodcliff Dr. Sewer Lift Stations

1)	O'Connell Electric	-	\$35,080.00
2)	Moley Magnetic	-	\$25,466.00

Resolution needed to award the lowest bid.



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2023-77

Meeting: 06/12/23 07:00 PM

Roadside Mowing Tractor

3 bids were received regarding the Roadside Mowing Tractor (complete with mowers)

1)	Massey	-	\$103,389.00
2)	Niagara Frontier Equipment		\$127,467.40
3)	John Deere	-	\$128,198.02

Resolution needed to accept and award the bid from Niagara Frontier because Massey (lowest bidder) was not able to get Alamo mowers.



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2023-78

Meeting: 06/12/23 07:00 PM

Roadside Mower with a Forestry Package

Bids were received regarding a Roadside Rotary Mower complete with a forestry package,

- | | | | |
|----|------------|---|--------------|
| 1) | Massey | - | \$141,261.00 |
| 2) | John Deere | - | \$124,649.44 |

Resolution needed to accept and award the lowest bid to John Deere.



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2023-79

Meeting: 06/12/23 07:00 PM

Resolution to Have Donegal (State Bid Sheet) Mill Town Roads

Resolution needed to hire Donegal from the State Bid sheet to mill out

- 1) New road
- 2) Curtiss Ave.
- 3) Academy Street
- 4) East Ave.

Not to exceed over \$25,000



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2023-80

Meeting: 06/12/23 07:00 PM

Resolution to Purchase a New Peterbuilt Tandem Dump Truck

Town Highway Superintendent Dave Burmaster would like a board resolution to purchase a new Peterbuilt Tandem Dump Truck Model 367 (on state bid website), complete with box (plow, wing and hydraulics). The total cost for this truck is \$326,580.00 (this includes the equipment needed from Valley Fab & Equipment.)

Purchase and delivery to be made after Jan 1, 2024. Payments to be spread out (lease to own) from 2024-2025.



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2023-81

Meeting: 06/12/23 07:00 PM

Resolution Approving Change Order to Swain and Lake Road

RESOLUTION

RESOLUTION APPROVING CHANGE ORDER TO SWAIN AND LAKE ROAD PUMP STATION IMPROVEMENTS

WHEREAS, the Town of Porter Town Board previously awarded Contract No. 2021-1 to Quackenbush Co. Inc., 495 Kennedy Road, Buffalo, NY 14227 in the amount of \$382,800.00, and

WHEREAS, changes to contract No. 2021-1 called for additional upgrades to the electrical facilities at two pump stations, modification of the structural floor materials to stainless steel at the two pump stations, the provision of bypass pumping at two pump stations, demolition of existing flow meters and replacement with mag meters, and

WHEREAS, the aforementioned changes were needed due to the age and condition of the existing electrical equipment in the station, to concerns in the longevity of the proposed floor materials, the Town desired to have the Contractor provide the bypass pumping to ensure that it is available as needed for the Contractors activities and finally replacement of the existing flow meters with mag meters because the previously specified meters would not fit with the pump station reconfiguration and

WHEREAS, this increased scope of work has required an increase of \$130,049.65 to arrive at a new contract price of \$512,849.65,

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Porter authorizes this increase of \$130,049.65 to Contract No. 2021-1.



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2023-82

Meeting: 06/12/23 07:00 PM

Resolution Regarding the Contract Between the Town of Porter and Atlantic Testing Laboratories, Limited.

This Agreement, entered into this 12th day of June 2023, by and between the **Town of Porter** (the Town) a municipal corporation organized and existing under the laws of the State of New York with offices at 3265 Creek road, Youngstown, NY 14174, and the Atlantic Testing Laboratories Limited, a Corporation organized and existing under the Laws of the State of New York "the Contractor" with offices at 6431 US Highway 11, Canton, NY 13617

Town Board approval needed to have Town Supervisor, John D. Johnston, sign the contract between the Town of Porter and Atlantic Testing Laboratories, Limited regarding the soil boring.



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2023-52

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Meeting: 06/12/23 07:00 PM

4.1

Supervisor's Report

MAY SUPERVISOR'S REPORT 2023

5-11 Met with the County DOT for the River Rd Waterline

5-16 Zoom with the Fitness Court Team

5-23 Took photos and made a report to Verizon on trees cut on residents land

5-26 Attended the Niagara Discovery Shuttle announcement at Ft Niagara

5-27 The Board attended the ribbon cutting at Run Away Bay

5-29 Attended the VFW Memorial Service at Ft Niagara Cemetery

6-6 Had a meeting with Pete and Dave on the heating and cooling system for the Courtroom

6-8 Had Zoom meeting for the WIIA waterline grant

6-9 Attended the ribbon cutting for the roof at the Castle at Ft Niagara



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2023-53

Meeting: 06/12/23 07:00 PM

Bookkeeper

Completed processing all May 2023 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for May 2023 and distributed it to the Supervisor & Town Board members.

Completed all bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Completed bank recs for the month of May and they balanced.



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2023-54

Meeting: 06/12/23 07:00 PM

Town Clerk

Water Collection for May - \$30,290.72

Sewer Collection for May -\$29,975.25

Clerk Fee's \$795.29

Clerks Dept has been working on proceeding with online payments for County tax and dog renewal payments.



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2023-55

Meeting: 06/12/23 07:00 PM

Assessor

Monthly Assessor's Report May 2023

- Updated the real property system for changes due to building permits
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Filed the 2023 Tentative Assessment Roll May 1, 2023
- Sat with the assessment roll on required dates for public inspection
- Submitted the mobile home spreadsheet report to the NYS Office of Real Property Tax Services for STAR credit purposes
- Transmitted sales reports to the NYS Office of Real Property Tax Services sales unit
- Attended the Board of Assessment Review Hearing, May 23, 2023

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

382 Dansworth Rd	AV \$222,500	Sale Price: \$549,900
2503 Lake Rd	AV \$124,700	Sale Price: \$313,000
3360 East Ave	AV \$153,700	Sale Price: \$275,000
125 Church St	AV \$91,400	Sale Price: \$205,000
352 Main St	AV \$70,400	Sale Price: \$300,000
171 Jackson St	AV \$132,000	Sale Price: \$301,500



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2023-56

Meeting: 06/12/23 07:00 PM

Building Inspector/Code Enforcement Officer

- ◆ Reviewed and issued eight (8) **Building Permits** for the month of **May**.
- ◆ Received, Inspected, and followed up on four (4) **New** formal **Complaint/Violations**
- ◆ Completed eighteen (18) **inspections** for Permits & Complaints compliance.
- ◆ Coordinated/Reviewed **Planning and Zoning Board applications** and Documentation.
- ◆ Prepared information and participated in the regular **Planning Board** meeting on **May 4, 2022**.
- ◆ Prepared information and participated in the schedule **Zoning Board** meeting for **May 25, 2022**.
- ◆ Attended Town of Porter **Justice Court** for pending Zoning enforcement cases.
- ◆ Attended Town of Niagara **Justice Court** for a pending Zoning enforcement case.
- ◆ Participated in the third, and final **Short Term Rental committee**.
- ◆ Continued work on Building Committee Bid documentation; New Generator & HVAC replacement work.
 - Reviewed and summarized the three Proposals for Auditorium HVAC project.
 - Finalized the Bid Documents and coordinated bid package with Town clerk.



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2023-57

Meeting: 06/12/23 07:00 PM

Highway

HIGHWAY

- 1.COMPLETED BRUSH FOR THE MONTH.
- 2.MOWED CEMETERIES.
- 3.MOWED ROADSIDES.
- 4.REPLACED DRIVEWAY CULVERT BRALEY RD.
- 5.WEEDWACKED GUARD RAILS AND SIGNS.
- 6.REPAIRED CROSS CULVERT BRALEY RD WHERE SHOULDER WAS BEING WASHED AWAY.

WATER & SEWER

- 1.COMPLETED WATER METER READINGS FOR THE QUARTER.
- 2.WEEDWACKED FIRE HYDRANTS.
- 3.SERVICED SEWER LIFT STATIONS.
- 4.PUT IN A NEW 1 ½ WATER SERVICE AND METER PIT ON YOUNGSTOWN LOCKPORT RD.

DRAINAGE

- 1.CLEANED TREES AND DEBRI OUT OF CREEKS.
- 2.DAN TRUESDELL STARTED CLEANING CREEK NEXT TO THE GARAGE FROM BRALEY RD TO PORTER CNTR.
- 3.STARTED MOWING CREEKS AND DITCHES.

PARK

- 1.MOWED PARK FOR THE MONTH.
- 2.CLEANED BATHROOMS.
- 3.CLEANED DITCHES AND REMOVED DEBRIS FROM BEACH.



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2023-58

Meeting: 06/12/23 07:00 PM

Recreation

June Town Board Report

- The Town of Porter Summer Recreation Program will be held at the Ransomville Free Methodist Church from July 5 - August 10, 2023. Registration for children will be in person only at the church on Wednesday, June 28th and Thursday, June 29th, from 10:00am - 3:00pm.
- The Town of Porter Recreation Commission requests the appointment of the following Recreation Supervisors for the Summer Recreation Program. Employment is from June 26 - August 11, 2023:

RETURNING EMPLOYEES:

Tiffany Chandler 1046 Upper Mountain Road Lewiston, NY 14092	Brady Martin 429 Dansworth Road Youngstown, NY 14174	Michael Miller 4284 Burch Road Ransomville, NY 14131
Joseph Powers 490 Lockport Street Youngstown, NY 14174	Tessa Schuey 413 Riverwalk Drive Youngstown, NY 14174	Hannah Ullery 401 Wingate Place Youngstown, NY 14174
Johnathan Wendt 1546 Swann Road Lewiston, NY 14092	Sarah Wilkesmore 999 Balmer Rd A-9 Youngstown, NY 14174	

NEW EMPLOYEES:

Luke Atlas 2943 W. Lake Road Wilson, NY 14172	Ava Cosgrove 2060 Swann Road Ransomville, NY 14131	Gianna Marchetti 4335 Nelson Road Wilson, NY 14172
Kennedy Miller 4650 Simmons Road Ransomville, NY 14131	Katherine Minicucci 453 Woodland Court Youngstown, NY 14174	Olivia Mocarski 2230 Beebe Road Wilson, NY 14172
Caitlin Mooradian 869 Swann Road Lewiston, NY 14174	Kenneth Nyland 1352 Garrett Avenue Niagara Falls, NY 14305	Jennifer Reagan 2341 Beebe Road Wilson, NY 14172
Kyle Siegel 376 Howard Drive Youngstown, NY 14174	Natalie Sloma 458 Riverview Drive Youngstown, NY 14174	Kurstin Thorman 190 63 rd Street Niagara Falls, NY 14304

- Yoga is now being held every week at Porter on the Lake Park. The schedule is:
Tuesdays at 9:30am - Chair Yoga

Tuesdays at 6:30pm - All Levels Yoga

Thursdays at 6:30pm - Gentle Yoga
- Story Hour's Summer Program begins on Tuesday, June 27th at 10:00am at the Youngstown Red Brick Gym, and on Wednesday, June 28th at 10:00am at the Ransomville Library.
- Our next meeting will be Monday, July 10, 2023 at 6:00pm at Porter on the Lake Park.



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2023-59

Meeting: 06/12/23 07:00 PM

Calendar of Events

- 6-22-23 - Zoning Board of Appeals monthly meeting at 7:00 PM
- 7-6-23 - Planning Board monthly meeting at 7:00 PM
- 7-10-23 - Recreation monthly meeting at 6:00 PM at Porter on the Lake Park
- 7-10-23 - Town Board monthly meeting at 7:00 PM



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2023-60

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Public Comments



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2023-61

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Town Board Comments