



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, April 11, 2022

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on April 11, 2022 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Jipp Ortiz	Town of Porter	Councilman	Present	
J. Duffy Johnston	Town of Porter	Supervisor	Present	
Jeff Baker	Town of Porter	Deputy Supervisor	Absent	
Larry White	Town of Porter	Councilman	Present	
Tim Adamson	Town of Porter	Councilman	Present	
Kara Hibbard	Town of Porter	Town Clerk	Present	
Kimberli Boyer	Town of Porter	Bookkeeper	Present	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	
Dave Burmaster	Town of Porter	Highway Superintendent	Present	
Mike Dowd	Town of Porter	Attorney	Present	

II. Resolutions

1. Resolution 2022-27

Minutes Approval

Resolution to approve the minutes of the March 14, 2022 Town Board monthly meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Adamson, Councilman
SECONDER:	Larry White, Councilman
AYES:	Jipp Ortiz, J. Duffy Johnston, Larry White, Tim Adamson
ABSENT:	Jeff Baker

2. Resolution 2022-28

Audited Vouchers

TOWN OF PORTER

WARRANT:

POST AUDIT #3A

3/31/22

FUND	01	12,558.43
FUND	02	6,569.96
FUND	04	11,978.99
FUND	06	1,864.87
FUND	07	2,983.88
FUND	10	946.28
FUND	11	0.00
FUND		

TOTAL **36,902.41**

VOUCHER 'S **30099** **THRU** **30119**

WARRANT:

POST AUDIT #4 - APR 2022 **4/8/22**

FUND	01	7,733.49
FUND	02	11,345.79
FUND	04	15,739.91
FUND	06	32,800.73
FUND	07	1,323.97
FUND	10	0.00
FUND	11	27,688.87
FUND	20	
FUND	21	
FUND	28	

TOTAL **96,632.76**

VOUCHER 'S **30120** **THRU** **30184**

TOTAL **133,535.17**

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jipp Ortiz, Councilman
SECONDER:	Tim Adamson, Councilman
AYES:	Jipp Ortiz, J. Duffy Johnston, Larry White, Tim Adamson
ABSENT:	Jeff Baker

3. Resolution 2022-29

Supervisor's Report

Resolution to accept the Supervisor's report from the March 14, 2022 Town Board meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jipp Ortiz, Councilman
SECONDER:	Larry White, Councilman
AYES:	Jipp Ortiz, J. Duffy Johnston, Larry White, Tim Adamson
ABSENT:	Jeff Baker

4. Resolution 2022-35

Water/Sewer Adjustment Fees

WATER/SEWER RATE HOOKUP INCREASES

Existing Tapping:

5/8" x 3/4" Orion meter (house installation)	\$225 - \$375
1" Orion meter (house installation)	\$325 - \$475
3/4" Direct tap service w/ Orion meter (house installation)	\$800 - \$1000
3/4" Direct tap service with Orion meter (meter pit)	\$1150 - \$2200
1" Direct tap service with Orion meter (house installation)	\$975 - \$1200
1" Direct tap service with Orion meter (meter pit)	\$1425 - \$3000
Sewer Hook-Up fee	\$750 - \$1000

Roll call: Supervisor Johnston, yes; Deputy Supervisor Baker (absent), Councilman White, yes; Councilman Adamson, yes; Councilman Ortiz, yes

Councilman Ortiz asked Highway superintendent Burmaster if he keeps some meters in stock and he said he does keep extra meter pits on the shelf.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Adamson, Councilman
SECONDER:	Larry White, Councilman
AYES:	Jipp Ortiz, J. Duffy Johnston, Larry White, Tim Adamson
ABSENT:	Jeff Baker

III. Reports

1. Report 2022-23

Supervisor's Report

3-16 Fitness Court zoom call

3-19 Walked in the St Patrick's day parade

3-24 Met with a resident on Lockport Rd about a culvert

4-4 Zoom meeting for Niagara County Hazard group

4-7 Greenway bike trail meeting

RESULT:	REPORT ISSUED
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2. Report 2022-24

Bookkeeper

Completed processing all March 2022 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for March 2022 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 March and they balanced.

Had a meeting with Supervisor Johnston and the Town's new accounting/auditing firm, since Pat Brown retired at the end of 2021.

RESULT:	REPORT ISSUED
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3. Report 2022-25

Town Clerk

Water for the month of March was \$26,704.32

Sewer for the month of March was \$4620.19

Clerk Fess = \$664.06

RESULT:	REPORT ISSUED
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4. Report 2022-26

Assessor

- Processed property transfers for the Town and Village
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Accepted applications for property tax exemptions thru taxable status day, March 1, 2022.
- Approved and/or denied exemption applications. Denial determinations were mailed to affected property owners
- Property owners who need to submit additional information to the assessor to complete a timely filed application for exemption must do so by April 8th
- Published the legal notice for the Examination of Inventory and Valuation Data
- Inspected properties in the Town and Village with open building permits
- Met with Legislator Myers regarding NYS RPTL Sec 470 - Green Buildings Exemption
- Met with the Town Board and representatives from the State regarding town-wide revaluation
- Received a court ordered stipulation of settlement for Southport Rail Transfer, LLC parcel 61.00-2-2

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

2503 Lake Rd	AV \$112,000	Sale Price \$265,000
1637 Lake Rd	AV \$319,000	Sale Price \$620,000
3659 Hillview Dr	AV \$147,000	Sale Price \$290,000
3861 Creek Rd	AV \$168,700	Sale Price \$420,000
346 Carrollwood Ct	AV \$161,100	Sale Price \$205,000

RESULT:	REPORT ISSUED
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5. Report 2022-27

Building Inspector/Code Enforcement Officer

- ◆ Reviewed and Issued **Building Permits**; per attached Permit Report; ten (10) permits have been issued in the month of **March**.
- ◆ Received, Inspected, and followed up on **new Complaint/Violations**; per attached Complaint report; five (5) **New** formal concerns have been processed.
- ◆ Completed seventeen (20) **inspections** for Permits & Complaints.
- ◆ Coordinated/Reviewed **Planning and Zoning Board applications** and/or Documentation.
- ◆ Prepared information and participated in the regular **Planning Board** meeting on **March 3, 2022**.
- ◆ Prepared information and attended the **Zoning Board** meeting on **March 24, 2022**.
- ◆ Compiled a resource document for Homeowners - "After the Fire." I have reached out to both Fire chiefs, Youngstown & Ransomville, as well as Niagara County Fire for input to include in a good resource document for Fire Damage victims.
- ◆ The formerly proposed **Rural Residential business Local Law** has been tabled, as indicated last month. **However**, the Town's local laws, in my opinion, need to be amended to provide Construction industry businesses a clear path to legally operate in the Town of Porter. Last month in my report I asked the Board to consider this issue. I am asking again!

For example (hypothetically):

If Joe Brown comes to the Town hall asking what he needs to do for permission to operate a Concrete Construction Business in the Town of Porter, I have to tell him, "By regulation, that there is no Zoning district in the Town that allows for him to operate."

The Permitted Use Table of our Zoning Code has no listing, in any district for any type of Construction Business, therefore, it is not permitted in the Town of Porter. *The only exception to that determination is if the Code Enforcement officer in conjunction with the Planning board determine that a Concrete Construction Business is similar to another Use listed in the permitted use table. I cannot find another Use in the Table that is similar to this Business.*

TO ME THAT IS THE TYPE OF ISSUE I AM CONCERNED ABOUT!

I am asking the Board to talk about this primary issued. I have discussed this issue, last Thursday, with the Planning Board. At the Planning Board it was suggested that a committee, including member(s) of the Town board, Planning Board, and Zoning Board might be a method of advancing my concerns in this matter. Visualize a Donut with a hole in its center, that is a graphic representation of the currently adopted Zoning regulation in regard to this topic. There is a hole in the regulations when it comes to Construction/Service Industry Businesses!

Home Based Construction/Service Industry businesses are a more difficult issue and also need consideration, but the Primary Issue is the lack of a direct path for existence in any zoning district.

PERMIT REPORT - MARCH 2021

<u>Number</u>	<u>Issue Date</u>	<u>Owner</u>	<u>Permit type</u>	<u>Parcel Location</u>	<u>SBL #</u>
011-22	3/1/2022	Nicholas Young	Woodstove Certification	3407 Dickersonville Rd	47.00-1-23
012-22	3/1/2022	Ki-Po Motors Chevrolet Inc	Solar Energy Systems	2534 Lockport Rd	62.14-1-3.1
013-22	3/10/2022	William - Chandra Fitzsimmons	Miscellaneous	478 Lake Rd	45.00-1-4.121
014-22	3/16/2022	Shawn McNally	Fence	395 Howard Dr	59.18-1-48
015-22	3/22/2022	John Owen	Garage	3663 River Rd	59.14-1-26
016-22	3/24/2022	Kristen Costello	Fence	989 Meadow Dr	46.03-1-23
017-22	3/30/2022	Lisa Remmes	Fence	432 Dansworth Rd	59.14-2-19
018-22	3/30/2022	Stephen Penaro	Alteration/Remodel	2355 Lake Rd	21.17-1-19
019-22	3/31/2022	Ruth Buzzard	Temporary Use	3733 Ransomville Rd	62.18-1-6
020-22	3/31/2022	Adam Laurich	Solar Energy Systems	1881 Lockport Rd	47.04-1-1

COMPLAINT REPORT - MARCH 2021

Number	Issue Date	Owner	Complaint type	Parcel Location	SBL #
010-22	03/08/22	Day Scrivani	Noise nuisance	799 Blairville Rd	60.00-2-61
011-22	03/10/22	Alan Stocker	Refuse Storage	997 Lake Rd	32.18-1-21
F00-22	03/14/22	Erica Leigh Aceti	Fire Damage	2301 Youngstown-Wilson Rd	34.00-1-40.2
012-22	03/16/22	Ruth Anne Buzzard	Activity without a Permit	3725 Ransomville Rd	62.18-1-4
013-22	03/28/22	Scott MacVie	Building Up-keep	549 Lake Rd	45.07-1-36

Building Inspector Jeffery's said he would like to talk to the Town Board again about construction based businesses and Supervisor Johnston responded by saying maybe a work session next month would work.

Councilman Adamson asked Mr. Jeffery's about the property owned by Mr. Buttery and what can the Town do to clean it up.

Attorney Dowd responded by saying that Pete can go out there and write him a ticket every week. If it becomes a hazard, we can bring him back to court. Possibly double or triple the fine to get him to clean his place up. Also, the Town can give him a 3 day notice to get his stuff out and then hire someone to haul the stuff out of there and put it on his tax bill. Peter can prepare a report with cost estimates and give to the Town Board

Supervisor Johnston said he would call Kyle Andrews tomorrow.

RESULT:	REPORT ISSUED
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6. Report 2022-28

Highway

HIGHWAY

1. PICK UP BRUSH
2. SERVICED TRUCKS AND EQUIPMENT
3. PLOWED AND SALTED 6 TIMES
4. CHANGED GARBAGE IN RANSOMVILLE
5. PICKED UP BRUSH IN CEMETARIES
6. PUT IN DRIVEWAY CULVERT ON OLD LAKE RD

WATER AND SEWER

1. COMPLETED WATER METER READINGS
2. COMPLETED SERVICING LIFT STATIONS FOR THE MONTH

DRAINAGE

1. CLEANED TREES AND DEBRIS OUT OF SOME CREEKS AND DITCHES

PORTER ON THE LAKE

1. CLEANED AND PICKED UP BRUSH

RESULT:	REPORT ISSUED
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7. Report 2022-29**Recreation**

- Story Hour continues at the Youngstown Library on Tuesdays and the Ransomville Library on Wednesdays. The weekly program has sessions both days at 9:30am and 11:00am.
- Yoga will resume at the Cora Gushee Room in the Youngstown Village Center on April 12th. The schedule is:
 - Tuesdays at 4:30pm - Chair Yoga
 - Tuesdays at 6:30pm - Floor Yoga
 - Wednesdays at 6:30pm - Floor Yoga
 - Fridays at 9:30am - Chair Yoga
- We continue to plan for our summer programs. The Summer Recreation Program will be held at the Ransomville Free Methodist Church from July 5th - August 11th. We'll advertise for the Summer Recreation Leader positions, and interviews will take place on Monday, June 6th.
- Our next meeting is Monday, May 2, 2022 at 6:00pm at Town Hall.

RESULT:	REPORT ISSUED
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8. Report 2022-30**Calendar of Events**

4/28/22	-	Zoning Board of Appeals monthly meeting at 7:00 PM
5/2/22	-	Recreation monthly meeting at 6:00 PM
5/9/22	-	Town Board monthly meeting at 7:00 PM
5/5/22	-	Planning Board monthly meeting at 7:00 PM

RESULT:	REPORT ISSUED
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9. Report 2022-31**Public Comments**

Rusty Tower wanted to give a shout out to the Town's Assessor Dept. for being more than helpful with veterans.

Authur Lawson would like to have another meeting here at the Town Hall in July to help veterans receive benefits. The last time he was here, over 80 veterans showed up and he was able to help some of them.

Rusty Tower said it would be nice if the Town can have a sign in sheet and someone can bring it to the Board at Lewiston Porter so hopefully they can do something too.

RESULT:	REPORT ISSUED
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10. Report 2022-32**Town Board Comments**

Motion to adjourn the meeting at 7:40 PM was made by Councilman Adamson and seconded by Councilman White.

RESULT:	REPORT ISSUED
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