



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, April 12, 2021

12:00 AM

Town Hall Auditorium

I. Call to Order

12:00 AM Meeting called to order on April 12, 2021 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	Present	
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	
Elaine Porto	Town of Porter	Deputy Town Clerk	Present	
Dave Burmaster	Town of Porter	Highway Superintendent	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	

II. Resolutions

1. Resolution 2021-28

Audited Vouchers

WARRANT : POST AUDIT 3/31/21
#3A - MAR, 2021

FUND	01	28,880.75
FUND	02	38,925.20
FUND	04	113,456.80
FUND	06	10,062.75
FUND	07	5,411.75
FUND	10	831.82
FUND	11	25,443.41
FUND		

TOTAL 223,012.48

VOUCHER 28861 THRU 28900
'S

WARRANT :
#4 APR, 2021 4/9/21

FUND	01	28,879.33
FUND	02	7,773.08
FUND	04	19,249.90
FUND	06	35,724.59
FUND	07	917.91
FUND	10	832.43
FUND	11	28,425.69
FUND	28	
FUND	35	
TOTAL		<u>121,802.93</u>

VOUCHER 28901 THRU 28977
'S

TOTAL 344,815.41

Resolution needed to accept the audited vouchers for \$344,815.41

Motion to accept the audited vouchers was made by Councilman Adamson and seconded Deputy Supervisor Baker.

Motion Carried.

COMMENTS - Current Meeting:

Resolution needed to approve payments of \$344,815.41

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Adamson, Councilman
SECONDER:	Jeff Baker, Deputy Supervisor
AYES:	Ortiz, Johnston, Baker, White, Adamson

2. Resolution 2021-29

Acceptance of Supervisor's Report

Motion was made by Deputy Supervisor Baker and seconded by Councilman Adamson to accept the Supervisor's report from March 8, 2021

Motion carried

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Baker, Deputy Supervisor
SECONDER:	Tim Adamson, Councilman
AYES:	Ortiz, Johnston, Baker, White, Adamson

3. Resolution 2021-30**Minutes Approval**

Resolution to approve the minutes from the March 8, 2021 Town Board meeting was made by Councilman Adamson and seconded by Councilman White.

Motion carried.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Adamson, Councilman
SECONDER:	Larry White, Councilman
AYES:	Ortiz, Johnston, Baker, White, Adamson

4. Resolution 2021-40**Flood Damage Prevention**

Resolution needed to adopt lead agency for SEQR and complete part 2 of the SEAF and a resolution is needed for a negative declaration, if appropriate.

Motion made by Councilman Adamson and seconded by Deputy Supervisor Baker to adopt lead agency

Roll call vote was taken and all present board members (Supervisor Johnston, Deputy Supervisor Baker, Councilman Adamson, Councilman White and Councilman Ortiz) were all in favor.

Supervisor Johnston read questions on the SEAF to which all answers were answered with a “no”. and that the proposed action will not result in any significant adverse environmental impacts.

Motion was made by Councilman Adamson and seconded by Councilman Ortiz to approve the resolution and adopt Local Law #2 of 2021.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Adamson, Councilman
SECONDER:	Jipp Ortiz, Councilman
AYES:	Ortiz, Johnston, Baker, White, Adamson

5. Resolution 2021-44**Property Tax Portal and Training**

Resolution needed regarding tax collection and installing a portal on the website. Total cost would be \$2900.00 which includes training. Going forward the annual fee would be \$600.00. Nov 2021 clerks will begin with learning new system.

Motion was made by Councilman Jipp Ortiz seconded by Councilman Tim Adamson.

Roll call vote was taken and all present Town Board members (Supervisor Johnston, Councilman White, Councilman Adamson , Councilman Ortiz and Deputy Jeff Baker were all in favor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jipp Ortiz, Councilman
SECONDER:	Tim Adamson, Councilman
AYES:	Ortiz, Johnston, Baker, White, Adamson

6. Resolution 2021-45**Resolution Opposing the Addition of Section 575-B of the Real Property Tax Law**

RESOLUTION OPPOSING THE ADDITION OF SECTION 575-b TO THE REAL PROPOERTY TAX LAW IN THE 2022 NYS BUDGET

WHEREAS, the New York Real Property Tax Law-Section 487-provides a 15-year real property tax exemption for properties on which wind or solar energy projects are built, and

WHEREAS, the real property tax exemption is not mandatory under current law since Section 487 allows local goverments to opt out of the exemption and tax wind or solar energy projects based on their full assessed value, and

WHEREAS, if a Town does not opt out of current Section 487, it can require the wind or solar project to enter into a Payment in Lieu if Taxes (PILOT) agreement, and

WHEREAS, under the current Section 487 provision, Towns have the abilities to negotiate a PILOT with a developer or require that the project pay full taxation based on the assessed value, and

WHEREAS, through the budget process, the State seeks to add Section 575-b to the Real Property Tax Law, which will drastically change the way real property is assessed for wind and solar energy systems (equal to or greater than 1 megawatt) by establishing a state wide standardized approach for real property tax assessment for wind and solar energy projects, and

WHEREAS, through the budget process, the State also seeks to mandate that the assessed value for solar or wind energy projects will be determined by an income capitalization or discounted cash flow approach that considers an appraisal model created by the New York State Department of

Taxation and Finance, and consultation with the New York State Energy Research and Development Authority, and

WHEREAS, through the budget process, the State-determined assessment will also include a solar or wind energy discount rate that is set annually by the New York State Department of Taxation and Finance, and

RESOLVED, the Town of Porter holds strongly to the right to home rule established in Article 9 of the NY State Constitution, especially with regard to land use and real property taxation, and be it further

RESOLVED, Governor Cuomo has introduced Section 575-b in this year's budget bill in order to abolish the Town of Porter's ability to assess real property used for renewable energy products and effectively eliminate any local control currently provided by Section 487, and be it further

RESOLVED, the Town of Porter is adamantly opposed to the addition of Section 575-b to the Real Property Tax Law in the 2022 budget, and be it further

RESOLVED, the Town of Porter calls upon Chairwoman, Becky Wydysh to oppose Section 575-b of the Real Property Tax Law before it is enacted in the budget process.

Resolution approved for the addition of section 575-B of the Real Property Tax Law.

Motion was made by Councilman Adamson and seconded by Councilman Larry White.

Roll call vote was taken and all present Town Board members (Supervisor Johnston Councilman Adamson, Councilman White and Councilman Ortiz) were all in favor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Adamson, Councilman
SECONDER:	Larry White, Councilman
AYES:	Ortiz, Johnston, Baker, White, Adamson

III. Reports

1. Report 2021-24

Supervisor

3-18	Attended a Niagara County Water Board meeting
3-23	Had a zoom meeting with NYS Parks on the sewer payments.
3-24	Had a meeting via telephone regarding the bike trail.
3-25	Had a zoom meeting with FEMA
3-30	Attended a fundraiser at the Wilson middle school hosted by Ryan Cooper.

- 3-31 Additional telephone call with FEMA
- 4-5 Installed Officers and Exempt Officers at the Youngstown Volunteer Fire Co.
- 4-8 Met with Jason from UB Clean Energy. The Town of Porter received a \$5000 grant for clean energy.

RESULT:	REPORT ISSUED
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2. Report 2021-25

Bookkeeper

Completed processing all March 2021 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for March 2021 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.

Worked with the Town Accountant on the 2020 Audit.

RESULT:	REPORT ISSUED
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3. Report 2021-26

Town Clerk

Water for the month of March was \$30,236.74

Sewer for the month of March was \$5,325.47

Clerk Fees were \$686.66

RESULT:	REPORT ISSUED
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4. Report 2021-27

Assessor

Monthly Assessor's Report March 2021

- Inspected properties and updated changes due to building permits
- Processed property transfers for Town and Village
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Notified Tax Collector of changes to bank codes and ownership
- Published the legal notice for the Examination of Inventory and Valuation Data
- Accepted exemption applications from property owners thru taxable status date - including STAR, Aged Exemptions, Agricultural Exemptions and Wholly Exemptions
- Property owners who missed the deadline to apply for the 2021 Enhanced STAR exemption with the assessor may file *Application for Extension of Enhanced STAR Deadline* form RP-425-GC with the Tax Department if: 1) They received Basic STAR in 2020 **and** 2) Are eligible for the Enhanced STAR exemption in 2021. The link to do so is: <https://www.tax.ny.gov/pit/property/star/enhanced-star-late-app.htm> or call the NYS Tax Department at 518-457-2036.
- Approved and/or denied exemption applications - notified property owners of denial determinations
- Property owners who need to submit additional information to the assessor to complete a timely filed application for exemption must do so by April 15
- Change of Assessment Notices will be mailed at the end of April
- The 2021 Tentative Assessment Roll will be filed Monday, May 3, 2021

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

1 Main St Unit #11	AV \$105,900	Sale Price \$279,900
1 Main St Unit #31	AV \$161,900	Sale Price \$400,000
3127 Park Ave	AV \$53,000	Sale Price \$125,000
902 Lockport Rd	AV \$85,700	Sale Price \$140,000

RESULT:	REPORT ISSUED
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5. Report 2021-28

Building Inspector/Code Enforcement Officer

- ◆ Reviewed and Issued **Building Permits**; per attached Permit Report; twelve (12) permits have been issued in the month of March, Multiple on my desk in the Plan review process.
- ◆ Received, Inspected, and Issued **new Complaint/Violations**; per attached Complaint report; Twenty-four (24) **New** formal concerns have been processed.
- ◆ Completed Thirty-two (32) **inspections** for Permits & Complaints.
- ◆ Coordinated/Reviewed any/all **new Planning and Zoning Board applications** and documentation, with the respective Board(s) personnel.
- ◆ Prepared information and attended the regular **Planning Board** meeting on March 4, 2021.
- ◆ Prepared Documentation for FEAF part two, as applies to the LL2-21 Flood Damage Prevention law.
- ◆ Initiated Rolled Drawing - large format archiving/scanned to PDF filing.

Permit Report - *March 2021*

Number	Issue Date	Owner	Permit type	Parcel Location	SBL #
010-21	3/11/2021	Kenneth Lawson	Fence	754 Lockport Rd	45.00-1-43.2
011-21	3/11/2021	Peter Pesaresi	Shed	960 Lake Rd	46.00-1-60.2
012-21	3/11/2021	Adam Curyto	Fence	3127 Park Ave	45.32-1-17
013-21	3/16/2021	Derrick Brochey	Shed	1383 Youngstown-Wilson Rd	46.00-1-33.2
014-21	3/17/2021	Todd & Paula Shears	Single Family Dwelling	3195 Creek Rd	46.00-1-39.12
015-21	3/18/2021	Henry Sandonato	Commercial Alteration/Add	1058 Lake Rd	46.00-1-36
016-21	3/23/2021	Mary Wieland, Life Use	Greenhouse	801 Lockport Rd	45.00-1-57
017-21	3/24/2021	Steven Vukas	Alteration/Remodel	2595 Lake Rd	21.18-1-54
018-21	3/30/2021	Louis Marcantonio	Alteration/Remodel	1150 Cain Rd	60.00-2-11.1
019-21	3/30/2021	Salvatore Anello	In Ground Pool	3636 Creek Rd	60.00-2-70.3
020-21	3/30/2021	Shennen Hannam	Fence	2584 Lockport Rd	62.14-1-36.2
021-21	3/31/2021	Dennis Mitchell	Shed	3344 Porter Center Rd	47.00-1-28.12

COMPLAINT REPORT - MARCH 2021

Number	Issue Date	Owner	Complaint type	Parcel Location	SBL #
006-21	03/04/21	PCM Real Estate LLC	Property Maintenance	2560 Lockport Rd	62.14-1-29.2
007-21	03/04/21	E Nashwinter	Property Maintenance	3673 Ransomville Rd	62.14-1-44
008-21	03/04/21	Ryan Bullis	Unlicensed Vehicles	3566 Porter Center Rd	61.00-1-66
009-21	03/04/21	Karen Eve Janicki	Unlicensed Vehicles	3554 Porter Center Rd	61.00-1-68
010-21	03/04/21	Kenneth Veihdeffer	Unlicensed Vehicles	3542 Porter Center Rd	61.00-1-70
011-21	03/04/21	Drew Olds	Activity without a Permit	1266 Cain Rd	60.00-2-20.112
012-21	03/08/21	William Scott	Property Maintenance	Blairville Rd	59.00-2-49.1
013-21	03/11/21	Patricia Hoszko	Unpermitted construction	3127 Park Ave	45.32-1-17
014-21	03/17/21	Frank Doran	Encroachment	2650 Lockport Rd	62.04-1-17
015-21	03/17/21	William Brown	Encroachment	2652 Lockport Rd	62.04-1-18
016-21	03/17/21	Bessie Volpe	Property Maintenance	Lake Rd	33.10-2-1.111
017-21	03/17/21	Brad Pfalzer	Property Maintenance	400 Riverview Dr	59.10-3-10
018-21	03/17/21	Douglas Ripson	Property Maintenance	3488 Porter Center Rd	61.00-1-1
019-21	03/22/21	Michelle Cardis	Property Maintenance	3526 Porter Center Rd	61.00-1-34.1
020-21	03/22/21	Christopher Copeland	Activity without a Permit	2381 Lockport Rd	62.00-1-3.1
021-21	03/22/21	Ashley Smyth	Fire Hazard	3695 Ransomville Rd	62.14-1-49
022-21	03/23/21	Shelley Sheehan	Property Maintenance	1827 Balmer Rd	61.00-1-28
023-21	03/23/21	Debby Smith	Fire Hazard	2638 Lockport Rd	62.04-1-22
024-21	03/24/21	Andrew James Hailey	Property Maintenance	2461 Lockport Rd	62.10-2-8
025-21	03/24/21	333, LLC	Fire Hazard	Cain Rd	60.00-2-21
026-21	03/24/21	Drew Olds	Activity without a Permit	1266 Cain Rd	60.00-2-20.112
027-21	03/25/21	Aaron Rampado	Property Maintenance	2648 Ransomville Rd	34.00-1-12
028-21	03/29/21	Susanne Johnson LLC	Addres/Identification vio	3645 Ransomville Rd	62.14-1-20
029-21	03/29/21	Sally Smith	Activity without a Permit	345 Walnut Ln	59.14-1-7

RESULT:	REPORT ISSUED
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6. Report 2021-29**Highway****HIGHWAY**

- 1.COMPLETED SERVICING ROADSIDE MOWERS READY FOR SUMMER.
- 2.PICKED UP PLOW MARKERS.
- 3.CLEANED UP BRUSH AND DEBRI FROM CEMETERIES READY TO MOW.
- 4.RECEIVED NEW FERRIS ZERO TURN MOWER FROM OUTDOOR EQUIP.
- 5.PICKED UP ROADSIDES OF GABAGE AND TIRES TOILETS ETC.
- 6.CLEANED UP THE TIRES AND DELIVERED TO HTI RECYCLING (3 LOADS).
- 7.CLEANED AND PAINTED TRUCK #9 ALREADY TO GO FOR BRUSH PICK UP MONDAY THE 5TH OF APRIL.

WATER & SEWER

- 1.COMPLETED WATER METER READING FOR THIS QUARTER.
- 2.CUMMINS SEVICED GENERATORS AT LAKE SHORE 1&2 AND LAKE RD SEWER LIFT STATIONS.
- 3.PENN POWER SERVICED GENERATORS AT SWAIN RD AND TOWN GARAGE.
- 4.CLEANED UP WATER BREAK WITH DIRT AND STONE.

DRAINAGE

- 1.CLEANED TREES OUT OF CREEK ON BRALEY AND DICKERSONVILLE RD.
- 2.JOSH CONEY CLEANING DITCH AND REPLACING PIPE BEHIND JOHNSTON BAR ON ACADEMY ST.

PORTER ON THE LAKE

- 1.PUT ALL WOOD CHIPS ON NATURE TRAIL.

Resolution for an RFP to have Highway Supervisor Dave Burmaster put out a bid for Maintenance on the floors in the lift stations at Swain Rd and Fort Niagara .

Town Attorney Mike Dowd recommends a plan and report from the engineering firm GHD and Dave Britton to reserve as a capital project for both Lift stations - to possibly help reserve grant money to assist with costs. Also to wait and see what the Town receives from the State. It should be over \$200,000.

Motion was made by Councilman Tim Adamson and seconded by Deputy Supervisor Jeff Baker.

Deputy Supervisor Baker told Superintendent Burmaster to get rolling in regards to a possible grant to replace the culvert on Dickersonville road.

Councilman Tim Adamson (liaison between the Town Board and Highway personnel) stated to Highway Supervisor Dave Burmaster, he is due in Aug for a review with his team but Tim reiterated he is available at any time for any concerns they may have and encouraged any of the highway personnel to call his phone directly at any time with any questions they may have.

Superintendent Burmaster asked Councilman White on what day he would like the park open and Larry replied that he would like the park open now.

RESULT:	REPORT ISSUED
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7. Report 2021-30

Recreation

- Yoga Classes continue at the Ransomville Free Methodist Church in Ransomville (as the Youngstown Red Brick is still closed). Chair Yoga is now on Tuesdays at 4:30pm. All Levels Yoga is on Tuesday and Wednesday evenings at 6:30pm.

- The Story Hour program continues as a virtual weekly themed program at the Ransomville and Youngstown libraries. We are making plans for our summer Story Hour program and will modify if needed to comply with Covid-19 restrictions.

- We continue to plan for the 2021 Summer Recreation Program, which will run from Tuesday, July 6th - Thursday, August 12th. It will be held at the Ransomville Methodist Church on Ransomville Road, and we will limit the number of children based on the Covid-19 restrictions and the capacity of the facility. Staff will work from June 28 - August 13th. We will advertise for those positions and interviews will take place on Monday, June 7th at 6:00pm.
- Our next meeting will be Monday, May 3, 2021 at 7:00pm at Town Hall.

Kathryn Zasucha, Recreation director, stated with State Covid regulations the Summer Recreation will limit the Summer Recreation Program to just Town of Porter residents due to restrictions. She stated that it is the only way to restrict the #'s to 33%

RESULT:	REPORT ISSUED
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8. Report 2021-31

Grant Writer

Grants Status Report: Projects we are currently working on:

LWRP: The Project is considered complete final report and reimbursement have been sent to the State. Thank you to the LWRP Committee for all their help in completing the project.

Fort Niagara Beach: Current Status: Construction is complete pending the landscaping restoration stated for the spring of 2021.

1. Greenway has awarded the Town for \$22,298
2. Spoke with CDBG and we can re-allocate additional funding to engineering from construction working to get a final number for that relocation.

Dickersonville Road Culvert project: Pre-Application has been submitted for review with the DOT, Final application is due in May.

Truck: Funding for Highway Dept. Truck will be requested through a member line item. Still no funding available, yet. Waiting for the State budget to pass, will get with the Senator's office for a request.

EFC, not open yet for water / sewer / drainage projects.

RESULT:	REPORT ISSUED
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9. **Report 2021-32**

Calendar of Events

Zoning Board meeting	-	April 22, 2021 @ 7:00 PM
Planning Board meeting	-	May 6, 2021 @ 7:00 PM
Town Board meeting	-	May 10, 2021 @ 7:00 PM
Recreation	-	May 3, 2021 @ 7:00 PM

RESULT:	REPORT ISSUED
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10. **Report 2021-33**

Public Comments

Resident Wally Nowacki asked the Town Board for reimbursement on his water bill due to a mechanical error and causing a water line break on his property. Town Supervisor Duffy Johnston stated to Wally whatever water goes thru the meter is the homeowners responsibility. It was recommended by Supervisor Johnston and the Town Board to call the Highway Dept and have them shut down the lines properly next time..

RESULT:	REPORT ISSUED
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11. Report 2021-34

Town Board Comments

Motion to adjourn the meeting at 8:00 PM was made by Councilman Jipp Ortiz and seconded by Councilman Jeff Baker.

RESULT:	REPORT ISSUED
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