



**Town of Porter**  
**Town Board Meeting**  
**~ Minutes ~**

3265 Creek Road  
Youngstown, NY 14174  
[TownofPorter.Net](http://TownofPorter.Net)

Kara Hibbard  
716-745-3730

Monday, August 9, 2021

12:00 AM

Town Hall Auditorium

**I. Call to Order**

12:00 AM Meeting called to order on August 9, 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	
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. Minutes Acceptance**

**III. Public Portion**

**IV. Resolutions**

**1. Resolution 2021-53**

**Public Hearing Regarding Local Law #8 of 2021 - Rural Residential Business**

Motion needed to close Public Hearing

**Motion to close the Public Hearing and possibly revisit at another time was made by Deputy Supervisor Baker and seconded by Councilman Adamson**

**Roll call: Deputy Supervisor Baker, yes; Councilman Adamson, yes; Councilman White, yes; Councilman Ortiz, yes; Supervisor Johnston, yes.**

**Motion carried.**

## HISTORY:

06/14/21	Board	TABLED
Next: 07/12/21		
07/12/21	Board	TABLED
Next: 08/09/21		

<b>RESULT:</b>	<b>DEFEATED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Baker, Deputy Supervisor
<b>SECONDER:</b>	Tim Adamson, Councilman
<b>AYES:</b>	Ortiz, Johnston, Baker, White, Adamson

## 2. Resolution 2021-61

## Audited Vouchers

**TOWN  
OF  
PORTER**

<b>WARRANT :</b>	<b>POST AUDIT #7A - JULY, 2021</b>	<b>7/31/21</b>
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<b>FUND</b>	<b>01</b>	3,246.26
<b>FUND</b>	<b>02</b>	300.58
<b>FUND</b>	<b>04</b>	448.77
<b>FUND</b>	<b>06</b>	119.57
<b>FUND</b>	<b>07</b>	651.82
<b>FUND</b>	<b>10</b>	0.00
<b>FUND</b>	<b>11</b>	0.00
<b>FUND</b>		

<b>TOTAL</b>	<b><u>4,767.00</u></b>
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<b>VOUCHER 'S</b>	<b>29252</b>	<b>THRU</b>	<b>29285</b>
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<b>WARRANT :</b>	<b>#7 JULY, 2021</b>	<b>7/9/21</b>
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<b>FUND</b>	<b>01</b>	16,986.80
<b>FUND</b>	<b>02</b>	10,240.71
<b>FUND</b>	<b>04</b>	238,552.06
<b>FUND</b>	<b>06</b>	836.99
<b>FUND</b>	<b>07</b>	44,584.28
<b>FUND</b>	<b>10</b>	775.75
<b>FUND</b>	<b>11</b>	27,856.33
<b>FUND</b>	<b>28</b>	
<b>FUND</b>	<b>35</b>	

<b>TOTAL</b>		<b><u>339,832.92</u></b>	
<b>VOUCHER 'S</b>	<b>29286</b>	<b>THRU</b>	<b>29361</b>
<b>TOTAL</b>		<b><u>344,599.92</u></b>	

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Larry White, Councilman
<b>SECONDER:</b>	Jipp Ortiz, Councilman
<b>AYES:</b>	Ortiz, Johnston, Baker, White, Adamson

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### 3. Resolution 2021-62

#### Acceptance of Supervisor's Report

Resolution to accept the Supervisors report from July 12, 2021

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

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### 4. Resolution 2021-63

#### Minutes Approval

Resolution to approve the minutes of the July 12, 2021 Town Board meeting.

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

**V. Reports****1. Report 2021-80****Supervisor's Report****JULY 2021 SUPERVISOR'S REPORT**

7-15 NIAGARA COUNTY WATER BOARD MEETING

7-16 REGION ONE ZOOM MEETING- WORKSHOPS FOR ZONING  
AND PLANNING BOARDS

7-26 ATTENDED THE NIAGARA COUNTY CONSERVATION  
DINNER

7-31 SPONSORED AN AMERICAN RED CROSS BLOOD DRIVE  
WITH ASSEMBLYMAN MORINELLO

GRANT FOR POTL NATURE TRAIL IS COMPLETED

MET WITH FUTURE EAGLE SCOUT GILBER ON A BRIDGE AT POTL

ZOOM MEETING WITH BEN MATTISON FROM DASNEY-  
FINALIZING PAYMENT FOR FT NIAGARA BEACH PROJECT

SENT TWO EMAILS TO NYS PARKS, ON THE LATE SEWER  
PAYMENTS - NO RESPONSE

WORKED WITH GHD ON THE GEO PATH FOR POTL

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**2. Report 2021-81****Bookkeeper****Bookkeeper's Monthly Report - July 2021**

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Completed processing all July 2021 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for July 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 July and they balanced.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**3. Report 2021-82****Town Clerk**

Clerk fees for July 2021- \$866.51

Water -\$34186.20

Sewer-\$19405.67

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**4. Report 2021-83****Assessor****Monthly Assessor's Report  
July 2021**

- Filed the 2021 Final Assessment Roll on July 1, 2021
- Continued processing completed building permits into RPSV4
- Processed property transfers for Town and Village
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Received notification of a Small Claims Assessment Review (SCAR) petition for 3715 River Rd (Heffler)
- Received notification of an Article 7 tax certiorari for 1786 Balmer Rd (Southport Rail Transfer LLC)
- Received notification of an Article 7 tax certiorari for four (4) CWM parcels - continuation of petitions from 2019 and 2020
- Submitted a claim voucher in the amount of \$470.00 to NYS Dept of Tax & Finance, ORPTS, for Assessor training reimbursement

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

386 Wingate Pl	AV \$146,300	Sale Price \$262,500
875 River Rd	AV \$485,000	Sale Price \$875,000
991 Lockport Rd	AV \$76,600	Sale Price \$132,500
956 Lake Rd	AV \$198,000	Sale Price \$425,000
3131 Park Ave	AV \$45,900	Sale Price \$110,000
3921 Dickersonville Rd	AV \$146,600	Sale Price \$325,100

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**5. Report 2021-84**

**Building Inspector/Code Enforcement Officer**

- ♦ Reviewed and Issued **Building Permits**; per attached Permit Report; fifteen (15) permits have been issued in the month of July.
- ♦ Received, Inspected, and Issued **new Complaint/Violations**; per attached Complaint report; five (5) **New** formal concerns have been processed.
- ♦ Completed nineteen (18) **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 July 1, 2021.
- ♦ Prepared information and attended the regular **Zoning Board** meeting on July 22, 2021.

- ◆ Participated in a NY Sea Grant & Coastal Permitting Webinar interview on 7/8/21.
- ◆ Wrote a follow-up **Report** and respective research for the Eldorado project in the Village.
- ◆ Reviewed a **Start-up Farm Operation/Determination** Form with Attorney Dowd and Supervisor Johnston.
- ◆ Prepared documentation for **Court appearances** for outstanding Zoning Code compliance case.
- ◆ Completed Property Maintenance Compliance **Lawn Mowing** at four parcels in Porter.

### Permit Report - July 2021

Number	Issue Date	Owner	Permit type	Parcel Location	SBL #
051-21	7/2/2021	Track Vision LLC	Fireworks Display	2401 Braley Rd	48.00-1-35
052-21	7/8/2021	Sean Wills	Above Ground Pool	839 Balmer Rd	60.00-2-52
053-21	7/8/2021	David Denny	Solar Energy Systems	2280 Lake Rd	34.00-1-1
054-21	7/8/2021	Mary Hain	Alteration/Remodel	2119 Lake Rd	33.08-1-14
055-21	7/14/2021	Jason Berger	Temporary Use	1698 Braley Rd	47.00-1-30
056-21	7/12/2021	3881 River Rd LLC	Miscellaneous	River Rd	59.00-1-13.1
057-21	7/22/2021	Daniel Brockway	Porch	1018 Yngstwn-Wilson Rd	46.00-2-3.12
058-21	7/22/2021	Robert Costanzo	Addition	1617 Lake Rd	33.13-1-2
059-21	7/22/2021	Sarah Mahoney	Demolition	671 Lake Rd	31.20-1-4
060-21	7/22/2021	Joseph Calato	Addition	3585 Ransomville Rd	62.10-3-41.1
061-21	7/22/2021	James Cabello	Shed	2503 Lake Rd	21.18-1-28
062-21	7/22/2021	Sanger Farms LLC	Deck	Creek Rd	46.00-2-48.1
063-21	7/22/2021	Ricky Johnston	Shed	3633 Hillview Dr	59.14-2-1
064-21	7/22/2021	Judith DeJohn	Fence	340 Brentwood Dr	59.18-1-64
065-21	7/30/2021	Track Vision LLC	Fireworks Display	2401 Braley Rd	48.00-1-35

### Complaint report - July 2021

Number	Issue Date	Owner	Complaint type	Parcel Location	SBL #
064-21	07/13/21	James Halliday	Activity without a Permit	3653 Ransomville Rd	62.14-1-19
065-21	07/13/21	Thomas Walker/Resident	Junk Vehicles	3630 Lutts Rd	60.00-2-25.112
066-21	07/19/21	Jason Berger	Noise nuisance	1698 Braley Rd	47.00-1-30
067-21	07/31/21	Gerald Buttery	Property Maintenance	1830 Lockport Rd	47.03-1-22
069-21	07/30/21	Thomas Walker	Junk Vehicles	1346 Cain Rd	60.00-2-25.12

**RESULT: REPORT ISSUED**

## 6. Report 2021-85

### Highway

#### HIGHWAY SUPERINTENDENTS REPORT FOR THE MONTH OF JULY

2021

HIGHWAY

- 1.COMPLETED CHIPPING BRUSH FOR THE MONTH (INCLUDING SMALL STORM WITH 2.5 INCHES OF RAIN).
- 2.COMPLETED ROADSIDE MOWING.
- 3.COMPLETED MOWING CEMETERIES.
- 4.COMPLETED WEED WACKING GAURDRAILS.
- 5.COMPLETED PAVING DICKERSONVILLE ROAD FROM BRALEY RD TO THE LAKE RD.
- 6.COMPLETED INSTALLING 2 DRIVEWAY CULVERTS THAT WERE COLLAPSED.
- 7.SENT TRUCKS TO VILLAGE OF LEWISTON AND TOWN OF PENDELTON FOR PAVING.

#### WATER AND SEWER

- 1.COMPLETED WATER METER READING FOR THE QUARTER.
- 2.COMPLETED WATER SAMPLES FOR THE QUARTER.
- 3.COMPLETED SEWER LIFT STATIONS SERVICE AND MAINTAINANCE.
- 4.REPAIRED FIRE HYDRANT ON PORTER CENTER EXT.
- 5.COMPLETED WEED WACKING FIRE HYDRANTS.

#### DRAINAGE

- 1.DRAINAGE TRACTOR BACK UP AND RUNNING MOWING DITCHES AND CREEKS.

#### PORTER ON THE LAKE

- 1.COMPLETED MOWING AND CLEANING PARK FOR THE MONTH.
- 2.HAD 6 PARTYS FOR THE MONTH.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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#### 7. Report 2021-86

##### Recreation

- The Town of Porter Summer Recreation Program is going very well at the Ransomville Free Methodist Church. It will continue until August 12, 2021. To date, 182 children are registered for the program.
- Story Hour has completed its Summer Program at the Ransomville and Youngstown Libraries. Planning is underway for the Fall Program that will begin in September.



- Yoga is held every week at Porter on the Lake Park. The schedule is:  
Tuesdays at 4:30pm - Chair Yoga  
Tuesdays at 6:30pm - All Levels Yoga  
Wednesdays at 6:30pm - Gentle Yoga  
Fridays at 9:30am - Chair Yoga
- Our next meeting is Monday, August 30, 2021 at 6:00pm at Porter on the Lake Park.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**8. Report 2021-87****Grant Writer**

report

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**9. Report 2021-88****Calendar of Events**

8/26/21	Zoning Board monthly meeting @ 7:00 PM
8/30/21	Recreation monthly meeting @ 6:00 PM at Porter on the Lake Park
9/2/21	Planning Board monthly meeting @ 7:00 PM
9/13/21	Town Board monthly meeting @ 7:00 PM

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**10. Report 2021-89****Public Comments**

Wally Nowacki - owner of Lake View motel- said that there is a ditch that goes thru his property and he is confused on who is supposed to cut it. For the past 18 years it has been mowed by the Town of Porter Highway Dept.

Highway Superintendent Burmaster responded by saying that the highway will probably end up cutting it because the State and County won't do it. He will try to do the best he can but can he get in trouble? yes he can because it's a union job and the highway is nonunion.

Wally also had concerns about his neighbor's dead trees that keep falling over o his side of his property. Is it going to stay like that?

Code Enforcer Jeffery's did send a letter and the neighbor has not responded.

Penny Pollack - Town of Porter resident- asked how come docks were being put in regarding the Runaway Bay Sub Division Development when no development would take place until 3 homes were built and occupied.

Attorney Dowd said that Ms. Pollack certainly has the right to express her opinion but the Zoning Board determined that they could start the docks and did give approval to go ahead.

Ms. Pollack said a boat house was to go in but no dock until the houses were built

Code Enforcer Jeffery's responded by saying that the Zoning Board has the right to make changes.

Ms. Pollack feels like as a tax payer and homeowner, that she has been pushed aside and this was slid in at the Zoning Board meeting.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 11. Report 2021-90

### Town Board Comments

Supervisor Johnston said that Niagara County Legislature, Irene Myers, will be walking in the Labor Day Parade if anybody is interested in walking with her they can..

Duffy also talked about the guardrails located at Dickersonville rd. and 93. He sent an email to Norm Abrams and followed up with Frank Cirallo and they put in a new stop ahead sign that was faded and they also put the 2 new double stop signs on there. The guardrails are impeding the view and it's very hard to see going to the west. They should be fanned out a little more. There was an accident there 2 weeks ago. He will send another email.

Highway Superintendent Burmaster said he will do everything he can to avoid another accident there.

He said there are 3 cedar tree's on Jim Ibaugh's property and if they were gone, you would be able to see before you get to the stop sign if there was anything coming from the West a lot clearer. He is not sure if they are in the right of way. He will talk to Jim Ibaugh to see if they can be removed or trimmed.

**Motion to adjourn the meeting was made by Deputy Supervisor Baker**

**and seconded by Councilman Jipp at 7:46 PM.**

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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