



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, August 14, 2023

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on August 14, 2023 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
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	
Jipp Ortiz	Town of Porter	Councilman	Present	
Kara Hibbard	Town of Porter	Town Clerk	Present	
Elaine Porto	Town of Porter	Deputy Town Clerk	Present	
Kimberli Boyer	Town of Porter	Bookkeeper	Present	
Dave Burmaster	Town of Porter	Highway Superintendent	Present	
Mike Dowd	Town of Porter	Town Attorney	Present	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	
Selah Dell	Town of Porter		Present	

II. Resolutions/Reports

III. Resolutions

1. Resolution 2023-85

Minutes Approval

Resolution to approve the minutes from the July 10, 2023 Town Board monthly meeting.

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

2. Resolution 2023-86

Payment of Audited Vouchers

WARRANT		POST AUDIT	7/31/23
:		#7A	
FUND	01	14,318.05	
FUND	02	1,007.91	
FUND	04	11,024.90	
FUND	06	2,351.26	
FUND	07	30,107.82	
FUND	11	25,026.24	
FUND	28	786.00	
FUND	35	15,419.40	
TOTAL		<u>100,041.58</u>	

VOUCHER **31785** **THRU** **31820**
'S

WARRANT
:

POST AUDIT #8 **8/11/23**
AUG 2023

FUND	01	45,017.48	
FUND	02	45,988.95	
FUND	04	143,070.85	
FUND	06	12,066.12	
FUND	07	12,494.58	
FUND	10	804.10	
FUND	11	27,916.06	
FUND	35	4,820.87	
FUND	28		
FUND			
TOTAL		<u>292,179.01</u>	

VOUCHER **31821** **THRU** **31927**
'S

TOTAL **392,220.59**

Resolution to approve the vouchers total \$392,220.59 as audited by the Town Board.

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

3. Resolution 2023-87**Acceptance of Supervisor's Report**

Resolution to accept the Supervisor's report from the July,10, 2023 Town Board meeting.

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

4. Resolution 2023-93**Amending Short Term Rental Homes of the Code of the Town of Porter.**

This public Hearing is to hear anyone for or against amending by repealing the currently adopted Chapter 200, Section 200-122, Definitions, Short Term Rental Homes of the Code of the Town of Porter.

SHORT TERM RENTAL HOMES

Occupancy of a single family residential premises for a term of no more than 30 days, on two or more occasions during any six-month period. Occupancy shall not exceed two people for each bedroom, plus two additional occupants. On-site parking as otherwise required by the Town of Porter Zoning Law shall be provided. All laws and ordinances related to the maintenance of single-family homes shall be complied with including, but not limited to, providing wastewater treatment facilities, fire protection systems, compliance with building maintenance rules and compliance with noise ordinances. Any violation shall be enforced by the Code Enforcement Officer or a person authorized by law to enforce these laws and ordinances. In the event of three or more convictions/confirmed violations during any twelve month period, any fines provided for in the zoning law shall be doubled. Property owners renting their single-family homes on a short term rental basis are responsible to collect any bed or occupancy taxes which may be imposed by state or local municipalities. Short-term rentals are permitted in any district where a single-family residence is permitted. Only single-family residences shall be used as a Short-Term Rental. Short-Term Rental operations shall register with the Town of Porter Code Enforcement Officer prior to commencing operations. The registration shall comprise of providing the Town with pertinent information regarding the operation as requested on an approved registration form. The Town Board shall approve, by resolution, the Short-Term's Rental Form's Registration content. A local property manager shall be identified and their contact information provided. The local property manager shall be authorized by the owner of record to make determinations regarding all aspects of the property, live in the United States of America, within 30 miles of the rental parcel, and be available 24 hrs. per day/seven days a week. Short Term Rental operators shall have a Hold Harmless Agreement duly executed with the Town of Porter, as approved by the Town's Attorney and filed with the Town Clerk's office. The Code Enforcement Officer is to maintain a current listing of all registered Short Term Rental properties and their required registration documentation. Enforcement of these stipulated requirements shall be per the currently adopted Zoning Code Enforcement and Zoning Code penalties respective code sections. Failure to register a Short-Term Rental operation shall constitute a violation of the Zoning Code.

******The public hearing was opened to the public at 7:03 PM. Building Inspector ,Peter Jefferys, talked about the Town Board putting together a committee that met and discussed multiple options. One option would be to require short term rentals to register with the Town and have a contact person within 30 miles of the parcel so Peter could contact in case of an emergency. The committee choose to go not too

significant on what stipulations were going to be implemented. The committee consisted of 2 members from each board and residents from the community.

Rusty Tower asked what residents from the public were on the committee and Code Enforcer Jefferys replied Paul Cannon and Wally Nowacki. Rusty also asked how complaints were going to be handled and Peter said that the complaints would be handled through him and through the enforcement policies of the zoning law.

Rusty also asked about continuous complaints, "can they be forced to put up a fence"? Peter said "I don't know if we can force them but we can ask them to put up a fence if there's a problem". Rusty said "the only problem I see with that is it's always on the owners side", the place that lives next door to an arbnb when it should be the owner of the arbnb". Peter explained that both parties have rights and there is language in the law that there can be convictions of violations where they have to do it and can deter short term rental owners.

Rusty asked about a possible moratorium down the road? What about when it comes time to re-assess? There was much back and fourth discussion. He feels that it affects people's way of life that live next door to a arbnb .and he feels that people have a legitimate complaint when it come time to re-assess their properties. He also feels that it's not right that people can come in or big management companies and purchase lakefront property that are not from around here but the resident's can't. Peter said that once this new law is enacted, it will require them to register with the Town. Peter said the law can always be amended if things change. The board has the ability to amend the Zoning law if needed.

Clifford Truesdale asked as of now, do we know how many arbnb's there are? And Code Enforcer Jefferys said that we do not. We do have contact information for some but not for all of them. This amendment to the law will require them to register with the Town.

Supervisor Johnston stated that we will have all contact information for an arbnb in case of emergencies with this new law.

Motion to close the public hearing was made by Councilman Adamson and seconded by Deputy Supervisor Baker.

Roll call vote: Supervisor Johnston, Deputy Supervisor Baker, Councilman Adamson, Councilman White and Councilman Ortiz were all in favor.

Resolution to adopt Local Law #4 of 2023 was made by Councilman Adamson and seconded by Deputy Supervisor Baker

Roll call vote: Supervisor Johnston, Deputy Supervisor Baker, Councilman Adamson, Councilman White and Councilman Ortiz were all in favor.

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

IV. Reports

1. Report 2023-82

Supervisor's Report

7-13 Fitness Court zoom meeting

7-19 Exercise equipment came, Justin helped unload with loader

7-20 Had Niagara County waterboard meeting

7-24 Waterline public meeting

7-26 Had a webinar on 4.2 Billion grants for water front

7-28 We put in the WIIA grant for the waterline

7-31 Zoom with Valeria on the Nature trail grant

8-2 Attended Niagara County Fair breakfast

8-9 Had ribbon cutting for Fitness Park

8-10 Met with Chuck Booker on the record fish mounts

Soil boring is done for the waterline, Eagle Scout put up the bird houses, Signs and exercise equipment is up, Bushes are in at the water front, Parking lot fence is up, Stained the entrance sign post and stairs to the beach .

RESULT:	REPORT ISSUED
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2. Report 2023-83

Bookkeeper

Completed processing all July 2023 Vouchers & Journal Entries.

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

RESULT:	REPORT ISSUED
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3. Report 2023-84

Town Clerk

Clerk Fees -\$668.29

Water - \$58928.57

Sewer \$5836.62

The Clerks dept has been working the last few months for online processing to be able to accept online payments for dogs and county taxes. We are now currently able to accept payments this way . There is a 3% convenience fee added to allow for this online service and a service fee of a minimum of \$2.00. We have posted this information on the Town's website and on our Face-book to bring awareness..

For new dogs the resident will still need to initially come into the town to register their dog and we will NOT be able to accept any back taxes on this feature .

RESULT:	REPORT ISSUED
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4. Report 2023-85

Assessor

Monthly Assessor's Report July 2023

- Updated the real property system for changes due to building permits

- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Field reviewed 42 Village properties to collect building permit changes for 2024
- Conducted field review of 48 properties for sales verification purposes
- Received applications under Article 7 of NYS RPTL for 1058 Lake Rd and 967 Lake Rd - referred to the Town Attorney
- Received Section 520 Chargeback amounts from Wilson Central School District and Lewiston-Porter Central School District. The amounts will be added to the 2023-2024 School taxes of the affected properties.

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

407 Carrollwood Dr	AV \$160,900	Sale Price: \$359,000
1461 Sunrise Ln	AV \$211,500	Sale Price: \$560,000
415 Lynnbrook Dr	AV \$152,000	Sale Price: \$315,000

RESULT:	REPORT ISSUED
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5. Report 2023-86

Building Inspector/Code Enforcement Officer

- ◆ Reviewed and issued Seventeen (17) **Building Permits** for the month of **July**.
- ◆ Received, Inspected, and followed up on six (6) **New** formal **Complaint/Violations**
- ◆ Completed twenty-three (23) **inspections** for Permits & Complaints compliance.
- ◆ Coordinated/Reviewed **Planning and Zoning Board applications** and Documentation.
- ◆ Participated in Town of Porter **Justice Court** for pending Zoning enforcement cases.
- ◆ Attended Town of Niagara **Justice Court** for a pending Zoning enforcement case.
- ◆ Attended the **Niagara County planning Board** meeting for Local Law 4 of 2023 - amend Short Term Rental definition.

- ◆ Continued work on Building Committee re;; New **Generator** & HVAC replacement work.
- ◆

Peter T. Jeffery; Code Enforcement Officer, Town of Porter

RESULT:	REPORT ISSUED
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6. **Report 2023-87**

Highway

Highway

1. Completed brush for the month & picked up debris from the storm
2. Completed grinding New, Curtiss and Academy
3. Completed paving New, Curtiss and Academy
4. Patched potholes
5. Mowed Cemeteries for the month
6. Mowed roadsides

Water & Sewer

1. Completed meter readings for the quarter
2. Completed servicing sewer stations and generators
3. Quackenbush started working on Swain Rd lift station
4. Completed water samples for the quarter
5. Fixed and repaired sewer manholes

Drainage

1. Too wet to get into the creeks due to storm
2. Excavated tree and debris out of creeks from storm

Park

1. Mowed

2. Cleaned bathrooms and removed garbage
3. Had to take down 3 trees and 5 stumps ground down, B&L Tree

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- Much discussion about millings again and Superintendent Burmaster asked the Town Board to pass a resolution to sell the Town millings to the Town of Hartland for \$20 per load. Some board members felt that we shouldn't charge a municipality because we engage in shared services and Councilman Ortiz felt that if something has value, why would we just give it away.
 - Attorney Dowd handed Town Board members an example of a request and permission for material delivery and also a resolution example from the Town of Pendleton regarding their stockpile fill.

Motion to declare millings surplus material and authorize Highway Superintendent Burmaster to sell to the Town of Hartland for \$20 per load was made by Councilman Adamson and seconded by Deputy Supervisor Baker.

Roll call vote: Supervisor Johnston, Deputy Supervisor Baker, Councilman Adamson, Councilman White and Councilman Ortiz were all in favor.

RESULT:	REPORT ISSUED
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7. Report 2023-88

Recreation

- The Town of Porter Summer Recreation Program was held from July 5th to August 10th at the Ransomville Free Methodist Church. A total of 274 children were registered during the first week. More information will be available at our next meeting.
- Yoga is 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 was a success! Planning is underway for the Fall Program to begin in September.
- Our next meeting is Monday, August 28, 2023 at 6:00pm, at Porter on the Lake Park. We'll be preparing our 2024 Budget Request at that time.

RESULT:	REPORT ISSUED
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8. Report 2023-89

Calendar of Events

8/24/2023 - Zoning Board of Appeals monthly meeting at 7:00 pm
9/7/2023 - Planning Board monthly meeting at 7:00 pm
8/28/2023 - Recreation meeting at 6:00 pm at Porter on the Lake park.
09/11/2023 - Town Board monthly meeting at 7:00 pm

RESULT:	REPORT ISSUED
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9. Report 2023-90

Public Comments

Rusty Tower asked the Town Board if the new parking lot is going to be striped and Supervisor Johnston stated that it will be after it is sealed.

Code Enforcer Jefferys said "don't forget the handicap spot".

Motion to adjourn the meeting at 7:55 was made by Councilman Ortiz and seconded by Councilman White.

RESULT:	REPORT ISSUED
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10. Report 2023-91**Town Board Comments**

RESULT:	REPORT ISSUED
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