



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, December 12, 2022

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on December 12, 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	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	
Elaine Porto	Town of Porter	Deputy Town Clerk	Present	
Mike Dowd	Town of Porter	Attorney	Present	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	

II. Resolution/Reports

III. Resolutions

1. Resolution 2022-100

Public Hearing to Establish a Porter on the Lake Committee.

§ 1. Legislative intent.

It is recognized that the preservation of parks and open space is vital to the health, well-being and development of all area residents. It is desirable to establish a committee in the Town of Porter government that is responsible on an ongoing basis for examining the stewardship of the Town's parks system and for determining whether residents' needs are being met by the Town's park.

§ 2. Establishment.

A Parks Advisory Committee (hereafter referred to as the "Committee") is hereby established to advise, as appropriate, the Town Board on issues relating to Porter on the Lake Park.

§ 3. Membership; terms of office; vacancies.

A. There shall be a minimum of five and a maximum of nine members of the Committee, recommended by the Committee and approved by the Town Board.

B. Committee members shall serve three-year terms. However, in order to stagger the terms, the initial terms of 1/3 of the members shall be one year; a second 1/3 shall serve two years; and a final third shall serve three years. At the expiration of such initial terms, all terms shall be for periods of three years.

C. Vacancies on the Committee shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of the term of office shall be filled only for the remainder of the unexpired term.

§ 4. Officers.

The Chairperson and Vice Chairperson of the Committee shall be chosen by by the Committee and approved by the Town Board from the current members of the Committee.

§ 5. Quorum; meetings.

A. A quorum for the transaction of business shall consist of a majority of the Committee members.

B. The Committee shall meet monthly. Meetings may be held at any time on the written request of any two Committee members or at the call of the Chairperson.

§ 6. Powers and duties.

The powers and duties of the Committee are as follows:

A. At the request of the Town Board, review and make recommendations to the Department of Public Works and, as appropriate, advise the Town Board on issues affecting the Porter on the Lake.

B. Review significant new projects or proposed significant changes involving the use, design, construction and management of the park lands on which it makes recommendations to be submitted to the Town Board for consideration.

C. Review and make recommendations regarding the use of the park and facilities thereon.

D. Provide a forum for public comment regarding parks and recreation issues and promote public awareness of the value of open spaces within the community.

E. Formulate rules, regulations and procedures necessary to conduct its own business, including the authority to set up subcommittees and to avoid conflicts of interest.

F. Identify and assist in the preparation of grants or other fund raising

opportunities to support Porter on the Lake.

§ 7. Relationship to other branches of government.

All significant issues involving parks or open spaces that come before any branch of Town government shall be referred to the Committee for review and recommendation before they are approved.

§ 8. Compensation.

The members of the Committee, including ex officio members, shall receive no compensation for their services but may be reimbursed for reasonable and necessary expenses incurred, as allowed for in the budget as approved by the Town Board

§ 9. Reports.

The Committee shall provide monthly minutes, in lieu of an annual summary of its activities to the Town Board. The Committee shall also provide any special reports and recommendations as may be necessary.

Pete Wellsby has been a Town of Porter resident for 20 years and on the Porter on the Lake Committee says he has a vision to create a waterfront destination!

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

Motion was made to close the public hearing at 7:01 PM by Deputy Supervisor Baker and seconded by councilman Adamson.

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

2. Resolution 2022-101

Resolution Needed to Have ADG Prepare and Submit Grant Application

Resolution needed to authorize ADG (Advanced Design Group) to prepare and submit the grant application for the replacement of the Cain road, Dickersonville road, and the Lake road (18F) culvert projects. The grant applications are due by January 13, 2023 - Not to exceed the amount of \$15,000 = 120 hrs. Additional amount for legal fees, survey and grant consultation, not to exceed the amount of \$5,000.

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

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

3. Resolution 2022-98

Discontinue Lawsuit with the Village of Youngstown

Resolution needed to discontinue lawsuit with the Village of Youngstown

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

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

4. Resolution 2022-92

Sewer Pump and Grinder Specifications/Fees

**TOWN BOARD OF THE TOWN OF PORTER
SEWER GRINDER PUMP SPECIFICATIONS**

WHEREAS, the Town of Porter (the “Town”) has identified the need for standardization in the installation and maintenance of sewage grinder pumps servicing homes and businesses located in the Town; and

WHEREAS, Chapter 145 Article II §145-7 (G) (J) of the Town of Porter Code provides the Town Board may establish by resolution the rules, regulations and specifications for the installation lateral sewer lines servicing homes and business with the Town’s public sewer

system, and

WHEREAS, the Town, after consultation with the Town Sewer Administrator; has determined the preferred type of sewer grinder pump to be utilized by residents and businesses installation of lateral sewer lines into the Town's public sewer system;

NOW, THEREFORE, it is hereby:

RESOLVED, that commencing December 1, 2022 the following sewer grinder pump specifications and fees shall apply to any resident or business owner desiring to install a lateral sewer line connecting to the Town's public sewer system:

SEWER GRINDER PUMP SPECIFICATIONS AND FEES

- A. Models of grinder pumps manufactured by Environment One Corporation as determined by the Sewer Administrator from time to time must be used.
- B. Electrical and plumbing connections must be performed by qualified contractors.
- C. Grinder pumps may be purchased from the Town at the rates set forth below, which may be amended by the Sewer Administrator to reflect the actual cost of grinder pumps and any services performed by Town employees:

- 1) New E-One Grinder Pump including Tank, cables, pump core,
Control panel and freight.....\$6,883.00
- 2) E-One Grinder Pump New
 - Pump only.....\$3,200.00
 - Pump and installation by Town.....\$3,400.00
- 3) E-One Grinder Pump Refurbished
 - Pump Only.....\$1,300.00
 - Pump and installation by Town.....\$1,500.00

Replaced pumps shall become the property of the Town

D. Warranty.

New Pump- One year from installation.

Refurbished Pump- Six months from installation.

Warranty will be void if property owner is negligent in the operation of the pump system.

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

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

5. Resolution 2022-96

Set Public Hearing Regarding the Restaurant Grease Trap Law (Bryce's Law).

Resolution needed to set a public hearing.

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

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

6. Resolution 2022-97

Health Insurance through Bene-Care for Retiree's

Resolution needed to keep the same 2 Insurance plans (with Bene Care) as last year for the retirees.

Highmark BCBS Forever Blue (PPO) Plan 34 - \$426.00/Monthly (in/out of area)

Highmark BCBS Senior Blue 699 (HMO) Plan 22 - \$402.00/Monthly

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

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

7. Resolution 2022-99

Covid-19 Essential Worker Premium Pay

RESOLUTION RECOGNIZING TOWN OF PORTER EMPLOYEES WORKING THROUGH THE COVID-19 PANDEMIC AND COVID-19 ESSENTIAL WORKER PREMIUM PAY

WHEREAS, in March 2020, the COVID-19 pandemic caused government and service shutdowns throughout our Country, and WHEREAS, many Town of Porter employees were still required to report to work throughout the shutdown despite the heightened challenges of the COVID-19 pandemic, and

WHEREAS, the Town of Porter Town Board appreciates and recognizes the hard work and dedication of all of its employees, and WHEREAS, the Town of Porter especially recognizes those employees that worked throughout the COVID-19 shutdown amidst the heightened challenges of COVID pandemic, and

WHEREAS, funds are available under the American Rescue Plan to respond to the needs of essential workers by allowing recipients to remunerate essential workers for the challenges they have faced during the public health emergency of the COVID-19 pandemic, and

WHEREAS, additional funds are available under the 2022 American Rescue Plan, now, therefore, be it

RESOLVED, the Town Supervisor and the Town Board of the Town of Porter supports COVID-19 Essential Worker Pay, and be it further RESOLVED, that eligible employees shall be those active employees that worked in their regular place of work in the Town of Porter for the time period of April 1, 2020 through July 31, 2020, and be it further

RESOLVED, that employees shall be compensated \$1,000.00 for full time employees and \$250.00 for part time employees during the period of April 1, 2020 through July 31, 2020, and be it further

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

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

8. Resolution 2022-94

Audited Vouchers

TOWN OF PORTER

WARRANT: POST AUDIT #11A 11/30/22

FUND	01	15,459.10
FUND	02	4,748.09
FUND	04	19,784.10
FUND	06	36,468.24
FUND	07	1,709.93
FUND	10	878.45
FUND	11	32,103.85
FUND	35	1,250.00

TOTAL 112,401.76

VOUCHER 'S 30882 THRU 30914

WARRANT:

POST AUDIT #12 DEC 2022 12/8/22

FUND	01	11,839.93
FUND	02	65,989.32
FUND	04	71,781.23
FUND	06	352.00
FUND	07	4,052.64
FUND	10	435.00
FUND	11	32,246.02
FUND	28	0.00
FUND	35	0.00
FUND		

TOTAL 186,696.14

VOUCHER 'S 30915 THRU 31014

TOTAL 299,097.90

Resolution to approve the vouchers for a total of \$299,097.90 as audited by the Porter Town Board.

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

9. Resolution 2022-95

Supervisor's Report

Resolution to accept the Supervisor's report from the 11/7/2022 Town Board meeting.

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

10. Resolution 2022-93

Minutes Approval

Resolution to approve the minutes of the November 7, 2022 Town Board meeting.

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

IV. Reports

1. Report 2022-125

Supervisor's Report

- Attended “Coffee with a Cop” at Knead the Dough
- Attended a Greenway bike trail meeting
- Attended Niagara Gospel Mission for Homeless Veterans

- Met with the Town's Auditors
- Set up Climate Smart Community Task Force

RESULT:	REPORT ISSUED
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2. Report 2022-126

Bookkeeper

Completed processing all November 2022 Vouchers & Journal Entries.

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

RESULT:	REPORT ISSUED
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3. Report 2022-127

Town Clerk

Completed and balanced Clerk Fees for November = \$541.46

Completed and balanced Water Collection for November = \$29,435.71

Completed and balanced Sewer Collection for November = 18,697.74

RESULT:	REPORT ISSUED
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4. Report 2022-128

Assessor

- Continued processing completed building permits into RPSV4
- Processed property transfers for Town and Village, notified appropriate officials
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Sent the file to the County for use in printing 2023 Niagara County Tax bills, and transmitted the Letter of Agreement to Niagara County authorizing the posting and collection of unpaid water, sewer, refuse and town charges onto 2023 Niagara County Tax Bills
- Transmitted quarterly sales reports to NYS Dept of Taxation and Finance, ORPTS

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

246 Glenvale Rd	AV \$213,800	Sale Price \$399,000
393 Carrollwood Dr	AV \$162,100	Sale Price \$375,000
568 Applewood Dr	AV \$80,200	Sale Price \$185,000
557 Applewood Dr	AV \$81,100	Sale Price \$180,000
405 Dansworth Rd	AV \$179,300	Sale Price \$350,000
1673 Groveland Ave	AV \$88,000	Sale Price \$275,600
2505 Lake Rd	AV \$302,000	Sale Price \$400,000
979 Lake Rd	AV \$128,000	Sale Price \$427,750
1932 Lockport Rd	AV \$88,100	Sale Price \$135,990
244 Lake Rd	AV \$194,500	Sale Price \$325,000

RESULT:	REPORT ISSUED
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5. Report 2022-129

Building Inspector/Code Enforcement Officer

- ◆ Reviewed and issued ten (10) **Building Permits** for the month of **November**.
- ◆ Received, Inspected, and followed up on seven (7) **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 **November 3, 2022**.
- ◆ The regular **Zoning Board** meeting for **November** was moved to a Joint December 15 meeting due to the holidays in November and December.
- ◆ Attended **Justice Court** for pending Zoning enforcement cases.
- ◆ Attended **Justice court** for the Freck case in the Town of Niagara court system with attorney Dowd.

Asking the Town Board to amend the **Building Code Administration section** of the Town Code in compliance with the NYSDOS model law.

Motion was made by Councilman Adamson and seconded by Councilman White to set a public hearing for February 13, 2022

RESULT:	REPORT ISSUED
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6. Report 2022-130

Highway

1. COMPLETED BRUSH PICKUP FOR THE YEAR (UNLESS WE HAVE A STORM)
2. COMPLETED SERVICING TRUCKS FOR WINTER MONTHS.
3. COMPLETED PUTTING PLOWS AND WINGS ON TRUCKS, AND SAT SPREADERS IN.
4. REPLACED SALTER HEAD IN TRUCK #9.
5. PLOWED AND SALTED 4 TIMES.
6. ED BAUER FINISHED BRIDGE FINAL INSPECTION WAS GOOD.
7. COMPLETED HANGING WREATHS FOR THE UPCOMING HOLIDAY SEASON.

WATER AND SEWER

1. COMPLETED WATER METER READINGS FOR THE QUARTER.
2. COMPLETED WATER SAMPLES FOR THE QUARTER.
3. COMPLETED SERVICING LIFT STATIONS AND GENERATORS.
4. COMPLETED SERVICING FIRE HYDRANTS FOR THE WINTER MONTHS.

5. CHANGED OUT MOTOR IN SWAIN ROAD LIFT STATION.

DRAINAGE

- 1 COMPLETED MOWING CREEKS AND DITCHES FOR WINTER.
- 2 COMPLETED CLEANING DEBRI FROM CREEKS AND DITCHES FOR THE YEAR.

***At the meeting, highway Superintendent Burmaster stressed to the people that live in Youngstown and Collingwood Estates to please refrain from calling the highway and complaining about plow damage. He said that any damage will be fixed by the highway crew once the snow has ended.**

RESULT:	REPORT ISSUED
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7. Report 2022-131

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 is held every week at the Youngstown Village Center (Red Brick). The classes are free and open to the public. The schedule is:

Tuesdays at 9:30am - Chair Yoga

Tuesdays at 6:30pm - All Level Yoga

Wednesdays at 6:30pm - Gentle Yoga

- The following appointments for 2023 were approved by the Commission:
 1. Nancy Orsi, Chairperson
 2. Sharon Rugg, Story Hour Director
 3. Amanda Shackelford, Assistant Story Hour
 4. Laurel Price, Assistant Story Hour
 5. Tim Shippy, Recreation Director
 6. Stephanie Nethaway, Assistant Recreation Director
 7. Lisa Hastings, Secretary/Treasurer

- We request the appointment of Linda White as Recreation Commissioner to a 5 year term, beginning January 1, 2023 and ending December 31, 2027.
- Our next meeting is Monday, January 9, 2023 at 6:00pm at Town Hall.

RESULT:	REPORT ISSUED
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8. Report 2022-132

Public Comments

RESULT:	REPORT ISSUED
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9. Report 2022-133

Town Board Comments

Supervisor Johnston read a letter from Mary Tower thanking the highway for the excellent work performed at her property. David Burmaster and his team put drainage pipes in her front ditch and she couldn't be happier with the outcome.

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

RESULT:	REPORT ISSUED
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