

Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road Youngstown, NY 14174 TownofPorter.Net

> Kara Hibbard 716-745-3730

Monday, December 14, 2020

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on December 14, 2020 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	
Bernie Rotella	Town of Porter	Grant Writer	Absent	
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. Resolutions

1. Resolution 2020-87

Minutes Approval

Resolution to approve the minutes of the November 9, 2020 Town Board meeting.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jipp Ortiz, Councilman
SECONDER: Tim Adamson, Councilman

AYES: Ortiz, Johnston, Baker, White, Adamson

2. Resolution 2020-88

Audited Vouchers

TOWN OF PORTER

WARRANT	Γ:	POST AUDIT #1 2020	1A - DEC,	11/30/20
FUND	01		2,488.22	
FUND	02		104.73	
FUND	04		306.02	
FUND	06		198.80	
FUND	07		1,182.47	
FUND	10		0.00	
FUND	35		0.00	
TOTAL			4,280.24	
VOUCHER	. 'S	28439	THRU	28456
WARRANT	Γ:	# 12 DECEMBER	R, 2020	12/10/20
FUND	01		12,083.08	
FUND	02		10,584.34	
FUND	04		53,182.99	
FUND	06		1,043.56	
FUND	07		187.96	
FUND	10		0.00	
FUND	11		26,174.54	
FUND	28		0.00	
FUND	35		0.00	
TOTAL			103,256.47	
VOUCHER	i'S	28457	THRU	28539
		TOTAL	<u>107,536.71</u>	

Resolution to approve the vouchers totaling \$107,536.71 as audited by the Porter Town Board.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Larry White, Councilman
SECONDER: Jipp Ortiz, Councilman

AYES: Ortiz, Johnston, Baker, White, Adamson

3. Resolution 2020-89

Acceptance of Supervisor's Report

Resolution to accept the Supervisors report from 11/9/20

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jeff Baker, Deputy Supervisor

SECONDER: Tim Adamson, Councilman

AYES: Ortiz, Johnston, Baker, White, Adamson

4. Resolution 2020-90

Adoption of Waterfront Consistancy Review Law

TOWN OF PORTER RESOLUTION FOR THE ADOPTION OF WATERFRONT CONSISTENCY REVIEW LAW

WHEREAS, the Town of Porter has prepared a Local Waterfront Revitalization Program (LWRP), pursuant to Article 42 of the New York State Executive Law - the Waterfront Revitalization of Coastal Areas and Inland Waterways Act; and

WHEREAS, the LWRP and supporting laws were prepared under the review and guidance of the Town of Porter Waterfront Advisory Committee, with planning consultation assistance and reviewed by the New York State Department of State and other affected agencies; and

WHEREAS, to provide a framework for agencies of the Town of Porter to incorporate the policies and purposes contained in the LWRP when reviewing applications for actions or direct agency actions within the Waterfront Revitalization Area, and to assure that such actions and direct actions by Town agencies are consistent with the LWRP policies and purposes, a Waterfront Consistency Review Law and supporting Waterfront Assessment Form were prepared; and

WHEREAS, in accordance with Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), the Porter Town Board, as the designated SEQR Lead Agency, conducted a coordinated review to identify and evaluate the potential impacts of adopting the Town of Porter Waterfront Consistency Review Law, and adopted a SEQR Negative Declaration of Significance on December 14th, 2020; and

NOW, THEREFORE BE IT RESOLVED, that the Porter Town Board hereby adopts the Town of Porter Waterfront Consistency Review Law and Waterfront Assessment Form; and

BE IT FURTHER RESOLVED, that this local law is adopted under the authority of Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of Executive Law); and

BE IT FURTHER RESOLVED, that the Town of Porter Town Clerk shall file this newly adopted Law with the New York State Secretary of State's Office, as required.

Resolution needed to adopt the Waterfront Consistency Review Law and file with the New York Secretary of State.

COMMENTS - Current Meeting:

Roll call vote was taken and all five (5) board members (Supervisor Johnston, Deputy Supervisor Baker, Councilman Adamson, Councilman White and Councilman Ortiz) were in favor.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jipp Ortiz, Councilman
SECONDER: Larry White, Councilman

AYES: Ortiz, Johnston, Baker, White, Adamson

5. Resolution 2020-91

Local Waterfront Revitalization Program

Resolution to Adopt the Town of Porter
Local Waterfront Revitalization Program
And Authorization to Submit to the New York State Department of State
For Final Approval

WHEREAS, the Town of Porter has prepared a Local Waterfront Revitalization Program, pursuant to Article 42 of the Executive Law; and

WHEREAS, the Draft Local Waterfront Revitalization Program (LWRP) and related local laws have been completed with planning consultant assistance, under the guidance of the Town of Porter Waterfront Advisory Committee, the Town Code Enforcement Officer and the Town Board; and

WHEREAS, the LWRP was subject to the required 60-day review and modifications were made to the draft program document in response to comments received from this review; and

WHEREAS, that the Town Board held a public hearing on August 11, 2020 in the Town Hall auditorium, where the public was provided a final opportunity to offer comments on the draft LWRP.

WHEREAS, the Town of Porter Town Board, as SEQR Lead Agency under the provisions of the State Environmental Quality Review Act, prepared an environmental assessment form and evaluated the impacts of this action in accordance with the requirements of Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Town Board determined that there would be no adverse impacts to the natural, institutional, economic, developmental or social resources of the Town and, therefore, issued a negative determination of significance, which has been properly filed and published; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Porter Town Board, having conducted a thorough and valid review process, hereby adopts the Town of Porter Local Waterfront Revitalization Program; and

BE IT FURTHER RESOLVED, that the Town of Porter Town Board hereby directs the Planning Consultant or appropriate designee to transmit the adopted LWRP and a certified copy of this resolution, along with copies of adopting resolutions for SEQR legislative actions directly related to the LWRP, to the New York State Secretary of State for approval pursuant to Article 42 of the New York State Executive Law - the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Resolution needed to Adopt the Town of Porter Local Waterfront Revitalization Program

COMMENTS - Current Meeting:

Roll call vote was taken and all present five (5) Town Board members (Supervisor Johnston, Deputy Supervisor Baker, Councilman Adamson, Councilman White and Councilman Ortiz) were in favor.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Tim Adamson, Councilman
SECONDER: Larry White, Councilman

AYES: Ortiz, Johnston, Baker, White, Adamson

6. Resolution 2020-92

Health Insurance for Retirees

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

Forever Blue 799 (PPO) Plan 34 - \$433.00/Monthly

Senior Blue 699 (HMO) Plan 22 - \$394.00/Monthly

RESULT: ADOPTED [UNANIMOUS]

MOVER: Tim Adamson, Councilman

SECONDER: Jeff Baker, Deputy Supervisor

AYES: Ortiz, Johnston, Baker, White, Adamson

7. Resolution 2020-93

Surplus Material

Items to be declared Surplus by the Town Board:

- 1. Hewlet Packard 24 inch wide Printer/ Plotter HP Designjet 111 with floor stand.

 a. new ink cartridges, unit prints still not printing clearly with new ink cartridges, will need to be cleaned /services, low hours of use, manufactured in 2010.
- 2. Panasonic ZS8 Lumix digital camera 16x optical zoom 14.1 megapixels.

- 3. Brother ADS-100W Desktop Scanner
- 4. Brother ADS-2000e Desktop Scanner
- 5. Handshoemouse, wireless computer mouse
- 6. Certera Laptop Personal Computer Model No: L55110 Windows 7 Operating system, Intel Core 2 Duo CPU T7100@1.80 GHZ 320 GB hard drive.
- 7. Sony, Digital Data Projector, Model no: VPL-EX4 manufacture date of 2007.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jeff Baker, Deputy Supervisor

SECONDER: Larry White, Councilman

AYES: Ortiz, Johnston, Baker, White, Adamson

8. Resolution 2020-94

Easement Regarding the Town of Porter and Village of Youngstown

RESOLUTION

At a regular meeting of the Town of Porter Town Board held on December 14, 2020 it was determined that;

WHEREAS, the Town of Porter operates sanitary sewer transmission facilities located on Town Property located within the Town of Porter near its municipal boundary line with the Village of Youngstown near the terminus of Swain Road located in the Village and;

WHEREAS, it is necessary for the Town of Porter to access the Town Property to properly operate and maintain these facilities and;

WHEREAS, the Town must cross over land owned by the Village between the terminus of Swain Road and the Town Property and;

WHEREAS, the Village has agreed to provide and easement over its property providing access to the Town Property; and

WHEREAS, the Village has requested that the Town grant access over to the Town Land; it is

RESOLVED, that the Town Supervisor is authorized to execute any documents or instruments necessary to effectuate the grant of a mutual easement as described above.

COMMENTS - Current Meeting:

Attorney Dowd said that the Young's will have to petition the Town of Porter and he will work with the Town to assist the Young's. It's already been approved by the Village of Youngstown and the Town will need to annex the small strip of property to the village.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jeff Baker, Deputy Supervisor

SECONDER: Tim Adamson, Councilman

AYES: Ortiz, Johnston, Baker, White, Adamson

9. Resolution 2020-95

Authorize Payment to Cerrone Inc. Regarding the Completed Waterfront Project

Resolution needed to authorize payment to Cerrone Inc. regarding the Waterfront project that has been completed.

COMMENTS - Current Meeting:

Roll call vote was taken and all five (5) present Town Board members (Supervisor Johnston, Deputy Supervisor Baker, Councilman Adamson, Councilman White and Councilman Ortiz) were in favor.

Supervisor Johnston stated that the project was completed on 11/19/20 except the grass planting which will be done in the Spring of 2021.

Mark Lippman spoke and said that Cerrone did a great job and he wanted to thank everyone involved. The neighbors are estatic and it looks really great.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jipp Ortiz, Councilman
SECONDER: Larry White, Councilman

AYES: Ortiz, Johnston, Baker, White, Adamson

IV. Reports

1. Report 2020-129

Supervisors Report

- 11-17 Met with Greg Stevens of Greenway, for the bike trail
- 11-18 Had a zoom meeting with Region One on upcoming training for zoning and planning members
- 11-20 Tim covered for me at a sewer meeting in Lewiston
- 12-11 Met with the Lake Ontario Preparedness group on the bike trail

I prepared a grant application for the Ralph Wilson foundation, trying to get a kayak launch and extend the nature trail at Porter on the Lake

RESULT: REPORT ISSUED

2. Report 2020-130

Bookkeeper

Completed processing all November 2020 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for November 2020 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.

Met with Bene-Care representative, Carrie Butler to go over the healthcare options for retired employees.

Scheduled a meeting for retired employees healthcare options for December 4th.

RESULT: REPORT ISSUED

3. Report 2020-131

Town Clerk

Water for the month of November was \$31,431.05

Sewer was \$21,609.25

Clerk Fees = \$837.01

RESULT: REPORT ISSUED

4. Report 2020-132

Assessor

Monthly Assessor's Report November 2020

- Continued processing completed building permits into RPSV4
- Processed property transfers for Town and Village
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Sent the file to the County for use in printing 2021 Niagara County Tax bills, and transmitted the Letter of Agreement to Niagara County authorizing the posting and collection of unpaid sewer, water and town charges onto 2021 Niagara County Tax
- Field reviewed sales, took new photos, and updated inventory on sales from this past year for both the Town and the Village
- Participated in a virtual meeting with the Town Supervisor, the Town Attorney, and the County Attorney to discuss current litigation
- Transmitted quarterly sales reports to NYS Dept of Taxation and Finance, ORPTS
- Sent a Porter Refuse District mailing list to Modern at their request
- Conducted a final inspection for an addition at 754 Lockport Rd
- Mailed renewal applications to property owners who received the Agricultural Exemption, the Aged - Low Income Senior Exemption, and Disability with Limited Income exemption on the 2020 assessment roll. Renewals are due March 1, 2021

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

1 Main St #18	AV \$78,500	Sale Price \$245,000
396 Church St	AV \$151,500	Sale Price \$263,000
563 Lockport St	AV \$151,500	Sale Price \$255,000

2559 Lockport Rd	AV \$88,000	Sale Price \$243,000
675 Johnston Dr	AV \$105,400	Sale Price \$175,250
1766 Young-Wilson Rd	AV \$159,000	Sale Price \$275,000
1803 Braley Rd	AV \$69,000	Sale Price \$100,900
1577 Lake Rd	AV \$70,000	Sale Price 155,000
2333 Lake Rd	AV \$291,400	Sale Price \$330,000
3118 Park Ave	AV \$32,000	Sale Price \$65,900

RESULT: REPORT ISSUED

5. Report 2020-133

Building Inspector/Code Enforcement Officer

- Reviewed and Issued **Building Permits**; per attached Permit Report; seven (7) permits have been issued in the month of November.
- Received, Inspected, and Issued new Complaint/Violations; per attached Complaint report; seven (7) New formal concerns have been processed.
- ◆ Completed Thirty (20) **inspections** for Permits & Complaints.
- Organized and Administered the Solar Advisory Committee meeting no. #6 on November 16th.
- ◆ 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 November 5, 2020.
- Prepared information and attended the regular Zoning Board meeting on November 19, 2020.
- Attended Justice Court for Code Enforcement charged Violations on November 4, 2020.
- **Runaway Bay Subdivision's** construction of their new utilities (Public Improvements) are Substantially complete. Topping layer of Asphalt paving will be completed in the Spring.
- Ft. Niagara Beach Town Parkland's Lakeshore Stabilization project is Substantially complete.
- Began Reviewing **open Complaints & Permits** for year end reporting.

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Permit Report - November 2020

	<u>Number</u>	<u>Issue Date</u>	<u>Owner</u>	Permit type	Parcel Location	<u>SBL #</u>
ſ	114-20	11/2/2020	Ronald J	Alteration	1564 Lockport Rd	47.03-1-41

		Szatkowski			
115-20	11/3/2020	Katherine Moore	Fence	3095 N Creek Rd	46.00-1-72
116-20	11/3/2020	1/3/2020 Joseph Calato		3585 Ransomville Rd	62.10-3-41.1
117-20	11/5/2020	Upstate R. A. Management	Signs	3636 Ransomville Rd	62.14-1-4
118-20	11/19/2020	Anthony & Susan Santarosa	Alteration	383 Foxpoint Cir	59.10-3-1
119-20	11/25/2020	John Austin	Alteration	3786 Ransomville Rd	62.18-1-15
120-20	11/30/2020	Mary Moretti	Alteration	2547 Lake Rd	21.18-1-45

COMPLAINT REPORT - NOVEMBER 2020

Number	<u>Issue Date</u>	<u>Owner</u>	Permit type		SBL#
F04-20	11/02/20	Fire Damage	Christopher Copeland	2381 Lockport Rd	62.00-1-3.1
109-20	11/10/20	Activity without a Permit	Catherine Mary Garrison	2498 Lockport Rd	62.10-2-36.1
110-20	11/18/20	Property Maintenance	E Nashwinter	3673 Ransomville Rd	62.14-1-44
111-20	11/20/20	Boat, Trailer, RV storage	Paul Traver II/Erroll Honadle	3645 River Rd	59.14-1-29
112-20	11/24/20	Drainage Issues	Dominick Ciliberto	3604 Estes PI	62.10-2-52
113-20	11/24/20	Property Maintenance	Daniel Rougeux	1545 Lake Rd	32.16-1-22
114-20	12/01/20	Sewage Issues	Ronald Martin	2365 Youngstown- Wilson Rd	34.00-1-39.2

RESULT:	REPORT ISSUED

6. Report 2020-134

Highway

HIGHWAY

- 1.COMPLETED BRUSH PICK UP FOR THE YEAR (UNLESS WE HAVE A WINDSTORM)
- 2.COMPLETED HOT PATCHING CROSS CUTS ON DICKERSONVILLE RD AND CAIN RD.
- 3.COMPLETED PUTTING WREATHS AND BANNERS UP IN RANSOMVILLE.
- 4.COMPLETED A LOAD OF RECYCLING TV'S COMPUTERS SETS.
- 5.COMPLETED GETTING PLOW FRAMES AND PLOWS WINGS AND SALTERS IN TRUCKS.
- 6.SALTED ROADS TWICE (2 STORMS).
- 7.COMPLETED MOWING CEMETERIES FOR THE YEAR.

DRAINAGE

- 1.COMPLETED MOWING ROADSIDES AND DITCHES FOR THE YEAR.
- 2.COMPLETED EXCAVATING DITCHES AND CREEKS FOR THE YEAR.
- 3.PUT A 40'X36" PIPE IN BIG DITCHON THE LAMB FARM BETWEEN THE TWO FIELDS (LAMB PURCHASED THE PIPE).
- 4.AS ALWAYS STILL CEANING DEBRI AND TREE LIMBS OUT OF CREEKS AND DITCHES SO WATER RUNS.

WATER AND SEWER

- 1.COMPLETED WATER METER READINGS.
- 2.COMPLETED SERVICING LIFT STATIONS AND GENERATERS.
- 3.COMPLETED WINTERIZING FIRE HYDRANTS.
- 4.COMPLETED HOOKING UP 2 HOUSE SERVICE ON LAKE ROAD AND RANSOMVILLE ROAD (1375 LAKE RD 3140 RANS RD).

PORTER ON THE LAKE

CLOSED FOR THE SEASON

COMMENTS - Current Meeting:

Superintendent Burmaster said that the loader sold on Auctions International for \$56,100 and the new loader should be here at the end of January 2021 or the beginning of February. He does have access to a loader if needed.

Dave handed out information from GHD regarding the existing culvert located at Dickersonville rd. He feels that the Town will need to think about putting money aside (over \$350,000) in the next couple of years to fix it.

Dave also mentioned that he got a quote from Brandon's Tree service regarding grinding down the tree stumps at the park. The quote was for \$18,000. Councilman Adamson explained that anything over \$5,000 requires 3 bids.

Superintendent Burmaster said that he plans on cutting down the 9 trees at Porter on the Lake once the ground is hard.

RESULT: REPORT ISSUED

7. Report 2020-135

Grant Writer

Grants Status Report: Projects we are currently working on:

LWRP: The Project is considered complete with the exception of the resolutions stated for tonight's meeting. Once these have been passed and adopted by the Town of Porter the project will be completed. Thank you to the committee fro a job well done and thank you to the Town Board for their support: We would like to present and pass the following resolutions.

- 1. Resolution Adopting the LWRP
- 2. Resolution Adopting LWRP Codes
- 3. Letter to State confirming the adoption of the LWRP

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

- 1. Release fund have been approved by the State and ready for reimbursement. Current request was \$20,000.00. But because we haven't started construction (at the time of request) we were only allow 50% of that \$40,000. Future reimbursement will move along faster since all approvals are in place.
- 2. We have requested all current expenditures (invoices and cancelled checks from the Town) so we can process the next payment.
- 3. Greenway Ecological Fund Application will be re-present in January 2021 requesting the \$23,000 for the landscaping restoration.

EFC & DOT funding is scheduled of spring of 2021.

RESULT: REPORT ISSUED

8. Report 2020-136

Recreation

• Yoga Classes continue at the Ransomville Free Methodist Church in Ransomville (as the Youngstown Red Brick is still closed). Chair Yoga is held on Tuesday and Thursday mornings at 9:30 am. All Levels Yoga is on Tuesday evenings at 6:30 pm, and Gentle Yoga is on Wednesday evenings at 6:30 pm.

- The Fall Story Hour program continues as a virtual weekly themed program. Children can go to the Ransomville or Youngstown Library each week and get a Story Hour bag, which contains a craft, activity and book ideas that match the weekly theme. There are also videos of stories and activities posted on the Town of Porter Story Hour Facebook Page for the children to watch.
- We request the reappointment of Gail Zachary to a 5-year term as Recreation Commissioner, with a term beginning January 1, 2021 and expiring December 31, 2025.
- The following appointments for 2021 were approved by the Commission:
 - 1. Nancy Orsi, Chairperson
 - 2. Sharon Rugg, Story Hour Director
 - 3. Amanda Shackelford, Assistant Story Hour Director
 - 4. Laurel Price, Assistant Story Hour Director
 - 5. Tim Shippy, Recreation Director (Summer Program)
 - 6. Kathy Zasucha, Assistant Recreation Director/Coordinator
 - 7. Lisa Hastings, Secretary/Treasurer
- Our next meeting will be Monday, January 4, 2021 at 7:00 pm at Town Hall.

COMMENTS - Current Meeting:

Motion was made by Deputy Supervisor Baker and seconded by Councilman Adamson to reappoint Gail Zachary to a 5 year term as Recreation Commissioner. Her term will begin January 1,2021 and end December 31, 2025.

RESULT: REPORT ISSUED

9. Report 2020-137

Calendar of Events

12/17/20	-	Zoning Board meeting at 7:00 PM
12/21/20		Solar Committee meeting at 7:00 PM
12/28/20	-	Year End Town Board meeting at 3:00 PM
1/4/21	-	Town Board Organizational meeting at 3:00 PM
1/7/21	-	Planning Board meeting at 7:00 PM
1/11/21	-	Town Board monthly meeting at 7:00 PM

RESULT: REPORT ISSUED

10. Report 2020-138

Public Comments

report

COMMENTS - Current Meeting:

Wally Nowacki thanked Councilman Adamson for coming over and looking at the property. He feels that his neighbor is playing games and he will be here every month until something is done.

Supervisor Johnston explained to Wally that the court is closed until January 21, 2021 and nothing can be done until then. As soon as the court is open something will be done.

RESULT: REPORT ISSUED

11. Report 2020-139

Town Board Comments

report

COMMENTS - Current Meeting:

Motion was made by Deputy Supervisor Baker and seconded by Councilman Adamson to adjourn the Town Board meeting at 7:47 PM.

RESULT: REPORT ISSUED