



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, July 12, 2021

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on July 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	
Dave Burmaster	Town of Porter	Highway Superintendent	Present	
Mike Dowd	Town of Porter	Attorney	Present	

II. Resolutions

1. Resolution 2021-55

Audited Vouchers

TOWN OF PORTER

WARRANT: POST AUDIT #6A - JUNE, 6/30/21
2021

FUND	01	1,082.38
FUND	02	485.02
FUND	04	123.92
FUND	06	119.57
FUND	07	778.33
FUND	10	0.00
FUND	11	0.00
FUND		

TOTAL 2,589.22

VOUCHER 'S 29182 THRU 29192

WARRANT: #7 JULY, 2021 7/9/21

FUND	01	5,382.08	
FUND	02	19,528.42	
FUND	04	7,124.59	
FUND	06	41,671.80	
FUND	07	301.25	
FUND	10	760.39	
FUND	11		
FUND	28	5,019.02	
FUND	35		
TOTAL		<u>79,787.55</u>	
VOUCHER 'S	29193	THRU	29251
	TOTAL	<u>82,376.77</u>	

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

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

2. Resolution 2021-56

Acceptance of Supervisor's Report

Resolution to accept the Supervisors report from June 14, 2021

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

3. Resolution 2021-57

Minutes Approval

Resolution to approve the minutes of the June 14, 2021 Porter Town Board meeting.

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

4. Resolution 2021-53**Public Hearing Regarding Local Law #8 of 2021 - Rural Residential Business**

Legal Notice is hereby Given that the Board of the Town of Porter will hold a Public Hearing at the Town Hall, 3265 Creek road on Monday, June 14th, 2021 at 7:00 PM to hear all interested parties for or against the adoption of Local Law #8 of 2021, titled "Rural Residential Business". The Proposed amendment will have town wide affect.

Supervisor Johnston stated that he would like to leave the public hearing open because they are still in talks and there is no hurry. Also, it's possible that there could be some comments from the Niagara County Planning Board. He had a good conversation with Jackie Robinson today and she wasn't concerned about it but feels confident with special use permits. Even though there isn't any one here to speak for or against it, he would like to leave it open.

Deputy Supervisor Baker made a motion to leave the public hearing open and table it until next month's meeting and Councilman Adamson seconded it.

Motion carried

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

Proposed Local Law #8 of 2021 titled "Rural Residential Business" is still open if anybody would like to speak on it.

SEQR needs to be completed. Part 2 and 3.

Motion needed authorizing Supervisor Johnston to sign the negative declaration.

Does the board want to make a determination or vote to have no action taken?

Supervisor Johnston asked the public if anybody would like to speak on this proposed Local Law and he asked the board if they were ready to act on this law or have more discussions on it and Attorney Dowd responded by saying that the reason the public hearing was left open was to see if the Town received any written comments and he didn't think they did.

Code Enforcer Jefferys said that it did go in front of the Niagara County Planning Board and they did approve it.

Rusty Tower (Porter resident) asked about the guy who lives behind him who lives in Canada and can't get here but when he does and he starts racing, is he going to have to listen to that. It's loud and is waterfront residential not business. If he is racing it for money then he considers it business. There is not supposed to be any business activity in his barn.

Code Enforcer Jefferys responded by saying Rural Residential Business Law what we drafted is for businesses that are located in the rural agricultural district, low density district and some in the medium density residential district. The law doesn't allow for any businesses in the waterfront. The only other input he has as far as noise is there is a noise ordinance that can be addressed.

Tony Collard (Chairman of the Porter Planning Board) said that he felt the law as well written and maybe some people might have an issue with some of the limitations but a lot of people put a lot of time into this and he feels that it is a good law.

Deputy Supervisor Baker felt that the board should look at this potential law a little deeper before they move forward with it. Maybe sit down and discuss it more in detail.

Motion was made by Councilman Adamson and seconded by Deputy Supervisor Baker to leave the public hearing open and table this discussion on potential Local Law #8 of 2021.

Roll call vote was taken and all present board members (supervisor Johnston, deputy supervisor Baker, councilman White, councilman Adamson and councilman Ortiz) were all in favor.

HISTORY:

06/14/21

Board

TABLED

Next: 07/12/21

RESULT:	TABLED [UNANIMOUS]	Next: 8/9/2021 12:00 AM
MOVER:	Tim Adamson, Councilman	
SECONDER:	Jeff Baker, Deputy Supervisor	
AYES:	Ortiz, Johnston, Baker, White, Adamson	

5. Resolution 2021-58**Resolution Regarding LWRP****RESOLUTION**

July 12, 2021

TOWN OF PORTER**Resolution for the Town of Porter's****Authorization to Submit to the Local Waterfront Revitalization Program (LWRP)****Funding for the Porter on Lake Improvement Project**

I, Kara Hibbard, Town Clerk of the Town of Porter, Niagara County, New York, do hereby certify that at an adjourned regular meeting of the Town Board of the aforesaid town, on the 12th day of July 2021 at the Porter Town Hall, 3265 Creek Road Youngstown, NY 14172, the following resolution was adopted,

WHEREAS, the Town Board desires to pursue funding opportunities for the Porter on Lake Improvement Project

WHEREAS, the Town Board desires to provide this type of facility to residents at the lowest possible cost to the Town and Town taxpayers, and

WHEREAS, the Town Board desires to apply for financial assistance from the New York State Department of State LWRP grant funding program through the CFA (Consolidated Funding Application), and

WHEREAS, the Town Board commits to providing the required local matching funds to insure the timely implementation of the proposed project.

NOW, THEREFORE BE IT

RESOLVED, that Duffy Johnston as Supervisor of the Town of Porter, is hereby authorized and directed to accept funds from the New York State Department of State LWRP grant funding program in an amount not to exceed \$112,500 (75% of the total project cost of \$150,000), and enter into and execute a project agreement with the State for such financial assistance and,

RESOLVED, that upon approval of the application for financial assistance that the Town make available \$37,500 (25%) in matching funds to satisfy the requirements of the funding program, and be it further

RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the New York State Office New York State Department of State LWRP grant funding program application.

Deputy Supervisor Baker read the Short Environmental Assessment Form in which all questions were answered with a “no”

Motion to have the Town Supervisor sign the negative declaration and adopt Lead Agency status and adopt the resolution was made by Councilman Adamson and seconded by Councilman Ortiz.

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

6. Resolution 2021-59

Proposed Local Law #7 - Roadside Farm Stand

The Public Hearing was opened and closed at last month's meeting regarding Proposed Local Law #7 of 2021- Roadside Farm Stand.

SEQR needs to be completed.

Motion needed authorizing Supervisor Johnston to sign the negative declaration.

Does the Town Board want to make a determination or vote to have no action taken.

Motion to adopt lead agency status and have Supervisor Johnston sign the negative declaration was made by councilman Adamson and seconded by Deputy Supervisor Baker.

Motion to adopt Local Law #7 of 2021 titled Roadside Farm Stand was made by Councilman Adamson and seconded by Councilman Ortiz.

Roll call vote was taken and all 5 present 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:	Jeff Baker, Deputy Supervisor
AYES:	Ortiz, Johnston, Baker, White, Adamson

7. Resolution 2021-60

Resolution for Old Fort Niagara

RESOLUTION MUNICIPAL ENDORSEMENT

WHEREAS, the Old Fort Niagara Association is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 for a Park Project to be located with the NYS Old Fort Niagara Park, Town of Porter, a site located within the territorial jurisdiction of the Town of Porter and

WHEREAS, as a requirement under the rules of this program, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, be it resolved by this municipal body that the Town of Porter, Town Board hereby does approve and endorse the application of Old Fort Niagara Association for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project known as Old Fort Niagara Capital Improvement Project and located within this community.

DATE OF ADOPTION CERTIFICATION OF CLERK

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

III. Reports

1. Report 2021-69

Supervisor's Report

JUNE SUPERVISOR'S REPORT 2021

6-17 Had Niagara County water board meeting

6-21 Had a zoom meeting with Senator Ortt and Assemblyman Mike Norris, over the NYS sewer bill

6-22 Met with the Greenway bike trail

6-29 Had a zoom meeting with CLEAR , business's on the water

6-30 Met with Ken Young and Dave for the parking lot at POTL

I filled out the application for the federal covid money, It is down to \$474,982 now

I am working on a LWRP grant for a Nature/exercise trail at POTL

RESULT:	REPORT ISSUED
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2. Report 2021-70**Bookkeeper**

Completed processing all June 2021 Vouchers & Journal Entries.

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

RESULT:	REPORT ISSUED
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3. Report 2021-71**Town Clerk**

Clerk Fees for June 2021- \$755.59

Water for June 2021-\$26,313.04

Sewer for June 2021-\$4467.37

RESULT:	REPORT ISSUED
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4. Report 2021-72**Assessor****Monthly Assessor's Report
June 2021**

- Updated the real property system for changes due to building permits
- Submitted changes to STAR Report #4 to the State

- Selah Lowery and Lena Villella successfully completed on-line training for the Commercial & Industrial Valuation Course through the NYS Assessor's Association
- Took part in a webinar offered by the NYS Dept of Public Service regarding Utility Moratorium Guidance
- Sent the legal notice to the Niagara Gazette for publishing the 2021 Final Roll, July 1, 2021
- Submitted the file for the 2021 Final Roll to the County for printing
- Mailed the Board of Assessment Review Determination letters to property owners
- Ran and filed the Assessor's Report for the State

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

1 Main St Unit #15	AV \$78,500	Sale Price \$220,000
256 Glenvale Rd	AV \$251,200	Sale Price \$439,900
295 Glenvale Rd	AV \$156,000	Sale Price \$300,000
340 Brentwood Dr	AV \$107,000	Sale Price \$218,000
671 Lake Rd	AV \$135,000	Sale Price \$350,000
2655 Lockport Rd	AV \$89,000	Sale Price \$120,000

RESULT:	REPORT ISSUED
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5. Report 2021-73

Building Inspector/Code Enforcement Officer

- ♦ Reviewed and Issued **Building Permits**; per attached Permit Report; nine (9) permits have been issued in the month of June.
- ♦ Received, Inspected, and Issued **new Complaint/Violations**; per attached Complaint report; eight (8) **New** formal concerns have been processed.
- ♦ Completed nineteen (19) **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 June 3, 2021.
- ♦ Prepared information and attended the regular **Zoning Board** meeting on June 24, 2021.
- ♦ Completed 6 hrs of approved training - "Fire alarm Basics," "Consumer Fireworks in NY," and "Fireworks Displays for Code Enforcement Officers"- credits apply toward required

annual training.

- ♦ Attended/Participated in Niagara County Planning Board meeting, on behalf of the Town, for new Local Law 7 of 2021 & Local Law 8 of 2021.
- ♦ Setup our Auditorium's A/V equipment and attended a public meeting/Presentation by the Niagara County Department of Economic Development - outlining available services for Business owners in the Town of Porter and Niagara County.
- ♦ Participated in meetings and preparations regarding the proposed "Eldorado" project in the village of Youngstown; I will be providing the code enforcement duties on this project through a mutual agreement between the Town and the village.

Permit Report - June 2021

Number	Issue Date	Owner	Permit type	Parcel Location	SBL #
042-21	6/10/2021	Joshua Chappell	Fence	1670 Lake Rd	33.00-1-6.2
043-21	6/11/2021	Collis Smeal	Shed	2957 Porter Center Rd	33.00-2-30.1
044-21	6/11/2021	Carmen Marra	Solar Energy Systems	1071 Balmer Rd	60.00-2-43
046-21	6/15/2021	Ryan Gilinger	Fence	3561 Ransomville Rd	62.10-3-2
045-21	6/17/2021	Jennifer Hanicki	Fence	1469 Lake Rd	32.20-1-5
047-21	6/24/2021	Scott Macvie	Pole Barn	3674 Lutts Rd	60.00-2-29.6
048-21	6/25/2021	Steven Vukas	Pole Barn	2595 Lake Rd	21.18-1-54
049-21	6/29/2021	Wayne Carter	Alteration/Remodel	1737 Lockport Rd	47.03-1-9.2
050-21	6/29/2021	Karen Fuller	Pole Barn	3933 Calkins Rd	59.00-2-61.211

Complaint report - June 2021

Number	Issue Date	Owner	Complaint type	Parcel Location	SBL #
055-21	06/04/21	Kristen Ruest	Keeping of animals	3509 Ransomville Rd	45.00-1-25.5
056-21	06/04/21	Marc Werth	Property Maintenance	2561 Lockport Rd	47.04-1-42
058-21	06/07/21	Sanger Farms LLC	Activity without a Permit	3639 Ransomville Rd	46.00-2-48.1
059-21	06/07/21	Brett Cramer	Sewage Issues	3661 Ransomville Rd	47.04-1-41
060-21	06/11/21	717 Lake Rd LLC	Noise nuisance	3829 Ransomville Rd	31.20-1-13
061-21	06/18/21	Wiepert Merton/Rental	Keeping of animals	3966 Ransomville Rd	62.10-3-12
062-21	06/21/21	Shane Donner	Activity without a Permit	3861 Ransomville Rd	33.08-1-40
063-21	06/29/21	Jonathan Hughes	Recreational Veh. Violation	2335 Braley Rd	45.32-1-49

RESULT: REPORT ISSUED

6. Report 2021-74

Highway

HIGHWAY

1. COMPLETED BRUSH PICKUP

2. LARDON COMPLETED GRINDING MULCH
3. COMPLETED MILLING DICKERSONVILLE ROAD
4. COMPLETED MOWING ROADSIDES
5. COMPLETED MOWING CEMETERIES
6. DELIVERED 12 LOADS OF MULCH
7. REPLACED DRIVEWAY CULVERT (93)

WATER/SEWER

1. COMPLETED WATER METER READINGS FOR THE QUARTER
2. COMPLETED WATER SERVICE AT BALMER ROAD FOR NATIONAL GUARD
3. COMPLETED TOP SOIL WORK ON WATER BREAK RUTS
4. COMPLETED SEWER LIFT STATIONS & SERVICED THEM.

DRAINAGE

1. CUT A DITCH BEHIND PROPERTY ON 93 WITH GRADER
2. PUT PIPE IN FRONT DITCH ON CAIN ROAD

PORTER ON THE LAKE

1. COMPLETED MOWING FOR THE MONTH
2. CLEANED BATHROOMS FOR RENTAL FOR THE MONTH
3. FIX BIRD NET AT BIG PAVILION
4. MODERN EMPTYING GARBAGE DUMPTER MONDAY AND FRIDAYS WORKING OUT WELL

RESULT:	REPORT ISSUED
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7. Report 2021-75

Recreation

- The Town of Porter Summer Recreation Program has started at the Ransomville Free Methodist Church and will continue until August 12, 2021. The program runs Monday through Friday, from 10:00am - 3:00pm.

- The Summer Story Hour Program has started. The program is held at 10:00am on Tuesdays at the Youngstown Library/Gym, and on Wednesdays at the Ransomville Library.
- 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
- Our next meeting is Monday, July 12, 2021 at 6:00pm at Porter on the Lake Park.

RESULT:	REPORT ISSUED
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8. Report 2021-76

Grant Writer

Grants Status Report: Projects we are currently working on:

Fort Niagara Beach: Current Status: Construction Complete.

1. Greenway has awarded the Town for \$22,298 working on reimbursement.
2. Reimbursement #2 was submitted for \$329,248.00
3. *** Reimbursement should be within the next 3 weeks

CFA: Porter on The Lake Trail Project. We are working on a CFA application for POL to install a nature trail The project would consist of 2300 feet of nature and exercise trails. The trail will connect to the small existing trail. There will be pull up bars, push up bars, horizontal bars and benches. There will also be station signs that have instruction details that are waterproof. At the waterfront, we are installing four (4) benches that will allow access to the beautiful

sunsets. We will construct a 12 car parking lot which will allow access to the water for kayaks. Project cost is \$150,000 and is 75% funded (Town match would be \$37,500.00) Resolution is required.

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

DOT/TAP Grants are open for trails, sidewalks etc. Due September 29th

RESULT:	REPORT ISSUED
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9. **Report 2021-77**

Calendar of Events

8/10/21	-	Town Board meeting
8/5/21	-	Planning Board meeting
8/26/21	-	Zoning Board meeting
? - check website-		Recreation meeting

RESULT:	REPORT ISSUED
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10. **Report 2021-78**

Public Comments

Larry Wiepert - Town of porter resident - submitted a letter to the Porter Town Board asking for his property to be zoned more appropriately for it's present and future use. What he would like to eventually do is construct a building for his storage and possible seasonal/mini storage. His present business includes automotive repairs, mechanical, collision, welding/fabricating, sand blasting & painting, towing, vehicle storage, auto and truck sales. He feels that the future of the automotive industry will be changing as electric cars replace internal combustion engines. He would like to stay open to supplementing the workers skill sets with training alternative sales revenue sources to maintain employment levels.

Code Enforcer Jeffery's responded by saying that he wouldn't be able to issue a permit because it was located in a RA district but he would be able to construct it on another parcel of his.

Supervisor Johnston asked if Larry can combine his properties and Peter answered that Larry would like to leave his options open in case down the road he would like to sell off a piece.

Attorney Dowd explained that what Larry would like to do is have it rezoned as a M1 district but it might be possible as a Rural Commercial. In that case, he would need to file a formal request and notify all the neighbors and explain in writing to the Town what he would like to do.

Code Enforcer did express reluctance to the M1 Zoning and said that it can be referred to the Planning and Zoning board but ultimately it will come to the Town board according to Dowd.

Attorney Dowd said that what needs to happen is Larry needs to work with Code Enforcer Jeffery's and "clean up" the petition and then refer it to the Planning board.

RESULT:	REPORT ISSUED
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11. Report 2021-79

Town Board Comments

The bridge at 93 heading South on Dickersonville rd. It is very hard to see the guardrail. Dave has talked with Irene and the State to possibly get some bigger stop signs. Duffy did follow up on this. Jeff feels that double stop signs do not help you see around the guardrail. Dave will send someone over to weed whack the weeds.

Councilman Adamson asked Superintendent Burmaster if he intends on sending someone over to trim some bushes at Town Hall and apply black mulch? Superintendent Burmaster responded that "as soon as he gets time he will".

There was much discussion about millings and whether to charge or not charge for them. We need to save some for our parking lot at the park. Jeff feels that we should be charging. Dave doesn't want to accept any money. Attorney Dowd said maybe it can be declared surplus and put on auctions international. He advised Dave to call Auctions International and see what's involved.

Motion to adjourn the meeting at 8:30 PM was made by Councilman Ortiz and seconded by Councilman White.

RESULT:	REPORT ISSUED
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