



# Town of Porter

## Town Board Meeting

~ Minutes ~

3265 Creek Road  
Youngstown, NY 14174

[TownofPorter.Net](http://TownofPorter.Net)

Kara Hibbard  
716-745-3730

Monday, June 13, 2022

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on June 13, 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	Remote	
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. Resolutions/Reports

### III. Resolutions

#### 1. Resolution 2022-39

#### Minutes Approval

Resolution to approve the minutes from the May 9, 2022 Town Board meeting.

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

#### 2. Resolution 2022-41

#### Audited Vouchers

**TOWN OF PORTER**

**WARRANT: POST AUDIT #5A 5/31/22**

FUND	01	16,919.74
FUND	02	2,537.01
FUND	04	89,117.34
FUND	06	1,973.50
FUND	07	850.99
FUND	10	0.00
FUND	11	0.00
FUND		

**TOTAL 111,398.58**

**VOUCHER 'S 30265 THRU 30285**

**WARRANT: POST AUDIT #6-JUNE 2022 6/9/22**

FUND	01	26,367.17
FUND	02	31,645.50
FUND	04	26,936.38
FUND	06	8,363.93
FUND	07	3,014.08
FUND	10	763.02
FUND	11	39,848.32
FUND	20	
FUND	21	
FUND	28	

**TOTAL 136,938.40**

**VOUCHER 'S 30286 THRU 30380**

**TOTAL 248,336.98**

Resolution to approve the vouchers as audited by the Porter Town Board in the amount of \$248,336.98

<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

**3. Resolution 2022-40**

**Supervisor's Report**

Resolution to accept the Supervisor's report from the May 9, 2022 Town Board meeting.

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

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**4. Resolution 2022-49****Resoluton Regarding the Contract with Modern Disposal.**

PROPOSED: Additional Bulk Collection Services above Quarterly (Current)

Resolution was passed to increase bulk pickup from 4 times a year to 6 times a year with an increased cost of \$7482.40 annually. For 2022 though, the cost will be an extra \$3741.20 because it's already June.

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

<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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**5. Resolution 2022-51****Town Procurement Policy Update**

**Guideline 1.** Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML 103. Every town officer, board, department head or other personnel with the requisite purchasing authority shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

**Guideline 2.** All purchases of a) supplies or equipment which will exceed \$10,000 in the fiscal year or b) public works contracts over \$20,000 shall be formally bid pursuant to GML 103.

**Guideline 3.** All estimated purchases of:

- Less than \$10,000 but greater than \$5,000 require a written request for a proposal (RFP) and written/fax quotes from three vendors.
- Less than \$5,000 but greater than \$2,500 requires an oral request for the goods and oral/fax quotes from two vendors.
- Less than \$2,500 but greater than \$250 is left to the discretion of the Purchaser.

All estimated Public Works contracts of:

- Less than \$20,000 but greater than \$10,000 requires a written RFP and fax/proposals from three

contractors.

-Less than \$10,000 but greater than \$5,000 requires a written RFP and fax/proposals from two contractors

-Less than \$5,000 but greater than \$500 is left to the discretion of the Purchaser.

Resolution needed to specify under \$35,000 but greater than \$20,000.

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

<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

**6. Resolution 2022-52**

**Abatement of Property Located at 1820 Balmer Road.**

Resolution for the abatement of property maintenance violations owned by Mr. Thomas Freck and located at 1820 Balmer road in Youngstown.

**RESOLUTION**

At a regular meeting of the Town of Porter Town Board held on June 13, 2022 it was determined that;

WHEREAS, the Town of Porter Zoning Code 5200-79 Property Maintenance "provide[s] a method whereby vacant lands, improved properties and public lands, including roads and rights-of-way are properly maintained, properly repaired, kept clean, and kept free from vermin, nuisances, hazards, debris and litter. The outdoor storage, accumulation, deposit or placement of abandoned, junked, discarded, wholly or partially dismantled or unlicensed or unregistered motor vehicles, rubbish, debris, or solid waste upon private property constitutes a public nuisance." and;

WHEREAS, the Town of Porter Code Enforcement Officer has been designated as the officer in charge with the enforcement of Town of Porter Zoning Code 5200-79 Property Maintenance is authorized and directed to make inspections of premises within the Town of Porter as)he shall deem necessary to effect compliance with this ordinance, and

WHEREAS, the Code Enforcement Officer has inspected real property not in compliance with Town of Porter Zoning Code {200-79 Property Maintenance located at 1820 Balmer Road in the Town of Porter on many occasions during the preceding two years and provided the owner of that property with detailed remedial action and time for the property owner to take such action, and

WHEREAS, the owner of this property has not undertaken any of the required remediation action while allowing more refuse and debris to accumulate on the property, and

WHEREAS, the Code Enforcement Officer has issued notices of violation regarding this property and attended numerous Town of Porter Town Court proceeding seeking the property owners compliance

regarding the maintenance of the property, again, without avail, and

WHEREAS, the Town of Porter Zoning Code 5200-79 (F) "Abatement by Town" permits the expenditure of Town funds to bring properties into compliance, the Code Enforcement Officer has provided the Town of Porter Town Board with a complete report of work proposed to be done to accomplish the foregoing to the Town Board with an estimate of the cost, along with a summary of the proceedings undertaken by the enforcement officer to secure compliance, including notices served upon the owners; it is

RESOLVED, that the Town of Porter Town Board hereby authorizes the abatement of the nuisance, correction of the defect or work necessary to place the premises in proper condition and in compliance with Town of Porter Zoning Code 520079, and it is further

RESOLVED, that the Code Enforcement Officer shall proceed to have the work performed in accordance with the resolution at municipal expense, not to exceed the amount specified in the resolution, and shall, upon completion thereof, submit a report of the moneys expended and costs, whereupon the same shall become a lien against the premises, collectible as provided by law, and it is further,

RESOLVED, that a copy of the resolution approving the expenses and costs shall be certified by the Town Clerk and filed with the Assessor of the Town, who shall assess such expense against the record owner of the property which charge shall be collected in the same manner and at the same time as other Town charges, and it is further,

RESOLVED, that a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner of the effected premises

**Motion to adopt the resolution was made by Councilman Adamson and seconded by Deputy Supervisor Baker**

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

<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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**7. Resolution 2022-53****Court Clerk Position**

Resolution needed to approve Tyharjra Snowden as a part-time typist and as of June 30<sup>th</sup> be moved to the full-time court clerk. The pay is \$17.47.

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

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

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**IV. Reports****1. Report 2022-54****Supervisor's Report**

5-9 Presented proclamations to Seniors at the Senior center for 80 and 90 year olds

5-18 Met with Modern Executives on more bulk pick ups

5-19 Niagara County Water board meeting

5-30 Attended the Lew-Port International Student Science Fair at NU

5-30 Attended the VFW 313 Memorial day service

6-6 Got new supply of Covid test from Niagara County

6-7 Did a power point presentation for Greenway , for the Fitness Court with Jay Grasso

## 6-8 Met with Sue from the Chamber for Summerfest

## 6-9 The Fitness Court was delivered

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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### 2. Report 2022-55

#### Bookkeeper

Completed processing all May 2022 Vouchers & Journal Entries.

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

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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### 3. Report 2022-56

#### Town Clerk

Water for the month of May = \$22,851.39

Sewer for the month of May = \$18,050.83

Clerk fees for May = \$1178.57

**I have received the court clerk's retirement letter from Judge Truesdale regarding her ( Lisa Hasting) retirement effective June 30, 2022.**

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**4. Report 2022-57****Assessor****Monthly Assessor's  
Report  
May 2022**

- Updated the real property system for changes due to building permits
- Filed the 2022 Tentative Assessment Roll May 2, 2022
- Sat with the assessment roll on required dates for public inspection
- Submitted the exemption impact report required pursuant to RPTL S495 to Lewiston-Porter School District and Wilson Central School District
- Submitted the mobile home spreadsheet report to the NYS Office of Real Property Tax Services for STAR credit purposes
- Applied Real Property System software updates, and updated Grid Coordinates
- Received the 2021 County In-Rem list and reviewed same for environmental issues
- Transmitted sales reports to the NYS Office of Real Property Tax Services sales unit
- Attended the Board of Assessment Review Hearing, May 24, 2022 virtually via Teams

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

288 Elm St	AV \$103,100	Sale Price:	\$215,000
330 Second St	AV \$47,000	Sale Price:	\$105,000
1891 Braley Rd	AV \$124,000	Sale Price:	\$280,000
333 Walnut Ln	AV \$116,900	Sale Price:	\$260,000
422 Dansworth Rd	AV \$201,900	Sale Price:	\$390,000



1934 Balmer Rd	AV \$78,000	Sale Price:	\$ 225,000
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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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5. Report 2022-58

**Building Inspector/Code Enforcement Officer**

- ◆ Reviewed and Issued **Building Permits**; per attached Permit Report; Twelve (12) permits have been issued in the month of **May**.
- ◆ Received, Inspected, and followed up on **new Complaint/Violations**; per attached Complaint report; six (6) **New** formal concerns have been processed.
- ◆ Completed twenty (20) **inspections** for Permits & Complaints.
- ◆ Coordinated/Reviewed **Planning and Zoning Board applications** and/or Documentation.
- ◆ Prepared information and participated in the regular **Planning Board** meeting on **May 5, 2022**.
- ◆ Prepared information and attended the regular **Zoning Board** meeting on **May 26, 2022**.
- ◆ I am still working on a back log of **Permits and Complaints** because of being off for two weeks with COVID. Should be caught up within the next week.
- ◆ Worked on a Detailed report regarding the pending Abatement of **1820 Balmer Road** parcel; Significant Property Maintenance violations, Submitted to the Town Board via email on 6/9/2022. Subsequent Estimates from local Contractors are pending prior to the Town Board acting on the proposed Abatement.

- ◆ Continued progress on a Detailed report regarding the pending Abatement of **1830 Lockport Road** parcel; Significant Property Maintenance violations, Report will be completed and forwarded to the Town Board via email on next week. Subsequent Estimates from local Contractors are pending prior to the Town Board acting on the proposed Abatement.

**PERMIT REPORT - MAY 2021**

<u>Number</u>	<u>Issue Date</u>	<u>Owner</u>	<u>Permit type</u>	<u>Parcel Location</u>	<u>SBL #</u>
030-22	5/11/2022	Keith Udut	Fence	839 Lockport Rd	45.00-1-25.6
031-22	5/13/2022 1	Zachary Steven Cooper	Pole Barn	Balmer Rd	60.00-2-29.5
032-22	5/13/2022	Edward Olszewski	In Ground Pool	359 Brentwood Dr	59.18-1-18
033-22	5/13/2022 12:00:00 AM	Donald Oosterveen	Pole Barn	2119 Lake Rd	33.08-1-14
034-22	5/13/2022	Michael Kowalchuk	Fence	1891 Braley Rd	47.00-1-46.12
035-22	5/17/2022	Anthony Cattarin	Deck	2481 Lake Rd	21.18-1-18
036-22	5/23/2022	Brett Cramer	Above Ground Pool	1904 Lockport Rd	47.04-1-41
037-22	5/24/2022	Terrell Farrar	Above Ground Pool	3407 Porter Center Rd	47.03-1-14.112
038-22	5/24/2022	Elisabeth Etopio	Fence	1705 Harrison Ln	33.13-1-54
039-22	5/24/2022	Jonathan J. Brown	Alteration/Remodel	3424 Ransomville Rd	48.00-1-23
040-22	5/27/2022	3881 River Rd LLC	Flood Plain Development	River Rd	59.00-1-13.1
041-22	5/31/2022	3881 River Rd LLC	Pole Barn	River Rd	59.00-1-13.1

**COMPLAINT REPORT - MAY 2021**

<u>Number</u>	<u>Issue Date</u>	<u>Owner</u>	<u>Complaint type</u>	<u>Parcel Location</u>	<u>SBL #</u>
020-22	05/06/22	James Stark	Keeping of animals	1750 Lockport Rd	47.03-1-27
021-22	05/25/22	Edward Mort	Property Maintenance	3610 Ransomville Rd	62.10-2-26
022-22	05/26/22	Joshua Jackson	Property Maintenance	1950 Lockport Rd	47.04-1-35
023-22	05/26/22	Danielle Pratcher	Property Maintenance	1932 Lockport Rd	47.04-1-37
024-22	05/26/22	Lynne Palemini	Property Maintenance	1258 Lockport Rd	46.00-2-32.111
025-22	05/26/22	Iman Gadelrab	Property Maintenance	338 Walnut Ln	59.14-1-10
026-22	05/26/22	Peter Dolansky-Gentner	Property Maintenance	415 Lynnbrook Dr	59.18-2-65
027-22	05/26/22	Mackey Family Rev Trust	Property Maintenance	3881 River Rd	59.00-1-13.211
028-22	05/26/22	Joseph Paonessa	Activity without a Permit	783 Blairville Rd	59.00-2-43
029-22	05/26/22	Phil Anello	Activity without a Permit	3636 Creek Rd	60.00-2-70.3

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

**RESULT: REPORT ISSUED**

**6. Report 2022-59****Highway**

1.COMPLETED MOWING CEMETERIES FOR THE MONTH.

- 2.HOT PATCHED BRALEY RD AND ST CHRISTOPHERS LANE MEADOW DR.
- 3.COMPLETED BRUSH FOR THE MONTH.
- 4.2 TRUCKS TO WILSON PAVING (SHARED SERVICES).
- 5.TRUCK #10 TO VALLEY TO REPLACE TRANSMISSION LINE FROM TRANS TO PUMP.
- 6.STARTED MOWING ROADSIDES.

**WATER AND SEWER**

- 1.COMPLETED WATER METER READING FOR THE QUARTER.
- 2.COMPLETED WATER SAMPLES.
- 3.COMPLETED SERVICING LIFT STATIONS.
- 4.CUMMINS SERVICED GENERATORS.
- 5.PENN DEISEL SERVICED SWAIN AND SHOP GENERATORS.

**DRAINAGE**

- 1.STARTED CLEANING DEBRI FROM CREEKS WITH BIG EXCAVATOR.

**PORTER ON THE LAKE**

- 1.FINISHED BASE FOR PARKING LOT.
- 2.COMPLETED MOWING.
- 3.CLEANED AND WASHED BATHROOM.
- 4.CLEANED AND WASHED BIG PAVILION FOR RENTALS.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**7. Report 2022-75****Recreation**

- The Town of Porter Summer Recreation Program will be held at the Ransomville Free Methodist Church from July 5 - August 11, 2022. Registration for children will be in person only at the church , from 10:00am - 3:00pm on:  
Wednesday, June 29<sup>th</sup>

Thursday, June 30<sup>th</sup>

Friday, July 1<sup>st</sup>

This year the program is limited to the first 250 children registered.

- The Town of Porter Recreation Commission requests the appointment of the following Recreation Supervisors for the Summer Recreation Program. Employment is from June 27 - August 12, 2022.

### RETURNING EMPLOYEES:

Maura Bull 2254 Maple Road Wilson, NY 14172	Tiffany Chandler 1046 Upper Mountain Road Lewiston, NY 14092	Kerstin Crum 335 Brentwood Drive Youngstown, NY 14174
Brady Martin 429 Dansworth Road Youngstown, NY 14174	Hannah Ullery 401 Wingate Place Youngstown, NY 14174	

### NEW EMPLOYEES:

Allison Braun 3799 German Road Ransomville, NY 14131	Emily Fittante 386 Wingate Place Youngstown, NY 14174	Michael Miller 4284 Burch Road Ransomville, NY 14131
Joseph Powers 490 Lockport Street Youngstown, NY 14174	William Quarantello 536 Green Field Road Lewiston, NY 14092	Tessa Schuey 413 Riverwalk Drive Youngstown, NY 14174
JohnPaul Stewart 736 Blairville Road Youngstown, NY 14174	Johnathan Wendt 1546 Swann Road Lewiston, NY 14092	Sarah Wilkesmore 999 Balmer Rd A-9 Youngstown, NY 14174

- Yoga is now being 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
- Story Hour will hold its 6 week Summer Program at the Ransomville Library and the Youngstown Red Brick Gym, beginning on June 28<sup>th</sup> and 29<sup>th</sup>.
- Our next meeting will be Monday, July 11, 2022 at 6:00pm at Porter on the Lake Park.

**Motion to hire new employees for recreation for 2022 was made by Deputy Supervisor Baker and seconded by Councilman Adamson.**

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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**8. Report 2022-60****Calendar of Events**

6-23-22	Monthly Zoning Board meeting at 7:00 PM
7-7-22	Monthly Planning Board meeting at 7:00 PM
7-11-22	Monthly Recreation meeting at 6:00 PM at Porter on the Lake
7-11-22	Monthly Town Board meeting at 7:00 PM

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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**9. Report 2022-61****Public Comments**

Wally Nowacki asked the board about a noise ordinance in the Town. He wasn't sure if it was 10:00 pm or 11:00 pm. He then asked if the Town can change it from 10:00 pm to 11:00 pm.

Attorney Dowd responded by saying it depends on the way the code is written. To do that, the law would need to be amended, a public hearing would have to be held and advertised in the paper. He will look into it.

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Rusty Tower feels that the airplane should be down by 9:00 pm.. He also complained about his neighbor's car. He claims when he revs his car engine, it shakes his entire house. He asked about a decibel limit and attorney Dowd stated that it can be looked into.

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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**10. Report 2022-62****Town Board Comments**

Kyle Clayton from the Ransomville Business Association along with Kevin and Dawn Cubello were present and said they would like to put a video together of an overview of the hamlet of Ransomville including Ransomville Speedway and the Porter on the Lake and maybe down the road add all the

businesses too and possibly put it on the Town website. Kevin will come into the Town and show the Town Clerk when the video is done.

**Motion to adjourn the meeting at 8:05 PM was made by Deputy Supervisor Baker and seconded by Councilman Adamson.**

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