



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, June 14, 2021

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on June 14, 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	
Mike Dowd	Town of Porter	Attorney	Present	
Dave Burmaster	Town of Porter	Highway Superintendent	Present	

II. Resolutions

1. Resolution 2021-52

Public Hearing Regarding the Adoption of Local Law #7 -Farm Markets

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 #7 of 2021 titled "Farm Market, Roadside Farm stand, and Farmers' Markets amendment.

The Public Hearing was opened to the public at 7:05 PM

Brenda Bank - Town of Porter resident - stated that Peter was kind enough to email her the current language of the proposed changes however she didn't notice what the original language or the current language is right now.

Code Enforcer Jefferys stated that he wasn't sure if he could reiterate it verbatim without the code book but he would be happy to provide it to her but in general terms our definition of a farm market did require the operators to be a farmer in the Town of Porter. The new law specifically says if your going to have a farm market in the Town of Porter you have to be a farm/farmer/farm operation as defined by both our definition and Zoning code and New York State Ag & Markets in the Town of Porter. This is far more specific as to the building and location of some of those things. That was the key element that we were trying to accomplish- to protect our Town of Porter farmers as opposed to someone having a farm market in a rural agricultural zoning district that was not a farmer in the Town of Porter or was not producing farm products in the Town of Porter. It also says that 50% of your annual gross sales has to be grown on a Town of Porter farm where as the original version of the code said that 50% from the Town or local farms.

It opened the door up to other local municipalities per say.

Supervisor Johnson stated that this came up because of a situation in the Town about a year and a half ago where a woman was on facebook and started selling a product out of her home located on Dickersonville road and the traffic was horrendous. People came there on certain days and bought a box of fruit and vegetables for a certain price and there was a strong potential for accidents whereas the business was run more or less illegally and the farmers couldn't get down the road with their big equipment going from farm to farm because there were too many cars lined up on both sides of the road. We are not asking for a farm stand to go and invest by planting a bunch of peach or apple trees but at least to grow some of your product. It's not fair to farmers here that grow their own fruits and vegetables to have someone be able to go outside of the Town of Porter and purchase the products cheaper and bring them back and resell them in the Town. This is how it all started. At first the Town wasn't aware of what was going on there until we started receiving calls from residents. Basically, we need to protect our farmers in the Town.

Peter Jefferys said that it also protects the rural agricultural district from somebody opening a farm market that basically is a retailer. Their either buying it wholesale and then re-selling it. That is a retail operation and not considered a farm market and is not appropriate in our rural agricultural district but possibly in our commercially zoned districts.

Brenda Banks also asked about Section 3 - off shore parking - obviously there is no parking in the right of ways. Even if a farmer puts signage outside, how do they police that. Kind of like if you have a garage sale and you see people parking in the right of way all the time, are we going to make everyone do the signage or get a permit?

Code Enforcer Jefferys said that when he put that together his anticipation was that by having that as part of the regulation, he was hopeful that the owner/operator of the farm markets that if they saw people parking in the road that they would ask them to park in their parking lot that they had provided. If it becomes a recurring event and he was notified then in turn he would notify the niagara county sheriff or state police who would be able to issue a ticket. He is not sure that they would but the point is to discourage impeding the right of way. It's very difficult to keep people from parking in the right of way.

Brenda also asked that what happens when you get the tourist that comes by and they want to wander around and parks there, it doesn't fall on the farmer right?

Code Enforcer Jefferys and Supervisor Johnston both said NO. Nobody is going to police it unless there is a call from a neighbor or its unsafe.

Motion to close the public hearing was made by Councilman Adamson and seconded by Councilman White at 7:15 PM.

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

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

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

Motion needed to close Public Hearing

Motion to close the Public Hearing and possibly revisit at another time was made by Deputy Supervisor Baker and seconded by Councilman Adamson

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

Motion carried.

RESULT:	TABLED [UNANIMOUS]	Next: 7/12/2021 7:00 PM
MOVER:	Tim Adamson, Councilman	
SECONDER:	Jipp Ortiz, Councilman	
AYES:	Ortiz, Johnston, Baker, White, Adamson	

3. Resolution 2021-51**Resolution to Designate Fund Balance from B Fund**

Resolution to designate fund balance from B-fund (total Town) to reserve Capital fund account. These monies will be used for capital projects like a generator for Town Hall, repave Academy st, and Parker rd., generators for the Woodcliff pump station, install a digital information sign at Town Hall and a new grade-all. Approximately \$900,000 would be designated/set aside.

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

4. Resolution 2021-54

Resolution Needed to Refund/Not Refund Porter on the Lake Cancellation

Janet Livingston rented the Pavilion and Gazebo for June 25th and 26th at Porter on the Lake. However, she has since cancelled the dates for the 25th and cancelled the Gazebo for the 26th. She would like to be refunded her full amount but it clearly states in our contract that there is a non-refundable rental fee if event is cancelled 90 days prior to date. The amount she paid was \$550 for June 25th (this includes a \$150 fee for cleaning) and \$550 for June 26th. She is still using the pavilion on June 26th but no longer needs the Gazebo. The amount of the Gazebo is \$150 (this includes a \$50 cleaning fee).

June 25th

Pavilion - \$400 (\$100 cleaning fee)

Gazebo - \$150 (\$50 cleaning fee)

June 26th - \$150 (\$50 cleaning fee)

Motion was made by Councilman Ortiz and seconded by Deputy Supervisor Baker to refund \$200 (cleaning fees).

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Ortiz, Johnston, Baker, White, Adamson

5. Resolution 2021-41

Audited Vouchers**TOWN OF PORTER**

WARRANT: POST AUDIT #5A - MAY, 2021 5/31/21

FUND	01	6,704.56
FUND	02	94,033.34
FUND	04	229.15
FUND	06	224.81
FUND	07	1,471.35
FUND	10	0.00
FUND	11	0.00
FUND		

TOTAL **102,663.21**

VOUCHER 'S 29065 THRU 29091

WARRANT: #6 JUNE, 2021 6/11/21

FUND	01	38,819.69
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FUND	02	14,041.10	
FUND	04	17,299.35	
FUND	06	15,540.50	
FUND	07	3,410.25	
FUND	10	742.24	
FUND	11	27,331.79	
FUND	28		
FUND	35		
TOTAL		<u>117,184.92</u>	
VOUCHER 'S	29092	THRU	29181
	TOTAL	<u>219,848.13</u>	

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

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

6. Resolution 2021-42

Acceptance of Supervisor's Report

Resolution to accept the Supervisors report from May 10, 2021

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

7. Resolution 2021-43

Minutes Approval

Resolution to approve the minutes of the May 10, 2021 Porter Town Board.

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

III. Reports

1. Report 2021-57

Supervisor's Report

5-17 Met with Sheridan Benefits on pricing for health care and payroll

5-18 Zoom meeting with CLEAR (Coastal Lakeshore Economy and Resiliency)

5-20 Niagara County water board meeting

5-20 Conference call with Bernie and Anthony Rotella on upcoming grants

5-24 Went to Wilson's pier groundbreaking ceremony

6-3 Went to the ribbon cutting of Hill of Beans in Youngstown

Spoke with Dave Britton of GHD on the RFP for our sewer pump stations and water lines

Spoke with State DOT and County DOT on the June 12th flag day parade in Ransomville. The Town or State was not notified of the event

Attended the Memorial day Ceremony at the Fort Niagara cemetery

RESULT:	REPORT ISSUED
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2. Report 2021-58**Bookkeeper**

Completed processing all May 2021 Vouchers & Journal Entries.

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

RESULT:	REPORT ISSUED
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3. Report 2021-59**Town Clerk**

Water for the month of May was \$ 22,386.69

Sewer for the month of May was \$16,815.42

Clerk Fees \$755.59

RESULT:	REPORT ISSUED
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4. Report 2021-60**Assessor****Monthly Assessor's Report
May 2021**

- Updated the real property system for changes due to building permits
- Filed the 2021 Tentative Assessment Roll May 3, 2021
- 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
- Met with representatives from Lewiston-Porter School District to explain Section 520 Chargebacks for school purposes
- Processed the STAR reports received from the State to update STAR exemptions
- Submitted recommended changes to the STAR reports to the State
- Applied Real Property System software updates, and updated Grid Coordinates
- Received the 2019 County In-Rem list and reviewed same for environmental issues
- Transmitted sales reports to the NYS Office of Real Property Tax Services sales unit
- Notified the Town Attorney of legislation passed regarding public utilities, water moratorium
- Attended the Board of Assessment Review Hearing, May 25, 2021

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

459 Riverview Dr	AV \$365,000	Sale Price \$441,874
452 Church St	AV \$74,000	Sale Price \$128,000

RESULT:	REPORT ISSUED
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5. Report 2021-61

Building Inspector/Code Enforcement Officer

- ◆ Reviewed and Issued **Building Permits**; per attached Permit Report; fifteen (15) permits have been issued in the month of May.
- ◆ Received, Inspected, and Issued **new Complaint/Violations**; per attached Complaint report; Twenty-one (21) **New** formal concerns have been processed.
- ◆ Completed thirty-seven (37) **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 May 6, 2021.
- ◆ Prepared information and attended the regular **Planning Board** meeting on May 27, 2021.
- ◆ Mowed five (5) lawns; in compliance with the Town's Property Maintenance regulations; many more need mowing again - for parcels not in compliance of the Lawn mowing regulations - 10" max.
- ◆ Prepared Application(s) and SEQRA forms for new Local Law 7 of 2021 & Local Law 8 of 2021.

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>
026-21	5/3/21	Mark Herbst	Shed	2137C Lake Rd	33.08-1-21
027-21	5/3/21	Catherine Rotella	Shed	967 Lake Rd	32.18-1-9
029-21	5/6/21	Timothy Jackson	Alteration/Remodel	2457 Lockport Rd	62.10-2-7
030-21	5/14/21	William Dean	Alteration/Remodel	2359 Lake Rd	21.17-1-20
031-21	5/14/21	Donald Williams	Shed	2511 Lake Rd	21.18-1-31
032-21	5/14/21	William Carbin	Alteration/Remodel	3772 Ransomville Rd	62.18-1-18
033-21	5/14/21	Heritage Ransomville Realty LL	Signs	3509 Ransomville Rd	62.10-1-5
034-21	5/20/21	Robert Kudel	Miscellaneous	930 Lake Rd	46.00-1-6
035-21	5/7/21	William Sutor	Pavillion	3327 Creek Rd	46.00-2-51.11
037-21	5/21/21	Felix Reinberg	Deck	3747 River Rd	59.18-1-1
038-21	5/21/21	William Fox	Fence	913 Lockport Rd	46.03-1-13
036-21	5/25/21	Heritage Ransomville Realty LL	Commercial Alteration/Add	3509 Ransomville Rd	62.10-1-5
039-21	5/24/21	Kasandra Draeger/Spina	Above Ground Pool	889 Lockport Rd	46.03-1-5
040-21	5/27/21	Michael Eoute	Deck	1766 Youngstown-Wilson Rd	47.00-1-4
041-21	5/27/21	Michael Kenyon	Solar Energy Systems	2525 Lake Rd	21.18-1-37.1

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>
035-21	5/5/2021	Heritage Ransomville Realty LL	Floodplain Developemt	3509 Ransomville Rd	62.10-1-5
036-21	5/5/2021	Immobilien Group LLC	Property Maintenance	2561 Lockport Rd	62.10-3-30
037-21	5/5/2021	Edward Mort	Property Maintenance	3639 Ransomville Rd	62.14-1-22
038-21	5/5/2021	North Buffalo Rental LLC	Property Maintenance	3661 Ransomville Rd	62.14-1-14
039-21	5/5/2021	Elizabeth Retton	Property Maintenance	3829 Ransomville Rd	62.18-2-3
040-21	5/5/2021	Jeffrey Perry	Property Maintenance	3966 Ransomville Rd	62.00-1-30.112
041-21	5/5/2021	Michael Bergey	Property Maintenance	3861 Ransomville Rd	76.06-1-13
042-21	5/5/2021	Steven Clark	Junk Vehicles	2335 Braley Rd	48.00-1-33
043-21	5/6/2021	Superior Home Renv & RE LLC	Property Maintenance	2409 Youngstown-Wilson Rd	34.00-1-35
044-21	5/6/2021	Ronald Martin	Property Maintenance	2365 Youngstown-Wilson Rd	34.00-1-39.2
045-21	5/1/2021	Terence Scheurer	Property Maintenance	3907 River Rd	73.06-1-3
046-21	5/14/2021	James Wilson	Property Maintenance	3130 Park Ave	45.32-1-47
047-21	5/18/2021	William O'connor	Property Maintenance	2268 Youngstown-Wilson Rd	34.00-1-43
048-21	5/19/2021	Lynn-Ette & Sons Land Co.,LLC	Property Maintenance	2231 Youngstown-Wilson Rd	33.00-2-18.2
049-21	5/19/2021	Matthew Italia	Property Maintenance	2217 Lake Rd	33.08-1-48
050-21	5/25/2021	Meghan Sabia	Property Maintenance	2559 Lockport Rd	62.10-3-31
051-21	5/5/2021	Irene Dolan	Property Maintenance	3705 River Rd	59.14-1-18
052-21	5/5/2021	Paula Phillips	Property Maintenance	3128 Park Ave	45.32-1-46
053-21	5/5/2021	Carol Huff	Property Maintenance	2259 Lake Rd	33.08-1-44
054-21	5/5/2021	Mark Beaudoin	RecreationalVeh.Violation	Park Ave	21.17-1-26
057-21	5/5/2021	Kimberly Moshier	Property Maintenance	2647 Lake Rd	21.15-1-9

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

RESULT:	REPORT ISSUED
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6. Report 2021-62

Highway

HIGHWAY SUPERINTENDENT REPORT FOR AUGUST 2021

HIGHWAY

1. Completed Brush for the month
2. Completed Mulching Town Hall

3. Completed Mowing Cemeteries
4. Completed Weed Whacking Guard Rails + Signs
5. Sent trucks to Cambria, Village of Youngstown, Town of Pendleton, Town of Newfane, Town of Lewiston, Town of Wheatfield, for milling and paving.
6. Patched roads with Hot Box.
7. Completed roadside mowing

WATER

1. Completed water meter readings for the quarter
2. Completed repair fire hydrant on Balmer Road
3. Completed servicing sewer Lift Stations
4. Pulled motor Lake Road sewer station to replace seal kit.

DRAINAGE

1. Completed Mowing Creeks + Ditches for the month
2. Started GPS on Ditches + Creeks
3. Talked to Dave Britton on upgrades for Swain + Lake Road Lift Stations

PARK

1. Completed Mowing Park + Cleaning Bathrooms and Garbage.
2. Had 6 Rentals for the month.

Superintendent Burmaster said that there is a meeting with Quackenbush at 1:00 PM on Wednesday (including the engineer) and they will view the lift stations.

Burmaster said he needed a resolution to be able to replace 53 sidewalk blocks. Should not cost more than \$9,000.

Motion was made by Councilman Ortiz and seconded by Councilman White

Motion carried.

RESULT:	REPORT ISSUED
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7. Report 2021-63

Recreation

- The Town of Porter Summer Recreation Program will be held at the Ransomville Free Methodist Church from July 6 - August 12, 2021. Registration for children will be Wednesday, June 30th and Thursday, July 1st from 10:00am - 3:00pm at the church. This year the program is limited to Town of Porter children only, due to COVID restrictions.
- The Town of Porter Recreation Commission requests the appointment of the following Recreation Supervisors for the Summer Recreation Program. Employment is from June 28 - August 13, 2021.

RETURNING EMPLOYEES:

Brady Martin 429 Dansworth Road Youngstown, NY 14174	Tiffany Chandler 1046 Upper Mountain Road Lewiston, NY 14092	Jeremy Saunders 5 High Street Angola, NY 14006
Nina Trank 4206 Ide Road Wilson, NY 14172	Kerstin Crum 335 Brentwood Drive Youngstown, NY 14174	Frank Previte 485 Morgan Drive Lewiston, NY 14092

NEW EMPLOYEES:

Riley Crum 335 Brentwood Drive Youngstown, NY 14174	Maura Bull 2254 Maple Road Wilson, NY 14172	Samantha Peters 2348 Wilson Avenue Wilson, NY 14172
Hannah Ullery 401 Wingate Place Youngstown, NY 14174	Tristyn Puzan 559 Parkside Place Youngstown, NY 14174	Natalie Ryan 4241 Plank Road Lockport, NY 14094

- The Commission also requests the appointment of **Stephanie Kowalski, 1399 Youngstown-Lockport Road, Youngstown, NY 14174**, as Recreation Supervisor. Her duties would be to assist the Director during the 7 week Summer Recreation Program.
- 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
- Story Hour will offer a summer program at the Ransomville and Youngstown Libraries. Guidelines will be followed, and pre-registration may be required.
- Our next meeting will be Monday, July 12, 2021 at 6:00pm at Porter on the Lake Park.

***Councilman Ortiz stated that he would like to see a better plan for next**

year. He didn't like the answers that were given.

RESULT:	REPORT ISSUED
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8. Report 2021-64

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

Dickersonville Road Culvert project: submitted on May 12th.

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

CFA to open sometimes this month for Parks, Trails, Engineering Plans etc.

Working on Nature Trail at POL

Water Tower & New Water Lines

RESULT:	REPORT ISSUED
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9. Report 2021-65**Calendar of Events**

6-24-21 Zoning Board monthly meeting at 7:00 PM
7-1-21 Planning Board monthly meeting at 7:00 PM
7-12-21 Town Board monthly meeting at 7:00 PM
7-12-21 Recreation monthly meeting at 6:00 PM at Porter on the Lake Park

RESULT:	REPORT ISSUED
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10. Report 2021-66**Public Comments**

Superintendent Burmaster talked about the millings and what should be done with them. There was a discussion about it. Apparently the county sells the millings, for example, they got \$10,000 for Ransomville road. Councilman Ortiz felt that we should sell the millings while Burmaster felt that we should give it to the tax payers. Attorney Dowd said it might not be legal to sell. He is thinking there may be 3,000 ton of millings. Councilman Adamson said that in the Village of Youngstown, they sold it at a decent price. He feels that the millings are worth money and people will buy them. Supervisor Johnston said they could talk more about this tomorrow. Let's pile the millings up on Balmer road when the road is done because we still need to do 2 of our parking lots at the park.

Councilman Adamson asked when the bridge was going to be done on Dickersonville rd and Deputy Supervisor Baker said that it should be sometime this week. The concrete needs to seal and it also depends on if we get rain or not. He also stated to be careful when you drive through there because nobody is stopping, they drive right through. Once that opens, somebody is going to get whacked. It's horrible seeing that.

Councilman Ortiz asked if we have some blinking lights or stop signs that we can put up to remind people to stop on Dickersonville road?

Superintendent Burmaster said No. The stop signs are there and they're doubled plus there are two double stop ahead signs.

Supervisor Johnston asked if we could put the yellow blinking battery operated lights on top of the stop signs because he would feel terrible if something happened. Superintendent Burmaster said he would do it.

The road is 2 and a half feet higher now than it used to be per Deputy Supervisor Baker.

RESULT:	REPORT ISSUED
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11. Report 2021-67**Town Board Comments**

Councilman Ortiz asked what is going on with the cell tower behind the Fire Hall? Has it been stalled?

Superintendent Burmaster said that from what he has heard, it's stalled. The Fire District and company's lawyers are not in agreement.

Motion to adjourn the meeting was made by Deputy Supervisor Baker and seconded by Councilman Adamson at 8:25 PM.

RESULT:	REPORT ISSUED
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