



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, May 10, 2021

7:00 PM

Town Hall Auditorium

I. Call to Order

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	Absent	
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	
Elaine Porto	Town of Porter	Deputy Town Clerk	Present	
Dave Burmaster	Town of Porter	Highway Superintendent	Absent	
Mike Dowd	Town of Porter	Attorney	Present	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	

II. Resolutions

1. Resolution 2021-46

Public Hearing Regarding the "Community Block Development Grant"

Open the Public Hearing for the "Community Block Development Grant for the Shoreline Protection System.

The public hearing was opened at 7:04 PM regarding the shoreline protection project that was done on Lake Ontario. This project did not include Fort Niagara. There wasn't anyone that had anything to say about it and motion to close the public hearing was made by Deputy Supervisor Baker and seconded by Councilman Adamson at 7:08 PM.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Baker, Tim Adamson
AYES:	Jipp Ortiz, J. Duffy Johnston, Jeff Baker, Tim Adamson
ABSENT:	Larry White

2. Resolution 2021-37

Audited Vouchers

TOWN
OF
PORTER

WARRANT: POST AUDIT #4A - APRIL, 2021 4/30/21

FUND	01	45,971.32
FUND	02	13,077.59
FUND	04	123.92
FUND	06	315.44
FUND	07	2,069.55
FUND	10	
FUND	11	
FUND		

TOTAL 61,557.82

VOUCHERS 28978 THRU 28997

WARRANT: #5 MAY, 2021 5/7/21

FUND	01	22,958.90
FUND	02	12,291.14
FUND	04	21,484.00
FUND	06	10,044.25
FUND	07	26,310.12
FUND	10	759.80
FUND	11	26,627.45
FUND	28	
FUND	35	

TOTAL 120,475.66

VOUCHERS 28998 THRU 29064

TOTAL 182,033.48

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Adamson, Councilman
SECONDER:	Jeff Baker, Deputy Supervisor
AYES:	Jipp Ortiz, J. Duffy Johnston, Jeff Baker, Tim Adamson
ABSENT:	Larry White

3. Resolution 2021-38

Acceptance of Supervisor's Report

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jipp Ortiz, Councilman
SECONDER:	Jeff Baker, Deputy Supervisor
AYES:	Jipp Ortiz, J. Duffy Johnston, Jeff Baker, Tim Adamson
ABSENT:	Larry White

4. Resolution 2021-39

Minutes Approval

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Baker, Deputy Supervisor
SECONDER:	Tim Adamson, Councilman
AYES:	Jipp Ortiz, J. Duffy Johnston, Jeff Baker, Tim Adamson
ABSENT:	Larry White

5. Resolution 2021-47

10% Surcharge Regarding the Village of Youngstown

Resolution needed to forgive the 10% surcharge that was charged by the Town of Porter to the Village of Youngstown since 2013. This equals out the water billing for the Village of Youngstown. Moving forward, they will be required to pay the 10% water surcharge but will be relieved of penalties for all the late charges that were incurred since 2013. This Town Board resolution will authorize the Town of Porter Highway clerk to even out the accounts receivable.

Supervisor Johnston stated that after the lawsuit with the Village of Youngstown was settled, the village was sent a bill for water consumption in which the village would cross of the amount that

was billed and only pay what they felt they owed. It was billed in error and the village did not owe the full amount. The old receivable is mostly late fees and penalties and a Town Board resolution is needed to forgive the account receivable for water only. This does not include sewer.

Motion was made by Councilman Adamson and seconded by Councilman Ortiz to forgive the debt.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tim Adamson, Councilman
SECONDER:	Jipp Ortiz, Councilman
AYES:	Jipp Ortiz, J. Duffy Johnston, Jeff Baker, Tim Adamson
ABSENT:	Larry White

6. Resolution 2021-48

Tax Collector

March 31, 2021 completed the property tax collection for Niagara County and the Town of Porter. The following reflects the collection and the disbursement for all tax, late penalties paid and Key Bank balance as of May 10, 2021.

Paid to Supervisor	1,837,942.36	Jan.
Paid to Treasurer	3,000,000.00	Feb.
Collected by County	<u>109,397.81</u>	Feb.
	4,947,340.17	Total prepaid

Total uncollected	154 bills	378,118.25
Total Tax Collected		6,069,159.77

Warrant		6,447,753.36
COE/Time Warner	minus	<u>475.34</u>
Adj. Warrant		6,447,278.02
Total prepaid	minus	<u>4,947,340.17</u>
		1,499,937.85
Uncollected	minus	<u>378,118.25</u>
Due Treasurer in April		1,121,819.60
Less \$1.00 mailing/uncollected	minus	<u>154.00</u>
Pay to Treasurer in April		1,121,665.60

Penalty and other fees paid to Supervisor ck#555 \$7,185.13

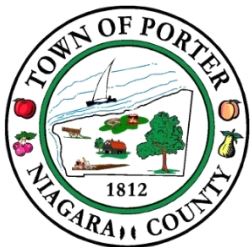
Key Bank Account as of May 10, 2021 ck#552 \$260.20 unclaimed over payment *
\$2.00 annual balance
\$262.20

*If not claimed by Dec. 1, \$260.00 will be turned over to the Town Supervisor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Baker, Deputy Supervisor
SECONDER:	Tim Adamson, Councilman
AYES:	Jipp Ortiz, J. Duffy Johnston, Jeff Baker, Tim Adamson
ABSENT:	Larry White

7. Resolution 2021-49

Farm Market, Roadside Farm Stands, and Farmers' Markets



TOWN OF PORTER

3265 Creek Road ♦ Youngstown, New York 14174 ♦ (716) 745-3730, ext. 7 ♦ fax (716) 745-9022 ♦

Code Enforcement office ♦ p.jeffery@townofporter.net <<mailto:p.jeffery@townofporter.net>> ♦ mobile (716) 280-8009

May 7, 2021, 2021

revised, v05

Please consider amending the Code of the Town of Porter as follows:

Re: **Farm Market, Roadside Farm Stands, and Farmers' Markets:**

Town of Porter Board
Attn: Supervisor Johnston

Please Review and Consider amending the Town Code as recommended by Planning Board resolution as follows:

Whereas:

The NYS Agricultural District Law protects farmers in Agricultural Districts from regulations that are "unreasonably restrict or regulate farm operations within agricultural districts...unless it can be shown that the public health or safety is threatened." To accomplish this, the NYS Department of Agriculture & Markets reviews regulations upon complaints from farmers and issues determinations as to whether the regulation is reasonable and/or necessary to protect public health. The Department of Agriculture & Markets has issued several guidance documents that identify specific zoning provisions that have been found to be unreasonable.

Whereas:

Direct sales of farm products provide a means for farmers to "avoid the middleman" and sell farm products directly to customers. **Farmers' Markets** are typically operated by community organizations and provide a common space, often in the parking lot of another commercial or public use, for farmers to sell goods. **Roadside Farm Stands** typically consist of temporary structures and seasonal operations. **Farm Markets** are typically year-round operations in permanent structures.

- ✓ The Town's existing zoning regulations do not have explicit regulations and or definitions for **Farmers' Markets**.
- ✓ Revised regulations/definitions for **Roadside Farm Stands** and **Farm Markets** appear necessary.

All of which provide specifics to allow for direct farm sales in agricultural zoning districts.

Recommendation:

- 1) Modify the definition for "Roadside Stand"
 - a. Current definition - *ROADSIDE STAND <<https://ecode360.com/16128653>> - A temporary structure or vehicle located on a seasonal basis for the purpose of displaying and selling of farm products produced on the premises or from a nearby farm.*
 - b. Modify to - **"Roadside Farm Stand - A temporary structure or vehicle located on a seasonal basis for the purpose of displaying and selling farm products on the premises and or a Farm, as defined herein. Roadside Farm Stands shall only be located on a parcel where the products are grown."**
 - c. FYI - Porter's permitted Use table, §200-7, allows them in all Zoning districts except M-2 & M-3.
- 2) Modify the Definition for "**Farm Market**"
 - a. Current definition - **FARM MARKET <<https://ecode360.com/16128527>> - A permanent building devoted to the sale of agricultural products and at least 50% of the products are grown or produced on one or more farms in the surrounding area, which shall include the Town of Porter and neighboring towns**
 - b. Modify the definition for "**Farm Market**" -
A **Farm Market** shall be allowed with a "Streamlined Site Plan review" and a Building Permit, as an accessory use related to an agricultural activity occurring on a Farm, and shall satisfy the following requirements:
 - i) A **Farm Market** shall be an accessory use to the principal Farm operations and shall only be for the use of the Farmer/Farmer's applicant (referred to collectively herein as Farmer-Applicant) and his/her immediate family. In the event that such market is used by any other person, company, corporation or business or commercial entity, whether it

is rented, leased, or the right of use transferred in any way from the Farmer-Applicant to any other person, corporation or business entity, Then such a use shall not be deemed an accessory use to the farm and shall be deemed a violation of this Zoning Law.

- ii) A **Farm Market** Building is subject to compliance with the currently adopted Building & Zoning Codes.
 - iii) Off street Parking shall be provided per regulations herein;
 - 1. no parking in the Right-of-way is to be allowed;
 - 2. during peak seasons the Farm-applicant shall provide temporary caution signage warning of high use/traffic in conjunction with signage to deter parking along the Road right-of-way, as may be necessary for public safety.
 - iv) The farmer-applicant may grow products on any number of other parcels and sell the products from same, provided that all the parcels are part of a "single agricultural operation" under the control of the farmer applicant, whose primary Farm is in Porter.
 - v) At least Half (50%) of the amount of the **annual retail sales** of agricultural, horticultural, floricultural, vegetable and fruit products, livestock and meats, poultry, eggs, dairy products, nuts, honey, wool, and hides, and other agricultural or farm products shall be grown, raised or produced on the farm (single agricultural operation) at which the market is located. Notwithstanding the restrictions (herein), the farmer-applicant may sell supporting farm products and farm products not grown by the farmer-applicant, provided that said products do not exceed Half (50%) of the total **annual retail sales** at the **Farm Market**. Supporting farm products may include but shall not necessarily be limited to: baked goods, eggs, dairy products, preserves, syrups, herbal vinegars and salad dressings. Supporting farm products shall not include prepackaged grocery items or tropical fruits.
 - vi) The **Farm Market** may also contain a bakeshop for the production and sale of goods baked on premises and may sell food prepared on premises for off-site consumption utilizing agricultural and farm products sold at the **Farm Market**, in compliance with all County, State and Federal regulation for such activity.
 - vii) The owner of the **Farm Market** may also sponsor and conduct farm and harvest festivals on site provided that the festivals are designed to provide agricultural marketing and promotional opportunities for the farm and/or the region's agricultural producers and further providing that each such festival receives a *Temporary Permit* pursuant to the Code of the Town of Porter.
 - viii) A **Farm Market** may be operated on a year-round basis and may contain bathrooms and/or a kitchen occupying no more than twenty (20%) percent of the gross floor area.
 - ix) The restriction, herein, shall not take precedent over the currently adopted NYSAML.
- c. Amended the Permitted Use table, §200-7, to allow "**Farm Market**" only in RA &

LDR zoning districts, except if locations in other zoning districts are deemed unreasonably restrictive to a Farm/Farm operation.

- d. Add "**Farmers' Market**" definition to, §200-122,

Farmers' Market - an enterprise or association that consistently occupies a given site on a seasonal basis, operating principally as a common marketplace for the sale of locally grown fresh produce and Farm products, where the Farm products sold are produced by the participating Farmers. A "Market Manager" shall be required and Identified; Market Manager is responsible for running the market. Depending on the size of the market, the Market Manager may be a volunteer or a full-time employee. The Market Manager shall have the authority to enforce the market rules, and the responsibility to ensure that all the vendors are treated in a manner consistent with the rules. **Farmers' Markets** shall implement guidelines and operating rules that ensure the **Farmers' Market** consists principally of farms selling directly to the public, products that the farms have produced.

- e. Add "**Farmers' Market**" to the Permitted Use Table, §200-7, in the CMU & RC zoning Districts. Footnote that **Farmers' Markets** are both subject Special Use Permit (SU2) and allowed on existing Public Use parcels outside of the CMU & RC districts (i.e.: School, Church, Fire Hall, etc.).

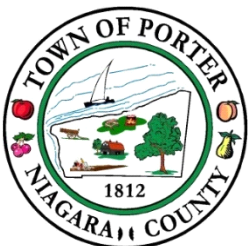
Resolution needed to schedule a public hearing at the next Town Board meeting on June 14, 2021 to amend the Town of Porter code.

Motion was made by Councilman Ortiz and seconded by Deputy Supervisor Baker to schedule the public hearing on June 14, 2021 at 7:00 PM.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jipp Ortiz, Councilman
SECONDER:	Jeff Baker, Deputy Supervisor
AYES:	Jipp Ortiz, J. Duffy Johnston, Jeff Baker, Tim Adamson
ABSENT:	Larry White

8. Resolution 2021-50

Add a New Section -Rural Residential Business to the Zoning Chapter



TOWN OF PORTER

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Code Enforcement office ♦ p.jeffery@townofporter.net <<mailto:p.jeffery@townofporter.net>> ♦ mobile (716)

280-8009

May 7, 2021

revised, v07

Please consider amending the Code of the Town of Porter as follows:

Re: Add a new section -Rural Residential Business to the Zoning chapter

Town of Porter Board
Attn: Supervisor Johnston

Please Review and Consider amending the Town Code as recommended by Planning Board resolution as follows:

Create a new code section 200-61 "Rural Residential Business" of the Code of the Town of Porter to include:

Rural Residential Business

A commercial, Professional, and or Not-for-profit activity (hereafter referenced as "**RRB**," which is conducted wholly within a Dwelling unit and or within an accessory structure located on the same parcel of land as the Dwelling unit at which such person conducting the **RRB** resides. A **Rural Residential Business** activity may not significantly impact the Health, safety, welfare, or comfort of the residents of the neighborhood.

A. The following restrictions shall also apply:

- (1) The **RRB** shall be conducted by a person residing at the premises.
- (2) An **RRB** shall obtain a Special Use permit, as specified herein.
- (3) A maximum of three (3) persons who do not reside at the premises may also work on premises at the **RRB** on a daily basis.
- (4) A maximum of seven (7) persons who do not reside at the premises may be employed by the **RRB** (total employees - including on and off premise work).
- (5) Inventory of goods and products for sale may be stored on-site, provided that such storage takes place in a safe manner and wholly
 - a. within an enclosed building/structure
 - OR
 - b. Exterior Storage with approved Screening/Buffering of inventory storage from adjacent Dwellings and Road Views.
- (6) No vehicles used in the **RRB** ACTIVITY shall be parked outside at the premises if such vehicles display either advertising or information concerning such business ACTIVITY or are used, other than incidentally, to conduct such activity.

EXCEPTIONS:

- a. Vehicles (both employee and or business) may be parked outside, in an area that is Screened and Buffered from adjacent Dwellings and Road Views. Parking shall comply with Parking Section(s) of this chapter.
- b. One passenger Vehicle, with **RRB** signage applied, used for daily driving to and from work activity may be allowed in a Road view driveway.
- (7) There shall be no alteration of the exterior of the Dwelling on such premises for **RRB** activity/use, apart from one nonilluminated nameplate/sign, not to exceed one foot by two feet - shall be allowed. It may display the name of the occupant and/or the name of the home occupation.

- (8) The establishment of a **RRB** shall not change the principal character or use of the dwelling unit involved and or the neighborhood, as determined by the Planning and Zoning Boards.
 - (9) No or Small impact in the increase of traffic resulting from the activity shall only be permitted.
 - (10) Deliveries to the premises shall only be made during the hours of 9:00 am and 6:00 pm Monday through Friday. No deliveries shall be made by vehicles larger than Medium-Duty Trucks - the medium-duty trucks category includes commercial truck classes 4, 5, and 6.
 - (11) Tenants or persons not having title to the premises and who are living and operating a **RRB** on a premise shall obtain the express, written approval of the owner prior to commencing such **RRB**. The Written approval shall be on file with the Town and included with an application for Special Use.
 - (12) An **RRB** shall not create a significantly impact - such as: noxious, offensive or hazardous conditions by reason of hours of operation, vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.
 - (13) An **RRB**, shall be Responsible for the disposal of all refuse/garbage generated by the **RRB**, at the operators'/owners' expense. No refuse/garbage generated by the **RRB** shall be added into the existing Residential Refuse District pick up.
 - (14) **RRB** hours of operation and days of the week shall be approved by the Town and stipulated on the Special Use Permit.
 - (15) A suitable **RRB**, shall comply with all regulations herein and may include, but are not limited to the following types of Business(s):
 - a. **Construction/Contractors** (including Plumbing, Mechanical, electrical, Concrete, General, Earthwork, Painting, Drywall, Siding/Roofing, Drywall, etc.);
i. on a 3/4 acre (32,670 s.f.) parcel, minimum
 - b. **Landscaping/Lawn care/Property Maintenance Contractors**.
i. on a 5-acre parcel, minimum
 - c. **Tree Care/Arborist Contractors**.
i. on a 5-acre parcel, minimum
- (note: Logging/Timbering Business shall be considered an Industrial use only or as allowed by NYSAML)
- d. **Antique/Furniture/Cabinetry Repair and or Sales**.
i. on a ¾ acre (32,670 s.f.) parcel, minimum
 - e. **Dog/Pet Grooming**. (Animal Day care/Kennel or Shelter is specified independently in the Permitted Use Schedule)
i. on a 20,000 s.f. parcel, minimum
 - f. **Two (2) Bay - Vehicle Repair** - 2 vehicle service bays only (maximum number of nonresident vehicles).
i. on a 1 acre (32,670 s.f.) parcel, minimum
 - g. **Golf Club Repair/Sales shop**.
i. on a 20,000 s.f. parcel, minimum
 - h. **Bait & Tackle Shop**.
i. on a ¾ acre (32,670 s.f.) parcel, minimum

RRB not specifically listed above may be allowed if the Planning Board and the Code Enforcement Officer mutually agree that it is substantially like a listed "suitable **RRB**" - by Planning Board Resolution.

B. §200-7 Permitted Use Table should be revised to:

Use	RA	LDR	WR	MDR		CMU	RC	M-1	M-2	M-3
Rural Residential Business	SU1	SU1		SU1 ³						

(RRB)										
Timbering/Logging Business ²								SU1	SU1	SU1

Key:

- P Permitted subject to Building Permit only
- SP subject to Site Plan Approval
- SU1 subject to Special Use permit following Planning Board Recommendation/approval
- SU2 subject to Special Use permit following Site Plan approval
- * Subject to building permit only when part of a legitimate farm operation in a certified Agriculture District or an existing farm protected by Niagara County Right to Farm Law. The Planning Board may, for new and significant projects, request a streamlined site plan review according to and as outlined in Ag and Markets Guidance Document for Zoning.
- 1 See specific yard/location requirements in succeeding regulations
- 2 Timbering Operations that are part of a legal Farm operation and comply with NYS AML regulations may operate on said legal Farm.
- 3 subject to minimum Lot Size of 5 acres and not located in a Major Subdivision with single primary access routes (i.e. Youngstown Estates, Collingwood, Runaway Bay, etc.)

- C. Added Accessory Structures, area allowance (Building Square footage) - may be increased by a factor of 1.75 x the Dwelling's square footage, if and only if the following is provided (ie: 2,000sf dwelling would allow for a 3,500sf Accessory building):
- a. A minimum lot size of 5 acres is required to have an oversized Accessory Structure.
 - b. The Accessory Building/Structures shall be located wholly in a Rear Yard.
 - c. 50 feet Setbacks from both the Side and Rear Property Lines.
 - d. **RRB** Structures are Buffered and Screened from view of neighboring Dwellings and or Roadway views.

The Following information is provided for reference:

The is no intent to subject existing Known Business to the above new provisions they would be deemed existing non-conforming uses.

Known -

Business/ Contractors in Porter:

Not located in Business districts

- ✓ Acome Construction
- ✓ Anello Construction - Creek Road
- ✓ Antique/furniture Repair Shop - Wayne Carter's
- ✓ Arbor Tree - Blairville Rd.
- ✓ Auto body/collision shop like Burns on Lutts
- ✓ BL Tree Care
- ✓ Bloom's Relax Landscaping
- ✓ Bradley brother Trucking - Arron Bradley
- ✓ Brockway Enterprises ??? at 1018 Youngstown-Wilson Road and RT. 93
- ✓ Bryan Whyte - Logging operation
- ✓ Costello Construction

- ✓ Dan Truesdale construction
- ✓ Dave Webb concrete construction
- ✓ Derick Smith auto shop
- ✓ Dog grooming/ Kennel - shanks on Cain Road
- ✓ Dog grooming/ Kennel - Grandpaw's on Braley
- ✓ Golf Club repair shop - Cain road
- ✓ Joe Niccola land care
- ✓ Ken Young Paving
- ✓ MacVie construction - Bob' house on Lake Road
- ✓ Nassoiv Automotive
- ✓ Northeast Landscape services -Marshall Hibbard
- ✓ O'Connor Motorsports Garage _ Wil O'Connor 2268 Youngstown-Wilson Road
- ✓ Owen Tree
- ✓ Pardee Automotive
- ✓ Pippard Motorsports - Curtiss Ave
- ✓ Porter Painting & Drywall
- ✓ Race car Shop - Lawta Farm -
- ✓ Ryan Ross Construction on Porter Center Road
- ✓ Steven Bills - Lakeview Services
- ✓ Steve Schmoyer - construction
- ✓ Tackle/Bait shop like Creek Road Bait & tackle
- ✓ Vehicle Repair shop - Neil Freiermuth

I am sure that other Businesses exist in Porter - this is not a definitive list only represents the known scope to use of intent for the new law evaluation

FYI:

Commercial truck classification

Further information: [Truck classification <https://en.wikipedia.org/wiki/Truck_classification>](https://en.wikipedia.org/wiki/Truck_classification)
Commercial [trucks <https://en.wikipedia.org/wiki/Truck>](https://en.wikipedia.org/wiki/Truck) are classified according to the [gross vehicle weight rating <https://en.wikipedia.org/wiki/Gross_vehicle_weight_rating>](https://en.wikipedia.org/wiki/Gross_vehicle_weight_rating) (GVWR). The United States [Department of Transportation <https://en.wikipedia.org/wiki/Department_of_Transportation>](https://en.wikipedia.org/wiki/Department_of_Transportation) classifies commercial trucks with eight classes:^[6]
[<https://en.wikipedia.org/wiki/Commercial_vehicle>](https://en.wikipedia.org/wiki/Commercial_vehicle)

- Class 1 - GVWR ranges from 0 to 6,000 pounds (0 to 2,722 kg)
- Class 2 - GVWR ranges from 6,001 to 10,000 pounds (2,722 to 4,536 kg)
- Class 3 - GVWR ranges from 10,001 to 14,000 pounds (4,536 to 6,350 kg)
- Class 4 - GVWR ranges from 14,001 to 16,000 pounds (6,351 to 7,257 kg)
- Class 5 - GVWR ranges from 16,001 to 19,500 pounds (7,258 to 8,845 kg)
- Class 6 - GVWR ranges from 19,501 to 26,000 pounds (8,846 to 11,793 kg)
- Class 7 - GVWR ranges from 26,001 to 33,000 pounds (11,794 to 14,969 kg)
- Class 8 - GVWR is anything above 33,000 pounds (14,969 kg)

Resolution needed to schedule a public hearing at the next Town Board meeting on June 14, 2021 to hear all parties for or against adopting this new local law.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jipp Ortiz, Councilman
SECONDER:	Jeff Baker, Deputy Supervisor
AYES:	Jipp Ortiz, J. Duffy Johnston, Jeff Baker, Tim Adamson
ABSENT:	Larry White

III. Reports

1. Report 2021-46

Supervisor's Report

4-13 Met with Legislator Myers on the bike trail

4-14 Phone conversation with FEMA

4-15 Niagara County Waterboard meeting

4-20 Met with Wilson Mayor Lawson on the bike trail

4-28 Webinar on zombie homes and land bank

5-4 Final walk through at Ft Niagara beach project

5-5 Met with Pat Brown on the Audit

RESULT:	REPORT ISSUED
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2. Report 2021-47

Bookkeeper

Completed processing all April 2021 Vouchers & Journal Entries.

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

RESULT:	REPORT ISSUED
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3. Report 2021-48

Town Clerk

Water for the month of April was \$32,328.78

Sewer for the month of April was \$17,374.13

Clerk fees = \$1165.93

RESULT:	REPORT ISSUED
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4. Report 2021-49

Assessor

**Monthly Assessor's Report
April 2021**

- Updated the real property system for changes due to building permits
- Processed property transfers for the Town and Village
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Approved and/or denied exemption applications - notified property owners of denial determinations
- Processed the STAR reports received from the State to update STAR exemptions
- Submitted recommended changes to the STAR reports to the State
- Submitted the Mobile Home Spreadsheet to the State

- Posted the new STAR exemption and STAR Cap amounts for the 2021 Roll
- Submitted the file to the County to print the 2021 Tentative Assessment Roll
- Change of Assessment Notices were mailed to affected property owners
- Submitted the legal notice to the Niagara Gazette for the tentative roll and grievance day

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

554 Second St	AV \$75,000	Sale Price \$127,500
1669 Groveland Ave	AV \$65,800	Sale Price \$125,000
1971 Youngstown-Wilson Rd	AV \$74,000	Sale Price \$185,500

RESULT:	REPORT ISSUED
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5. Report 2021-50

Building Inspector/Code Enforcement Officer

- ♦ Reviewed and Issued **Building Permits**; per attached Permit Report; five (5) permits have been issued in the month of April, Multiple on my desk in the Plan review process.
- ♦ Received, Inspected, and Issued **new Complaint/Violations**; per attached Complaint report; five (5) **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 April 1, 2021.
- ♦ Prepared information and attended the regular **Planning Board** meeting on April 22, 2021.
- ♦ Prepared Documentation for NYSDOS, as applies to the **LL2-21 Flood Damage Prevention law**.

- ◆ Continued progress in Rolled Drawing - large format **archiving/scanning** to PDF filing.
- ◆ Participated in a 'Webex' conference "**How can land banks turn vacancy into value?**" sponsored by One Region Forward - Learning Series event.
- ◆ Researched Open Burning permits and or Requirements with Niagara County and NYSDEC; followed up with a new Guide document "**Porter - Open Burning and Recreational fires Guidelines.**" The Guide is now available on the Building inspector's Department page of our Town website (<https://www.townofporter.net/node/37/files>).
- ◆ **Note the State's Burn Ban is in effect each year from March 16th through May 14th.**

Permit Report - .April 2021

Number	Issue Date	Owner	Permit type	Parcel Location	SBL #
022-21	4/13/21	Heritage Ransomville Realty LL	Commercial Alteration/Add	3509 Ransomville Rd	62.10-1-5
023-21	4/15/21	James Dabney	Pole Barn	3140 Ransomville Rd	48.00-1-5.2
024-21	4/28/21	Dennis Ketch	Shed	3314 East Ave	45.00-1-69
025-21	4/29/21	Donald Largo	Pole Barn	2394 Balmer Rd	62.00-1-36.2
028-21	4/30/21	Anthony Certo	Deck	3787 River Rd	59.18-1-8

COMPLAINT REPORT - APRIL 2021

Number	Issue Date	Owner	Complaint type	Parcel Location	SBL #
030-21	4/22/2021	Joshua Bodie	Property Maintenance	1509 Youngstown-Wilson Rd	46.00-1-28
031-21	4/27/2021	Timothy Harris	Fire Hazard	2642 Lockport Rd	62.04-1-21
032-21	4/27/2021	Susan Santarosa	Activity without a Permit	383 Foxpoint Cir	59.10-3-1
033-21	4/30/2021	Peter Lederhouse	Refuse Storage	2471 Lockport Rd	62.10-2-9.112
034-21	4/30/2021	Equity Trust Company	Property Maintenance	2488 Lockport Rd	62.10-2-37

RESULT:	REPORT ISSUED
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6. Report 2021-51

Highway

HIGHWAY

1. COMPLETED SERVICING ROADSIDE MOWERS READY FOR SUMMER.
2. PICKED UP PLOW MARKERS, REMOVED PLOWS AND SALTERS FROM TRUCKS
3. STARTED TO MOW CEMETERIES..
4. REPAIRED SALTER SPREADERS AND TRUCKS AS NEEDED.

5. PICKED UP ROADSIDES OF GABAGE AND TIRES MATTRESS, ETC.
6. COMPLETED BRUSH PICKUP TOWN WIDE TOOK TWO WEEKS.
7. SALTED ROADS ON APRIL 21 FOR SNOWSTORM.

WATER & SEWER

1. COMPLETED WATER METER READING FOR THIS QUARTER.
2. INSTALL NEW WATER MAIN ON EAST AVE. FOR NEW BUILD.
3. WATER BREAK IN RANSOMVILLE
4. CLEANED UP WATER BREAK WITH DIRT AND STONE.

DRAINAGE

1. CLEANED TREES OUT OF LUTTS ROAD.

PORTER ON THE LAKE

1. PICKED UP GARBAGE AT PARK.

Supervisor Johnston read the letter sent in from Stephen Carter regarding 2 highway employees (Scott Cudney and Justin Stoelting) and what a great job they did for him.

Supervisor Johnston said that another dumpster is needed at the Town park and he will get a hold of Joe Hickman at Modern.

Superintendent Burmaster will be putting a public notice in the paper regarding the GPS System and ditches.

RESULT:	REPORT ISSUED
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7. Report 2021-52

Recreation

- Yoga Classes continue at the Ransomville Free Methodist Church in Ransomville. Chair Yoga is

offered Tuesdays at 4:30pm. All Levels Yoga is on Tuesday and Wednesday evenings at 6:30pm. We hope to move these classes to Porter on the Lake Park sometime in June.

- The Story Hour Program continues as a virtual weekly themed program at the Ransomville and Youngstown libraries. We're making plans for our six week summer Story Hour Program. Covid-19 guidelines will be followed and pre-registration will be required to limit the number attending.
- The 2021 Summer Recreation Program will be held from Tuesday, July 6th - Thursday, August 12th, at the Ransomville Methodist Church on Ransomville Road. Due to Covid-19 restrictions, we will limit the number of children to Town of Porter residents only. To control registration to only Town residents, registration will take place in person only; it will not be offered online. Parents may register their children in person at the church on Wednesday, June 30th or Thursday, July 1st between 10:00am - 3:00pm. They may also register their children on their 1st day of participation. Staff will work from June 28th - August 13th. Interviews will be held on Monday, June 7th at 6:00pm.
- Our next meeting will be Monday, June 7, 2021 at 6:00pm at Town Hall.

There was much discussion and questions about opening/not opening recreation this year and after the discussions came to an end amongst board members and the recreation staff, Supervisor Johnston stated that we will open recreation and move forward.

RESULT:	REPORT ISSUED
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8. Report 2021-53

Grant Writer

Grants Status Report: Projects we are currently working on:

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

1. Greenway has awarded the Town for \$22,298 (Since this was for the restoration and landscaping, we will need to request a change of scope to utilize the funding at Porter on the Lake, will get with Duffy to discuss.)
2. Spoke with CDBG and we can re-allocate additional funding to engineering from construction working to get a final number for

- that relocation - approval pending.
3. Additional reporting has been requested by CDBG and working the Ensol for compliance.
 4. Reimbursement #1 was submitted for \$229,000

Dickersonville Road Culvert project: Pre-Application was been submitted for review with the DOT and DOT has requested additional /corrections on the work plan and detour plan, Working with Dave Britton from GHD for additional items that DOT has requested and will be submitted by May 12th.

Truck: Funding for Highway Dept. Truck will be requested through a member line item. Still no funding available, yet. State budget has passed, will get with the Senator's office for a request.

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

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

RESULT:	REPORT ISSUED
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9. **Report 2021-54**

Calendar of Events

5/27/21	-	Zoning Board meeting @ 7:00 PM
6/3/21	-	Planning Board meeting @ 7:00 PM
6/7/21	-	Recreation meeting @ 6:00 PM
6/14/21	-	Town Board meeting @ 7:00 pM

RESULT:	REPORT ISSUED
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10. Report 2021-55**Public Comments**

RESULT:	REPORT ISSUED
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11. Report 2021-56**Town Board Comments**

Supervisor Johnston said that Mr. Alfred Tuck (previously of the Town of Porter) took his garbage tote and recycling bin with him when he moved and he shouldn't have. It was supposed to stay on the property for the new owners to use.

Motion to adjourn the meeting at 8:10 PM was made by Councilman Adamson and seconded by Councilman Ortiz.

RESULT:	REPORT ISSUED
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