



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, May 11, 2020

7:00 PM

Town Hall Auditorium

A. Call to Order

7:00 PM Meeting called to order on May 11, 2020 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Jipp Ortiz	Town of Porter	Councilman	Remote	
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	
Bernie Rotella	Town of Porter	Grant Writer	Absent	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	
Mike Dowd	Town of Porter	Attorney	Absent	

B. Reports/Resolutions

C. Resolutions

1. Resolution 2020-42

Minutes Approval

Resolution to approve the minutes of the April 13, 2020, Town Board meeting

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

2. Resolution 2020-43

Audited Vouchers

TOWN OF PORTER

**WARRANT: POST AUDIT #4A - APR, 4/30/20
2020**

FUND	01	2,032.94
FUND	02	793.22
FUND	04	165.02
FUND	06	161.61
FUND	07	1,724.84
FUND	11	
FUND	35	

TOTAL	27775	<u>4,877.63</u>	27791
--------------	--------------	------------------------	--------------

VOUCHER 'S THRU

WARRANT: # 5 MAY, 2020 5/7/20

FUND	01	38,904.14
FUND	02	7,744.99
FUND	04	22,818.10
FUND	06	2,118.02
FUND	07	25,261.87
FUND	10	842.49
FUND	11	15,562.51
FUND	35	

TOTAL		<u>113,252.12</u>
--------------	--	--------------------------

VOUCHER 'S	27792	THRU	27851
-------------------	--------------	-------------	--------------

TOTAL	<u>118,129.75</u>
--------------	--------------------------

Resolution to approve the vouches as audited by the Porter Town board.

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

3. Resolution 2020-44

Acceptance of Supervisor's Report

Resolution to accept the Supervisor's report from April 13, 2020

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

4. Resolution 2020-45**Fort Niagara Beach Feasibility Study Construction Bid**

Bids for the Fort Niagara shoreline phase 2 construction were received at 10:00 am on Friday, May 8, 2020. Bids were as follows:

Villani's Lawn & Landscape LLC	-	\$287,327
Mawhiney Trucking	-	\$294,750
Mark Cerrone Inc.	-	\$288,000
Acome Construction	-	\$357,600

Resolution needed to choose a bidder.

Mark Cerrone Inc. and Villani's Lawn and Landscape were the lowest of the 4 bidders.

Supervisor Johnston stated that 3 pictures of past projects were needed to complete the RFP and he did receive 1 from Villani but he was waiting on Cerrone.

Councilman Adamson feels that Cerrone is heavy duty and would be able to handle the project with no problem. He will vote for Cerrone.

Supervisor Johnston said that he spoke with Attorney Dowd and the board has 90 days to make a decision and it does not have to be done tonight. The project needs to be completed by April 2021.

Motion was made by Deputy Supervisor Baker and seconded by Councilman White to table the decision until the next Town Board meeting on June 8, 2020.

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

D. Reports**1. Report 2020-58****Supervisor's Report****April Supervisor's Report 2020**

Have a Chamber conference call every Monday at 11:00

Pleased to announce that Mark Cerrone Inc sanitized the Town hall and garage for free

Met with Auditor Pat Brown, the 2019 year end was reviewed.

National Grid is replacing the street lights and is a quarter of the way completed

*Supervisor Johnston stated that our auditor, Pat Brown, said that bookkeeper Kim Boyer is doing a good job and no longer needs Norm. Pat can answer any questions that Kim may have in the future.

RESULT:	REPORT ISSUED
----------------	----------------------

2. Report 2020-50**Bookkeeper**

Bookkeeper's Monthly Report - May 2020

Completed processing all April 2020 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for April 2020 and distributed it to the Supervisor & Town Board members.

Completed all bi-weekly & monthly payrolls.

Completed check registers for all check payments.

Completed bank recs for the month of April.

RESULT:	REPORT ISSUED
----------------	----------------------

3. Report 2020-51

Town Clerk

Water for the April was \$32,903.92

Sewer for the month of April was \$21,289.20

Clerk fees were \$738.86

RESULT:	REPORT ISSUED
----------------	----------------------

4. Report 2020-52

Assessor

No report issued at this time.

Supervisor Johnston wanted to let the board know that Judge Murphy turned down the Town's complaint regarding CWM but they do have to disclose everything including their financials going forward.

RESULT:	REPORT ISSUED
----------------	----------------------

5. Report 2020-53

Building Inspector/Code Enforcement Officer

- ◆ Reviewed and issued **Building Permits**; per attached Permit Report; seven (7) permits have been issued in the month of April.
- ◆ Received, inspected, and issued **new Complaint/Violations**; per attached Complaint report; five (5) **New** formal concerns has been processed.
- ◆ Completed twenty-one (21) **inspections** for Permits & Complaints.
- ◆ Processed 7 reviewed Runaway Bay Subdivision, River Road, Public Improvement Permit;
 - Forwarded Cost & Schedule to Town Engineer - GHD - Dave Britton & Town Stormwater Management Officer - Glenn Caverly, for their review and required Construction Compliance Inspection estimates.
- ◆ Participated in the Pre-Bid Meeting (phone conference) for Ft. Niagara Beach - Town Park - Shoreline Stabilization project.
- ◆ Inspected Fire Damage on two properties in Town of Porter: 3604 Curtiss Ave & 3089 N. Creek Road
- ◆ Due to the COVID-19 pandemic, I am working from Home. The Town of Porter is making every reasonable effort to continue the Business of the Town. If you wish to contact me please call 716.280.8009 or email: p.jeffery@townofporter.net <<mailto:p.jeffery@townofporter.net>> .

PERMIT REPORT - April 2020

Number	Permit Type	Owner	Parcel Location	SBL #
013-20	Single Family Dwelling	Andrea Rosati	1375 Lake Road	32.20-1-17
019-20	Alteration/Remodel	Justin Stoelting	3715 Ransomville Road	62.14-1-54
020-20	Alteration/Remodel	John Higgins	489 Lake Road	45.07-1-5
021-20	Pole Barn	Paul Brown	3591 Porter-Center Road	61.00-1-37.2
022-20	Commercial Alteration/Remodel	Global Tower Assets LLC	2792 Dickersonville Road	33.00-2-11.1/CT
023-20	Fence	Colleen & Stortecky	220 Lake Road	45.00-1-75
024-20	Single Family Dwelling	Deborah Parker	3903 Ransomville Road	62.00-1-27

COMPLAINT REPORT - April 2020

NUMBER	COMPLAINT TYPE	OWNER	PARCEL LOCATION	SBL #
021-20	Activity without a permit	Richard Fleck	1069 Lockport Road	46.00-2-4.1
F02-20	Fire Damage	Joseph Mathews	3089 North Creek Road	46.00-1-73
022-20	Storage of Unlicensed Vehicles	Dave DeCarle	1949 Lake Road	33.11-1-2.1
F01-20	Fire Damage	Julie Johnston-Krentz	3604 Curtiss Ave	62.10-3-21
023-20	Keeping of Animals	Julian Data	2442 Lockport Road	62.00-1-49

Peter T. Jeffery ◆ Town of Porter Code Enforcement Officer

*Councilman Adamson asked Mr. Jeffery's if anything was going on with the Freck property and Peter responded that he is having a hard time trying to get him to come to court. Once the court re-opens, they will start with him again.

RESULT:	REPORT ISSUED
----------------	----------------------

6. Report 2020-54

Highway

HIGHWAY SUPERINTENDENTS REPORT FOR THE MONTH OF
APRIL 2020

HIGHWAY

- 1.COMPLETED REMOVING SALT SPREADERS AND PLOWS AND WINGS.
- 2.COMPLETED PAINTING AND SERVICING SALT SPREADERS AND PUT AWAY FOR THE SUMMER.
- 3.COMPLETED BRUSH PICK UP ON ENTIRE TOWN WITH GRADALL AND TRUCKS.
- 4.STARTED THE MOWING SEASON CEMETARY'S, LIFT STATIONS, ETC.
- 5.CLEANED DITCHED FROM 3790 DICKERSONVILLE RD TO THE CORNER OF BALMER.

WATER AND SEWER

- 1.COMPLETED WATER METER READINGS.
- 2.CAMERAD SEWER LINE ON RIVER RD TO MAKE SURE THERE WERE NO BLOCKAGES.
- 3.I&I INSPECTIONS ON SEWER MANHOLES.

DRAINAGE

- 1.CLEANED CATTAILS OFF THE SIDE OF DITCH AND PILED BEHIND ANNA MCCULLUMS ON ROUTE 93

PORTER ON THE LAKE

- 1.MOWED GRASS AT PARK.

RESPECTFULLY SUBMITTED

DAVE BURMASTER

.....

Superintendent Burmaster thanked Supervisor Johnston and Judge Truesdale for their help cutting the grass. It was very much appreciated. He also wanted to thank Councilman White for his help picking up a lot of branches at the park.

Superintendent Burmaster received 3 bids regarding the grinding and mulching pile of brush located on Balmer Road. Please see the bids below:

1. ETS Clearing \$16,500.00 (includes fuel)
2. Villani's Lawn & Garden \$14,000.00
3. Lardon Construction Corp \$13,945.00

Superintendent Burmaster felt that Lardon Construction Corp. was the lowest and the right company for the job.

Motion was made by Deputy Supervisor Baker and seconded by Councilman Adamson to accept the Lardon Construction Corp. bid at a cost of \$13,945.00
.....

Superintendent Burmaster received a quote from bxi consultants for a new copier. Currently, the highway dept. does have a copier with bxi, however, the parts are no longer going to be available to fix the machine in case of a breakdown.

Sale price is \$3995.00, with a 60 month lease for \$79.99 per month.

Supervisor Johnston said he will give him the name and telephone # of Eagle Systems tomorrow. We purchased a copier from them and they had the best prices. See what price they can offer.

RESULT:	REPORT ISSUED
----------------	----------------------

7. Report 2020-55

Grant Writer

Grants Status Report: Projects we are currently working on:

Greenway: The current balance is \$5,066.45.

LWRP: Final review is done and sent to NYS for final approval. Working on the June report for any reimbursement and required MWBE report.

Fort Niagara Beach: Current Status:

1. Received approval from DEC and Ensol has completed the revised RFP.
 - a. Ensol published RFP.
 - b. A Pre-bid meeting was conducted with registered bidders via conference call.
 - c. Bids were due Friday May 8th and award date set for May 22.
2. Reimbursement has been submitted for \$40,071.00. However we are still working on some supporting documents requested by CDBG and Ensol is working on collecting these required documents.
3. Greenway Ecological Fund Application was submitted on March 10th with presentation in May 12th. Will advise how this presentation will be made (in person or remotely, etc) Presentation and awarded is still scheduled for July 2020. The Land restoration budget is \$93,500.

Ransomville Business Association: Proposal for \$2,400 was emailed to committee but I have not heard anything back.

8. Report 2020-56**Public Comments**

report

RESULT:	REPORT ISSUED
----------------	----------------------

9. Report 2020-57**Town Board Comments**

After much discussion regarding Patricia Susice selling items from her residence located at 3148 Dickersonville road and the complaints that were received, motion was made to shut down her business.

Deputy Supervisor Baker wanted to make it clear by saying that it does not affect his business, he is just following up on complaints.

The motion was made by Councilman White and seconded by Councilman Adamson to have Code Enforcer Jeffery's send Mrs. Suscie a certified cease and desist letter out tomorrow (5/14/20).

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

Deputy Supervisor Baker asked Highway Superintendent Burmaster how the auction went with the surplus items and Dave said he sold about \$12,000.

Deputy Supervisor Baker asked Highway Superintendent about overtime during the pandemic. How was there overtime with half of the work force off? Dave said there was a possible water main break on Lake road and he had two crews. Crew A and crew B. He talked about how he worked the 2 crews.

Deputy Supervisor Baker asked Superintendent Burmaster if the new girl worked her 19 ½ hours and Dave said yes, she started on Monday right after the shop was closed.

Councilman Adamson asked Superintendent Burmaster if he keeps track of the time cards and Dave said yes. Dave keeps a daily log sheet and everyone punches the clock as soon as they come in.

Deputy Supervisor Baker asked if Dave could possibly send a copy of the time sheets to Kim so she can see the days and times that everyone worked so she has it for payroll.

Councilman Adamson asked Superintendent Burmaster if he was bringing back summer help this year and Dave replied yes. Steve Hillman and Tim Owen.

Supervisor Johnston asked Superintendent Burmaster if he has received any bids on the Swain road lift station?

Superintendent Burmaster said that he received quotes from Kester because they put the lifts in years ago. How is he supposed to get 3 bids, how does it go about it? Kester's bid for the Swain road lift station is \$136,987 and it includes everything plus travel expenses. The bid for the Lake road lift station (by Fort Niagara beach) would be almost the same at a cost of \$160,750

Councilman Adamson thought that Dave was just getting bids for the floors not the entire pump stations. Is all of this necessary?

Superintendent Burmaster said he is looking at the long run.

Superintendent Burmaster said that when he brought up the lift stations, Attorney Dowd said that there might be grant money available for that. Dave and Bernie have been playing phone tag. He will try and call Bernie again. Dave said that the Lake road lift station can wait another couple years but Swain road can't.

Supervisor Johnston said that he is dealing with Senator Ortig going after the State Parks because they owe us over \$150,000 in water and sewer. It's partly because of the lawsuit with the village that was

settled and the Fort doesn't want to pay their bill. They have not returned phone calls from our attorney as to why they have not paid. It's been months. With that being said, the cost is divided into thirds. The Town pays a third, the Village of Youngstown pays a third and the State Parks pay a third. Those lift stations are a conglomerate of the three of us. We need to get 2 more bids regarding the lift stations. This has to be ok with the State Parks and the Village of Youngstown. That is why we need to get the ball rolling now. If those pump stations go then the Village of Youngstown and the State Parks are going to be flooded with crap. We need to move forward now with getting 3 bids because the 3 entities are going to want to see the 3 bids. We can worry about Bernie later on. The grant is coming out this year in July and when it does, it's only for a limited time. It will look good for a Village, a Town and a State Park applying for a grant and hopefully we can get it faster.

.....

Supervisor Johnston stated that the Town has an opportunity to save about \$94,000 on carts if we buy them ahead of time. The Town is going to a 1 cart system with Modern in September instead of January and Modern will start educating the community in June. Were still in the process at this time.

.....

Code Enforcer Jefferys wanted to inform the board that the new 2020 bldg. code regulations kicks in tomorrow (5/14/20) and there is a solar conference this week via remote webinar with One Region Buffalo.

.....

Motion to adjourn the meeting at 8:47 PM was made by Councilman Adamson and seconded by Deputy Supervisor Baker.

RESULT:	REPORT ISSUED
----------------	----------------------
