



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, November 9, 2020

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on November 9, 2020 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	Absent	
Larry White	Town of Porter	Councilman	Present	
Tim Adamson	Town of Porter	Councilman	Present	
Kara Hibbard	Town of Porter	Town Clerk	Present	
Kimberli Boyer	Town of Porter	Bookkeeper	Present	
Dave Burmaster	Town of Porter	Highway Superintendent	Present	
Mike Dowd	Town of Porter	Attorney	Present	

II. Resolutions/Reports

III. Resolutions

1. Resolution 2020-83

Minutes Approval

Resolution to approve the minutes from the October 13, 2020 meeting and the Public Hearing on November 5, 2020 of the Porter Town Board.

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

2. Resolution 2020-84

Audited Vouchers

TOWN OF PORTER

WARRANT: POST AUDIT #10A - NOV, 10/31/20
2020

FUND	01	8,824.01
FUND	02	1,256.30
FUND	04	807.06
FUND	06	2,502.37
FUND	07	1,144.98
FUND	10	0.00
FUND	35	0.00

TOTAL **14,534.72**

VOUCHER 'S 28357 THRU 28380

WARRANT: # 11 NOVEMBER, 2020 11/5/20

FUND	01	24,830.96
FUND	02	12,129.57
FUND	04	26,634.63
FUND	06	10,178.07
FUND	07	2,047.51
FUND	10	77.09
FUND	11	13,864.08
FUND	28	0.00
FUND	35	0.00

TOTAL **89,761.91**

VOUCHER 'S 28381 THRU 28438

TOTAL **104,296.63**

Resolution needed to approve payments of \$104,296.63

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

3. Resolution 2020-85

Acceptance of Supervisor's Report

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

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

4. Resolution 2020-86

Moratorium Extension?

The extension on the Moratorium for Tier 3 Solar expires as of this meeting. Attorney Dowd's input is needed as to a possible potential extension. If it can be extended, a board resolution will be needed.

Attorney Dowd said that the Town Board can extend the Moratorium for another 90 days but to extend it after that would require a new local law. He asked Bldg. Inspector Jeffery's to try and wrap it up within the 90 days to which Peter replied that it's "doable".

The moratorium extension will expire in February 2021.

Motion to extend the moratorium for 90 days was made by Councilman Adamson and seconded by Councilman White.

Motion carried.

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

IV. Reports

1. Report 2020-118

Supervisor's Report

10-13 Met with Assemblyman Norris, on Town budget restraints, caused by Cuomo

10-15 had a Greenway conference call on the bike path

10-15 had a Niagara County water board meeting

10-22 Met with Cerrone construction at the FT Niagara Beach project

10-29 Met with Congressman Chris Jacobs and Niagara County Supervisors on Covid relief

11-6 Filed reports with FEMA, requesting Covid repayments

RESULT:	REPORT ISSUED
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2. Report 2020-119

Bookkeeper

Completed processing all October 2020 Vouchers & Journal Entries.

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

Met with Spectrum representative to discuss how to lower our phone/internet bills for the coming year.

Completed the preliminary budget and filed it with the Town Clerk and gave a copy of the updated preliminary budget to all board members.

RESULT:	REPORT ISSUED
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3. Report 2020-120

Town Clerk

Water for the month of October was \$48,068.29 / Sewer \$44,607.86

Clerk Fees = \$561.07

Transcribed minutes from the October 13th Town Board meeting and posted on the Town website.

The 2021 Town of Porter Preliminary Budget has been adopted and is in the Town office if anybody would like to see it.

RESULT:	REPORT ISSUED
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4. Report 2020-121

Assessor

Monthly Assessor's Report October 2020

- Continued processing completed building permits into RPSV4
- Processed property transfers for Town and Village
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Attended the Niagara County Assessors Association monthly meeting
- Conducted building permit field review on 57 Town parcels and 42 Village parcels
- Transmitted totals to the Niagara County Real Property Tax Director for use with the County apportionment of the 2021 Niagara County Tax
- Received and posted unpaid water, sewer, and town charges to the Real Property System file
- Real Property System - RPSV4, Build 2020 and new database changes were installed
- Met with the Town Supervisor, the Town Attorney and our appraiser to discuss ongoing litigation

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

3653 River Rd	AV \$314,300	Sale Price \$515,000
895 Lockport Rd	AV \$118,400	Sale Price \$183,000
355 Glengrove Dr	AV \$264,900	Sale Price \$325,000
2121 Lake Rd	AV \$60,900	Sale Price \$140,000
2381 Lockport Rd	AV \$ 115,200	Sale Price \$175,000

3314 East Ave	AV \$102,700	Sale Price \$ 226,000
443 Westwood Ave	AV \$99,000	Sale Price \$206,000
512 Parkside Pl	AV \$95,000	Sale Price \$150,000
147 Jackson St	AV \$120,000	Sale Price \$250,000
455 Oak St	AV \$140,000	Sale Price \$208,000
694 Lockport St	AV \$109,300	Sale Price \$230,000
1 Main St Unit 2	AV \$78,500	Sale Price \$262,250

RESULT:	REPORT ISSUED
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5. Report 2020-122

Building Inspector/Code Enforcement Officer

- ◆ Reviewed and issued **Building Permits**; per attached Permit Report; eleven (11) permits have been issued in the month of October.
- ◆ Received, inspected, and issued **new Complaint/Violations**; per attached Complaint report; six (6) **New** formal concerns have been processed.
- ◆ Completed Thirty (30) **inspections** for Permits & Complaints.
- ◆ Organized and administered the **Solar Advisory Committee** meeting number 5 on October 8th.
- ◆ 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 October 1, 2020.
- ◆ Prepared information and attended the regular **Zoning Board** meeting on October 22, 2020.
- ◆ Attended Justice Court for Code Enforcement charged Violations on October 7, 2020.
- ◆ Participated in the Pre-Construction meeting for Ft. Niagara Beach Community Park's Lakeshore Stabilization project.
- ◆ **Runaway Bay Subdivision's** construction of their new utilities (Public Improvements) are progressing on schedule or better; expected completion of the PIP is approximately November 30, 2020.

Permit Report - *October 2020*

<u>Number</u>	<u>Issue Date</u>	<u>Owner</u>	<u>Permit type</u>	<u>Parcel Location</u>	<u>SBL #</u>
103-20	10/1/2020	Fred Bruening	Solar Energy Systems	1472 Lockport Rd	46.00-2-53
104-20	10/1/2020	Ronald Martin	Fence	2956 Porter Center Rd	33.00-1-26

105-20	10/8/2020	Joseph Mangano	Woodstove Certification	1455 Lockport Rd	46.00-2-17
106-20	10/15/2020 12:00:00 AM	Jason Orsi	Alteration	391 Foxpoint Cir	59.10-3-3
107-20	10/19/2020	Joseph Fleckenstein	Agricultural Structure	2332 Balmer Rd	62.00-1-37.2
108-20	10/19/2020	Theodore Bunce	Shed	2137 Lake Rd	33.08-1-25
109-20	10/27/2020	Michael Sloma	In Ground Pool	458 Riverview Dr	59.15-1-13
110-20	10/14/2020	Kristin & Todd Savard	Shed	413 Lynnbrook Dr	59.18-2-64
111-20	10/30/2020	Larry Weibert	Alteration	2991 Orchard Dr	31.83-1-5
112-20	10/29/2020	James Acome	Alteration	3539 East Ave	60.00-2-1.112
113-20	10/29/2020	C. Davis Construction	Fence	455 Woodland Ct	59.15-1-7
103-20	10/1/2020	Fred Bruening	Solar Energy Systems	1472 Lockport Rd	46.00-2-53
104-20	10/1/2020	Ronald Martin	Fence	2956 Porter Center Rd	33.00-1-26
105-20	10/8/2020	Joseph Mangano	Woodstove Certification	1455 Lockport Rd	46.00-2-17

Complaint report - October 2020

Complaint #	Location	Owner	Complaint Type
104-20	1209 Balmer Rd	Timothy Haniszewski	Storage of Vehicles
105-20	400 Riverview Dr	Brad Pfalzer	Unlicensed Vehicles
106-20	3653 River Rd	Joshua & Krissandra Lewis	Activity without a Permit
107-20	611 Blairville Rd	Henry Bryk	Activity without a Permit
108-20	3717 Ransomville Rd	Christopher Josker	Sewage Issues
F03-20	1058 Lake Rd	Niagara Frontier Country Club	Fire Damage

RESULT: REPORT ISSUED

6. Report 2020-123

Highway

HIGHWAY

- 1.COMPLETED BRUSH PICK-UP.
- 2.REPLACED 3 CROSS CULVERTS ON DICKERSONVILLE RD.
- 3.STARTED DITCH WORK ON DICKERSONVILLE RD.
- 4.REPLACED CROSS CULVERT ON CAIN RD.
- 5.COMPLETED MOWING CEMETERIES.
- 6.STARTED SERVICING SALT SPREADERS AND PUTTING TRUCKS TOGETHER FOR WINTER.

DRAINAGE

- 1.COMPLETED PIPING DITCHES ON EAST AVE.
- 2.COMPLETED EXCAVATING DITCHES IN RANSOMVILLE.

WATER AND SEWER

- 1.COMPLETED METER READINGS.
- 2.REPAIRED FIRE HYDRANT ON BALMER RD.
- 3.COMPLETED SERVECING SEWER LIFT STATIONS.
- 4.COMPLETED WATER SAMPLING FOR THE YEAR.

PORTER ON THE LAKE

- 1.COMPLETED CLEANING AND MOWING PARK.
- 2.COMPLETED TURNING WATER OFF AND JASON BRYK WINTERIZED THE BATHROOMS.
3. BATHROOMS LOCKED UP FOR WINTER.

*Supervisor Burmaster asked the Town Board to consideration passing a resolution to sell the John Deere 624J Wheel Loader, large Xerox copier, 2 Fax machines and 2 photo smart D7360 Printers on Auctions International.

Motion was made by Councilman Adamson and seconded by Councilman Ortiz to sell the above highway equipment on Auction International.

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

The Porter Town highway dept. is in need of a new Wheel Loader. Listed below are 3 quotes for a new one.

- | | |
|--------------------------------|--------------|
| 1) Milton Cat Loader | \$181,378.00 |
| 2) Five Star Equip. John Deere | \$167,960.00 |
| 3) SANY Loader | \$176,946.93 |

Motion was made by Councilman Adamson and seconded by Councilman Ortiz to purchase a Five Star Equip. John Deer for \$167,960.00.

Roll call vote was taken and all present Town Board members (Supervisor

Johnston, Councilman Adamson, Councilman White and Councilman Ortiz) were all in favor.

Motion carried.

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The Porter Town Highway Dept is in need of a new Commercial Zero Turn Mower for mowing cemeteries.

Listed below are 2 quotes:

- | | | |
|----|------------------------------|-----------|
| 1) | LandPro Equipment John Deere | \$8660.84 |
| 2) | Outdoor Equipment Ferris | \$8499.00 |

Motion was made by Councilman Ortiz and seconded by Councilman White to purchase a Zero Turn Mower from Outdoor Equipment at a cost of \$8499.00

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

RESULT:	REPORT ISSUED
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7. Report 2020-124

Recreation

- All of our Yoga Classes have been moved indoors, and are now being held at the Ransomville Free Methodist Church in Ransomville (as the Youngstown Red Brick is still closed). Chair Yoga is held on Tuesday and Thursday mornings at 9:30am. All Levels Yoga is on Tuesday evenings at 6:30pm, and Gentle Yoga is on Wednesday evenings at 6:30pm.
- The Fall Story Hour program continues as a virtual weekly themed program. Children can go to the Ransomville or Youngstown Library each week and get a Story Hour bag, which contains a craft, activity and book ideas that match the weekly theme. There are also videos of stories and activities posted on the Town of Porter Story Hour Facebook Page for the children to watch.

- Our next meeting is scheduled for Monday, December 7, 2020 at 7:00pm at the Town Hall.

RESULT:	REPORT ISSUED
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8. Report 2020-125

Grant Writer

Grants Status Report: Projects we are currently working on:

LWRP: Submitted a reimbursement request (\$8,177.00) and semi final report last week to Dept of State. This project should be complete as soon as the NYS gives us final approval. Special thanks to the LWRP committee for a job well. Committee members Kathy Zasucha (chairperson), Dotti Reardon, Tony Collard and Wendy Shaw.

Fort Niagara Beach: Current Status:

1. Release fund have been approved by the State and ready for all reimbursement. Current request was \$40,071.00. But because we haven't started construction (at the time of request) we were only allow 50% of that \$40,000. Future reimbursement will mkve along faster since all approvals are in place.
2. Greenway Ecological Fund Application was presented on August 3rd and the committee thought the pricing was high and no detail to the scope of work and cost justification. I spoke with the committee (Tim DePriest) who suggested to rework, cost estimates and scope of work and resubmit. I have reached out to Applied Ecological Services (that has done some work for Stella Niagara in landscaping etc. that will meet DEC standards). A new quote came in for \$23,000 (attached) and this has been submitted to the DEC Greenway. After further review the cost estimate is in line with the DEC expectations.

Additional presentation will be made in January with funding (hopefully) in February. This will meet our plan for a spring restoration.



Project Information

Quote^[SEP]Fort Niagara Beach Restoration AES # OP00673

October 9, 2020

Rotella Grant Management 3322 Upper Mountain Road Sanborn, NY 14132

Thank you so much for the opportunity to submit a quote for this work. We will be happy to answer any questions that you may have about our proposal.

Sincerely,

Ben Zimmerman, Project Manager Applied Ecological Services, Inc. (607) 731-3484
ben.zimmerman@appliedeco.com

Scope of Work and Estimate

Item^[SEP]Native Seeding^[SEP]Erosion Control Blanket^[SEP]Straw Wattle^[SEP]Plant Plugs^[SEP]Shrub

Planting - assumed avg 10' spacing Maintenance Plan^[L]_{SEP} **Total**

Notes:

Chuck Campbell, Project Estimator Applied Ecological Services, Inc. (608) 214-2364
cacampbell@appliedeco.com



Qty Unit

833 SY 833 SY 300 LF 500 EA

75 EA 2 YR

Unit Cost \$3.00 \$3.00 \$6.00 \$4.00 \$60.00 \$4,500.00

Extended

\$2,499.00 \$2,499.00 \$1,800.00 \$2,000.00 \$4,500.00 \$9,000.00

\$22,298.00

- This quote is valid for 60 days. ^[L]_{SEP}
- AES is a non-union shop. Prevailing Wages rates have not been included in the above price. ^[L]_{SEP}
- **Quote is exclusive of sales tax.** Client/Owner shall pay all applicable sales or use taxes, or provide AES with a sales tax ^[L]_{SEP} exemption certificate to support any exemption. ^[L]_{SEP} 4. The Owner/Client is required to pay for any required permits not included in this quote.

Applied Ecological Services, Inc. Page 1 10/9/2020

5. In an emergency, AES shall act in a reasonable manner to prevent personal injury or property damage. Any change in the Agreement price and/or time resulting from the actions of AES in an emergency situation shall be equitably adjusted. ^[L]_{SEP}

6. Upon the written request of AES, prior to commencement of the Services and thereafter at the written request of AES, the Client/Owner shall provide AES with reasonable evidence of Owner/Client's ability to fund the project. Evidence of such financing shall be a condition precedent to AES' commencing or continuing Services. AES shall be notified prior to any material change in Project financing or material change in Owner/Client's ability to fund the Work. [L]
[SEP]
7. This quote has been prepared based on the information provided (as listed above). Before Applied Ecological Services will commence work on the project and before this quote becomes binding, the Contractor to whom this quote is addressed must provide final project documents to AES. Such documents may include, but not be limited to, finalized construction drawings, final specifications, and a copy of the executed general project contract including information about administrative procedures, invoicing and payment procedures (including retention, if any), safety requirements, and any other requirements that will affect or bind AES on this project. Applied Ecological Services reserves the right to revise the above quote and the terms and conditions of the work upon receipt of the final documents and Primary Contract. [L]
[SEP]
8. Applied Ecological Services provides a one year guarantee on materials and workmanship. AES warrants that the work shall be free from material defects not intrinsic in the design or materials required in the Contract Documents, if any. Applied Ecological Service's warranty does not include remedies for defects or damages caused by normal wear and tear during normal usage, use for a purpose for which the project was not intended, improper or insufficient maintenance, modifications performed by the owner or others, or abuse. Applied Ecological Services warrants that all materials shall be new unless otherwise specified, of good quality, in conformance with the Contract Documents, if any, and free from defective workmanship. If within one year the owner does not promptly notify AES of defective work, the owner waives AES's obligation to correct any defective work as well as the owner's right to claim a breach of warranty with respect to that defective work. [L]
[SEP]

Unless specifically covered in the Contract or in the warranty of another Applied Ecological Services Contract for site design on this project, Applied Ecological Services is not responsible for hydrology on the project site. Damage to seeding or planting installation, or other defective work, that is due to improper hydrology is excluded from any warranty under this Contract. Applied Ecological Services can remedy such damage, subject to additional cost, pursuant to a written modification of the Contract signed by both parties.

RESULT:	REPORT ISSUED
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9. Report 2020-126**Calendar of Events**

11/19/20	-	Zoning Board monthly meeting at 7:00 PM
12/3/20	-	Planning Board monthly meeting at 7:00 PM
12/7/20	-	Recreation monthly meeting at 7:00 PM
12/14/20	-	Town Board monthly meeting at 7:00 PM

RESULT:	REPORT ISSUED
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10. Report 2020-127**Public Comments**

Wally Nowacki asked what is going on with the complaint that was filed. He would like Councilman Adamson to come over and look at his property line.

Bldg. Inspector Jefferys explained to Wally that his neighbors have agreed to do what he has asked them to do.

Wally would like correspondance between his neighbors and the Bldg. Inspector and Attorney Dowd responded by telling him that he will have to come into the Town Hall and fill out a FOIL request form.

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Todd Westmoreland of 3565 Ransomville rd. and Jan Vanderknapp of 3573 Ransomville rd. were at the meeting to complain about the barking dogs owned by Dwayne Hayes of 3557 Ransomville rd.

Attorney Dowd explained that it would be good to get something on video to show the judge but it can also be based on a sworn deposition. He said that both men should come in and file a complaint with Bldg. Inspector Jefferys.

Supervisor Johnston asked Attorney Dowd if the landlord can be held accountable and the answer was yes.

Motion to adjourn the meeting was made by Councilman Adamson and seconded by Councilman White at 8:17 PM.

RESULT:	REPORT ISSUED
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11. Report 2020-128**Town Board Comments**

none

RESULT:	REPORT ISSUED
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