



# Town of Porter

## Town Board Meeting

~ Minutes ~

3265 Creek Road  
Youngstown, NY 14174

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

Kara Hibbard  
716-745-3730

Tuesday, October 10, 2023

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on October 10, 2023 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
J. Duffy Johnston	Town of Porter	Supervisor	Absent	
Jeff Baker	Town of Porter	Deputy Supervisor	Present	
Larry White	Town of Porter	Councilman	Present	
Tim Adamson	Town of Porter	Councilman	Present	
Jipp Ortiz	Town of Porter	Councilman	Present	
Kara Hibbard	Town of Porter	Town Clerk	Present	
Elaine Porto	Town of Porter	Deputy Town Clerk	Present	
Kimberli Boyer	Town of Porter	Bookkeeper	Present	
Dave Burmaster	Town of Porter	Highway Superintendent	Present	
Mike Dowd	Town of Porter	Town Attorney	Late	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	
Selah Dell	Town of Porter		Present	

### II. Resolutions/reports

### III. Resolutions

#### 1. Resolution 2023-100

#### Minutes Approval

Resolution to approve the Sept 11 2023 meeting minutes.

COMMENTS - Current Meeting:

Resolution to approve the minutes from the Sept 11 2023 meeting.

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

## 2. Resolution 2023-106

## Payment of Audited Vouchers

**TOWN  
OF  
PORTER**WARRANT  
:POST AUDIT  
#9A

FUND	01	31,392.54
FUND	02	733.08
FUND	04	10,954.73
FUND	06	2,134.37
FUND	07	2,111.67
FUND	11	30,198.60
FUND	28	0.00
FUND	35	0.00

TOTAL **77,524.99**VOUCHER 32027 THRU 10/5/2023  
'SWARRANT  
:POST AUDIT #10  
SEPT 2023

10/5/23

FUND	01	24,639.74
FUND	02	36,179.12
FUND	04	44,666.58
FUND	06	42,953.83
FUND	07	12,497.79
FUND	10	841.86
FUND	11	0.00
FUND	35	0.00
FUND	28	
FUND		

TOTAL **161,778.92**VOUCHER 32047 THRU 10/5/2023  
'STOTAL **239,303.91**

## Resolution to approve the Vouchers as audited by the Porter Town Board.

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

### 3. Resolution 2023-102

#### Acceptance of Supervisor's Report

Resolution for accept the Supervisors Report from the Sept. 11, 2023 Town Board Meeting.

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

### 4. Resolution 2023-103

#### Resolution to Approve Local Law Regarding Short Term Rental Registration Form .

Resolution needed to approve the notarized Short term rental home registration form, and to have on file for each requesting resident.

Approved  
by:

Maximum # of Occupants: Issue date:

## Town of Porter SHORT-TERM RENTAL HOME --- REGISTRATION FORM

### **SHORT-TERM RENTAL HOME (STRH)**

*Is the occupancy of a single-family residential premises for a term of no more than 30 days, on two or more occasions during any six-month period. Occupancy shall not exceed two people for each bedroom, plus two additional occupants. (Each single-family dwelling must have a separate registration form.)*

LOCATION OF SHORT-TERM RENTAL HOME (Street Address)

Will the Short-Term Rental Home be Hosted? Hosted means the property owner/agent will be occupying the property when guest(s) are present. Un-Hosted Short Term Rental Homes are absent of owner/agent occupancy during the rental.

periods. YES NO
<b>SHORT-TERM RENTAL HOME INFORMATION</b> List of Website(s) that the Rental is listed on: Title of your Short-Term Rental as listed on website(s): Date your Short-Term Rental was first operational: Number of Off-Street Parking spaces, including garage and driveway space: Number of Bedrooms in the Dwelling: Number of Bedrooms available for rent:
<b>PROPERTY OWNER AND OPERATOR/AGENT INFORMATION</b> Property Owner Name(s): Owner Address: Owner Phone No: Owner email address: Short-Term Rental Home <b>Operator/Agent</b> (if different from the property owner) Operator/Agent shall be local (within 30 miles of the <b>STRH</b> parcel) and shall be on-call/available 24/7 to accept phone/email correspondence and available to respond to the short-term rental home when the dwelling is rented. Operator/Agent name(s): Operator/Agent's address: Operator/Agent's phone no: Operator/Agent's email address:
<b>ACKNOWLEDGEMENTS</b> I agree to include the Town's Short-Term Rental Home Registration number provided with the proof of registration on any written advertisements (whether in paper or electronic form) for use of the Short-Term Rental Home. The property is insured for use as a Short-Term Rental Home. Proof of insurance is attached to this application. I agree that someone will be available 24/7 to accept phone calls and be able to respond physically within 40 minutes when the Short-Term Rental is rented. This Short-Term Rental Home will follow all Terms of Use requirements set forth herein. The rental period for a Short-Term Rental Home shall be no less than 24 hours.
<b>TERMS OF USE</b> 1. The maximum occupancy within the Short-Term Rental Home is limited to two(2) persons per bedroom + two(2) additional people. 2. All Short-Term Rental Home(s) shall not be rented for the purpose of holding special events such as weddings, conferences, parties, etc. 3. All Short-Term Rental Home(s) shall be within a <b>habitable single-family dwelling</b> . No tents, RVs, or camping shall be allowed as a Short-Term Rental. 4. The owner/operator/agent of a Short-Term Rental Home on any given parcel may only arrange for one rental contract to take place at any given time on that parcel. 5. The Short-Term Rental Home property owner and operator are jointly responsible for ensuring the Short-Term Rental Home complies with all Local laws, State, and Federal health and safety requirements, including those regarding <b>smoke detectors, fire alarms, and fire extinguishers</b> . 6. The Short-Term Rental Home property owner and operator are jointly responsible for ensuring the Short-Term Rental Home complies with all Town regulations including <b>Noise Nuisances, Open burning/noxious odors, property maintenance, garbage disposal, and occupancy</b> . 7. Parking for The Short-Term Rental shall utilize the onsite parking (garage and driveway) as provided for by the property design and layout. Street parking is prohibited for Short-Term Rentals. No oversized vehicles shall be parked on the property associated with Short-Term Rentals and there shall be no parking in landscaped areas. 8. No signage shall be permitted in association with Short-Term Rental Home(s). 9. The owner/operator/agent shall register with Niagara County and or NYS for the collection of Transient Occupancy Taxes associated with the operation of the Short-Term Rental home. The owner/operator/agent shall be responsible for any/all payments of taxes, fees, and charges collected by other agencies (including Host websites). 10. The Short-Term Rental Home's registration is not transferable. A new owner is required to register with the Town. 11. The Owner/Operator/Agent shall be responsible for providing the renter with copies of these Terms of Use and any additional house rules. Said operators shall actively enforce to ensure compliance with said standards. 12. No Short-Term Rental Home shall be allowed within a dwelling unit that is subject to an affordable housing agreement which restricts the dwelling unit from being rented. 13. Any modifications, improvements, and conversions within the dwelling unit shall comply with the currently adopted NYS Uniform building Code and is subject to the Building Permit process. 14. Properties containing an Accessory Apartment/in-law Apartment/two-Family dwelling units/multi-family Dwelling units are ineligible for short-Term Rental operations.

*I certify under penalty of perjury that the above information is true and correct. I understand and agree to abide by the Town of Porter Local Laws and the Terms of Use established herein. I agree to immediately report if my rental is discontinued and/or any changes in owner's/operator's/agent's contact information occur.*

*I agree to hold harmless, indemnify and defend the Town of Porter against claims and litigation arising from or related to the issuance of the Short-Term Rental Home's registration.*

Property owner's signature

print name

date

Operator/Agent's signature

print name

date

Notary:

Exp. Date:

{Notary

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

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**5. Resolution 2023-104****Unpays to Include on the 2024 County Tax Warrant.**

Resolution to place liens for unpaid water, sewer, and Town charges and to authorize the supervisor to notify Niagara County Real Property Tax Services Department of unpaid water, sewer, refuse and Town charges.

In accordance with the New York State Town Law, section 198, the Town board has opted to enforce various unpaid accounts for water, sewer, refuse and other unpaid Town charges by placing a lien upon the real property for which such services were provided.

To authorize the water and sewer department to forward the actual listing of the unpaid accounts to the Assessor's office for the actual posting to the assessment roll file.

To authorize the supervisor and town clerk to sign and transmit to Niagara County Real Property Tax Services Department by letter of authorization all unpaid water, sewer, refuse and Town charges and to have the Niagara County Legislature levy in such sums against the applicable properties onto the 2024 Niagara County Tax.

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

## **IV. Reports**

### **1. Report 2023-109**

#### **Supervisor's Report**

September Supervisors Report 2023

9-12 Went to the Youngstown Business Association dinner

9-19 Met with Wilson Mayor Lawson for future projects.

9-21 Met with Youngstown Mayor Reisman

9-21 had Waterboard meeting

Worked on budget with Kim.



<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**2. Report 2023-110****Bookkeeper**

Completed processing all September 2023 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for September 2023 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 September and they balanced.

Submitted the 2024 Tentative Budget to the Town Clerk

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**3. Report 2023-111****Town Clerk**

Water Collection - 33,066.13

Sewer Collection - 10,141.61

Clerk Fee's- \$958.76

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**4. Report 2023-112****Assessor****Monthly Assessor's Report  
September 2023**



- Updated the real property system for changes due to building permits
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Submitted the Assessment Department budget request to the Town Bookkeeper
- Submitted Taxable Values and special district amounts to the Town Bookkeeper for use in determining the 2024 tax rate and 2024 special district amounts

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

2001 Lake Rd	AV \$217,9000	Sale Price: \$553,000
3907 River Rd	AV \$313,100	Sale Price: \$585,000
839 Lockport Rd	AV \$117,800	Sale Price: \$340,000
3574 Curtiss Ave	AV \$72,000	Sale Price: \$140,000
519 Parkside Pl	AV \$84,200	Sale Price: \$182,320
150 William St	AV \$120,400	Sale Price: \$345,000

Respectfully Submitted,  
Lena D. Villella  
Assessor

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**5. Report 2023-113**

**Highway**

Highway Report September 2023

1. Completed brush pickup for the month
2. Pothole patching

3. Mowed cemeteries
4. Replaced oil pan on Volvo Truck 12
5. Replaced fuel tank on Peterbilt Truck 16
6. Replaced coolant line on Peterbilt Truck 15
7. Trimmed bushes at Town Hall
8. Sent truck to Wheatfield for Paving
9. Sent 3 trucks to Youngstown for Paving
- 10.
11. Mowed roadsides for the month

#### Water/Sewer

1. Completed water meter readings for the month
2. Serviced generators
3. Moley completed installing New Generator on Woodcliff
4. Install new service on Lake Road (meter pit)
5. Weed wacked Fire Hydrants
6. I&I inspection for Sewer

#### Drainage

1. Mowed ditches and creeks
2. Cleaned Debris and trees from creek with mini excavator

#### Park

1. Cleaned garbage and mowed park for the month
2. Completed fitness trails with mulch and stoned by bridge

**\*Councilman White added that Wilson Boat House Marine will be donating lumber to enclose both sides of the pavilion.**

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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#### **6. Report 2023-114**

**Building Inspector/Code Enforcement Officer**

- ◆ Reviewed and issued Thirteen(13) **Building Permits** for the month of **September**.
- ◆ Received, Inspected, and followed up on two (2) **New** formal **Complaint/Violations**
- ◆ Completed seventeen (20) **inspections** for Permits & Complaints compliance.
- ◆ Coordinated/Reviewed **Planning and Zoning Board applications** and Documentation.
- ◆ Participated in Town of Porter **Justice Court** for pending Zoning enforcement cases.
- ◆ Continued work on Building Committee re; New **Generator** & HVAC replacement work.
- ◆ Met with Paul Brown regarding the **Climate Smart Committee** documentation and process.
- ◆ **Shared services** with the Town of Wilson Code Enforcement.
- ◆ Researched and reviewed a few **Software options for Code Enforcement/Building Permits** tracking and administering.

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

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 7. Report 2023-115

### Recreation

- Story Hour is held every week at the Youngstown Library on Tuesdays and the Ransomville Library on Wednesdays, at 9:30am and 11:00am. Classes are for children 2 years of age, and older.
- Yoga is held every week at the Youngstown Village Center (Red Brick). The classes are free and open to the public. The schedule is:

Tuesdays at 9:30am - Chair Yoga

Tuesdays at 6:30pm - All Level Yoga

- Our next meeting is Monday, November 6, 2023 at 6:00pm, at Town of Porter Town Hall.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**8. Report 2023-116**

**Calendar of Events**

11/2/23	- Planning Board monthly meeting at 7:00 PM
11/6/23	- Recreation Monthly meeting at 6:00 PM
11/13/23	- Town Board monthly meeting at 7:00 PM

Halloween hours for the Town of Porter are 5:00pm to 7:30pm, Tuesday October 31,2023.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**9. Report 2023-117**

**Public Comments**

Alan Davis talked about why he feels the board should act on a reval. He claims the Town is only at 52% and "some of us are really taking it in the shorts".

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Karen Swayze - A Youngstown Free Library Board Trustee- thanked the Town Board for their support in the past. The library uses the monies to pay for their staff and programs. She urged the Town board for additional monies for the upcoming year due to employee costs and programs.

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David Smith, from the Youngstown Free Library, presented Town Board members with a budget request. He would like to see a different formula used. 2/3 for the Youngstown Free Library and 1/3 for the Ransomville library. He would also like to see a more fair and equitable way to disperse funds to them.

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Bonnie Sudbrink complained about her neighbor's yard that lives across the street from her. She claims it is a disgrace and would like to see something done about it.

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Debbie Curyto would like to see her neighbor's yard cleaned up more. Attorney Dowd said to come in and talk with Code Enforcer Jefferys but she said she did not need to meet with him.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**10. Report 2023-118**

**Town Board Comments**

Motion was made by Councilman Ortiz and seconded by Councilman Adamson to adjourn the meeting at 7:27 PM.

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