



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Kara Hibbard
716-745-3730

Tuesday, October 12, 2021

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on October 12, 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	Absent	
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	

II. Resolutions

1. Resolution 2021-70

Public Hearing Regarding Rezoning Larry Wiebert's Property

Legal notice is hereby given that the Town Board of the Town of Porter will hold a public hearing at the Town Hall, 3265 Creek road, Town of Porter, on the 12 day of October, 2021 at 7:00 PM to hear all interested parties and citizens for or against the rezoning of land owned by Mr. Larry Weibert located at 720 Creek Lane, from rural agricultural to rural commercial.

The Public Hearing was opened to the public at 7:02 PM. Nobody in the audience wished to speak but the Public Hearing was left open until next month's meeting (11/8/21).

Motion was made by Deputy Supervisor Baker and seconded by Councilman Adamson.

Code Enforcer Jeffery's said that he is still waiting for a reply from the Niagara County Planning Board

A Resolution was done for the Town of Porter Town Board to establish SEQR Lead Agency status. Motion was made by Deputy Supervisor Baker and seconded by Councilman Adamson.

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

RESULT:	WITHDRAWN
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2. Resolution 2021-71

Audited Vouchers**TOWN OF PORTER**

WARRANT:	POST AUDIT #9A - SEPT,	9/30/21
	2021	

FUND	01	15,538.68
FUND	02	7,013.22
FUND	04	17,985.14
FUND	06	1,939.74
FUND	07	1,512.92
FUND	10	817.22
FUND	11	0.00
FUND		

TOTAL	<u>44,806.92</u>
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VOUCHER 'S	29452	THRU	29487
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WARRANT:	#10 OCT, 2021	10/8/21
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FUND	01	8,538.47
FUND	02	29,357.77
FUND	04	15,636.55
FUND	06	43,384.62
FUND	07	4,590.00
FUND	10	0.00
FUND	11	28,350.66
FUND	28	0.00
FUND	35	0.00
TOTAL		<u>129,858.07</u>

VOUCHER 'S	29488	THRU	29554
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TOTAL	<u>174,664.99</u>
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Resolution to approve the vouchers for \$174,664.99 as audited by the Porter Town Board.

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

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 2021-72**Acceptance of Supervisor's Report**

Resolution to accept the Supervisor's report from September 13, 2021

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

4. Resolution 2021-73**Minutes Approval**

Resolution to approve the minutes from the September 13, 2021.

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

5. Resolution 2021-74**Health Insurance for 2021/2022**

Resolution authorizing the Porter Town Board to approve the 2021/2022 Health Insurance to be Blue Cross Blue Shield thru Bene-Care, effective November 1, 2021. The 2 current plans (Silver POS 7100 & Platinum POS Plus) will remain the same with no price increase.

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

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

6. Resolution 2021-76

Tax Collector Position

RESOLUTION

WHEREAS, the Town of Porter has an independently elected Tax Collector, and;

WHEREAS, the Town Board wishes to abolish the office of Tax Collector and consolidate the duties with the Town Clerk, and;

WHEREAS, Section 36 of the Town Law authorizes a Town Board to abolish the position of Tax Collector at the end of the term of office of the incumbent elected Tax Collector, and;

WHEREAS, Section 36 of the Town Law authorizes such abolition without the necessity of a referendum, and;

WHEREAS, the current term of office of the Town Tax Collector expires December 31, 2021, and;

WHEREAS, consolidating the duties of the Tax Collector and Town Clerk would improve the efficiency of tax collection within the Town, it is hereby,

RESOLVED, that the office of the Town of Porter Tax Collector is hereby

abolished effective December 31, 2021, and it is further

RESOLVED, that the Town Clerk shall have all the powers of and be subject to all the duties of the tax collector effective January 1, 2022.

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

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 2021-77

Niagara County Tax Roll

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 before November 9, 2021 and to have the Niagara County Legislature levy in such sums against the applicable properties onto the 2022 Niagara County tax.

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

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

III. Reports

1. Report 2021-103

Supervisor's Report

Porter on the Lake has been awarded a \$140,000 LWRP grant

I met several times with Robert (Eagle scout) on the bridge construction for the exercise trail

9-18 Had a zoom meeting for CLEAR- Lake Flooding

9-19 As an elected official, I bartended for Cancer at the Stone House

10-6 Had a zoom call with Niagara County, I am now on the NC Hazard Mitigation Committee

10-7 Sat in a seminar for NYS water grant

10-8 Met with Pat Brown on the 2022 budget

RESULT:	REPORT ISSUED
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2. Report 2021-104

Bookkeeper

Completed processing all September 2021 Vouchers & Journal Entries.

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

Met with Bene-Care Rep to discuss upcoming full-time employee insurance options.

RESULT:	REPORT ISSUED
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3. Report 2021-105

Town Clerk

Water for the month of September - \$34,372.91
Sewer for the month of September - \$4459.76
Clerk Fee's for the month of September is \$ 1241.47

RESULT:	REPORT ISSUED
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4. Report 2021-106

Assessor

**Monthly Assessor's Report
September 2021**

- Continued processing completed building permits into RPSV4
- Processed property transfers for Town and Village
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Lena and Selah attended a joint meeting of the Niagara and Erie County Assessors Associations
- Submitted the 2022 Budget Request for the Assessment Department
- Attended the Small Claims Assessment Review Hearing for the Heffler matter

- Apportioned the school tax bill for Baker/Harden as a result of a division of property and at the owner's request. Notified the Lewiston Porter Tax Collector
- Lena and Selah attended an Agricultural Exemption continuing education class online
- Received notification from the Small Claims Hearing Officer assigned to the Heffler matter. A reduction of \$11,100 was awarded to the petitioner
- Posted County Former Exempt amounts to be added to the 2022 County tax
- Submitted special district totals and taxable value totals to the Budget Officer for calculation of the 2022 tax rates

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

258 Glenvale Rd	AV \$127,500	Sale Price \$300,000
490 Lockport St	AV \$89,200	Sale Price \$200,000
960 River Rd	AV \$281,600	Sale Price \$648,000
3407 Porter Ctr Rd	AV \$152,900	Sale Price \$420,000
1650 Braley Rd	AV \$188,300	Sale Price \$265,000
3309 East Ave	AV \$212,300	Sale Price \$460,000
2497 Balmer Rd	AV \$90,700	Sale Price \$145,000
1272 Cain Rd	AV \$121,900	Sale Price \$275,000
2665 Lake Rd	AV \$138,900	Sale Price \$333,000
1735 Harrison Ln	AV \$158,500	Sale Price \$420,000

RESULT:	REPORT ISSUED
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5. Report 2021-107

Building Inspector/Code Enforcement Officer

- ◆ Reviewed and Issued **Building Permits**; per attached Permit Report; seven (7) permits have been issued in the month of September.
- ◆ Received, Inspected, and followed up on **new Complaint/Violations**; per attached Complaint report; five (5) **New** formal concerns have been processed.
- ◆ Completed eighteen (18) **inspections** for Permits & Complaints.

- ◆ Coordinated/Reviewed any/all **new Planning and Zoning Board applications** and documentation, with the respective Board(s) personnel.
- ◆ Prepared information/recommendation for each agenda item of the regular **Planning Board** meeting on September 2, 2021. I was unable to attend the meeting because of a prior family commitment.
- ◆ Prepared information and attended the regular **Zoning Board** meeting on September 23, 2021.
- ◆ Completed 3 hours of online training on September 17, 2021 - Energy enforcement class; residential & Commercial.
- ◆ Completed an additional 8 Hours of **Training** toward my annual NYSDOS requirements; Energy Code Plan Review; the training also qualified toward the Clean Energy Communities program which Supervisor Johnston has implemented to qualify the Town for grant opportunities.
- ◆ Wrote a follow-up Letter on the **Rural Residential Business proposed LL8 of 2021**.
- ◆ Completed application for Niagara County planning Board, the SEQRA - Short Environmental Assessment form (SEAF), and additional documentation for the Proposed **Zoning map amendment petitioned by Larry Weibert** at Creek Lane area.

Permit Report - *September 2021*

<u>Number</u>	<u>Issue Date</u>	<u>Owner</u>	<u>Permit type</u>	<u>Parcel Location</u>	<u>SBL #</u>
074-21	9/7/2021	Rinaldo Posa	Shed	968 Balmer Rd	60.00-3-4.112
079-21	9/1/2021	3881 River Rd LLC	Single Family Dwelling	224 Castaway Ct	73.06-2-18
077-21	9/21/2021	Paul Clark	Solar Energy Systems	3759 River Rd	59.18-1-3
081-21	9/27/2021	Swogier Construction, Inc.	Demolition	1018 Youngstown-Wilson Rd	46.00-2-3.12
082-21	9/27/2021	Daniel Brockway	Garage	1018 Youngstown-Wilson Rd	46.00-2-3.12
083-21	9/27/2021	Acome Properties LLC	Shed	3539 East Ave	60.00-2-1.112
084-21	9/27/2021	Anthony DeMiglio	In Ground Pool	262 Lake Rd	45.00-1-81

COMPLAINT REPORT - *SEPTEMBER 2021*

<u>Number</u>	<u>Issue Date</u>	<u>Owner</u>	<u>Complaint type</u>	<u>Parcel Location</u>	<u>SBL #</u>
076-21	09/03/21	James Cabello	Drainage Issues	2503 Lake Rd	21.18-1-28
077-21	09/14/21	Mark Fox	Noise nuisance	1663 Groveland Ave	33.13-1-12
078-21	09/20/21	Andrew Kowalyk	Keeping of animals	1012 Lockport Rd	46.03-1-46
079-21	09/20/21	Josh Deitrich & Trisha Hari	Property Maintenance	3309 Creek Rd	46.00-2-50.1
080-21	09/20/21	Track Vision LLC	Noise nuisance	2401 Braley Rd	48.00-1-35

RESULT: REPORT ISSUED

6. Report 2021-108**Highway**

HIGHWAY SUPT REPORT FOR SEPT 2021

HIGHWAY

1. COMPLETED ROADSIDE MOWING FOR THE MONTH.
2. COMPLETED MOWING CEMETARIES.
3. COMPLETED BRUSH PICK-UP.
4. FIXED ROADSIDE MOWER (NEW KNIFE ROLLER BAR AND BEARINGS).
5. REPLACED FUEL TANK IN CHALLENGER DRAINAGE TRACTOR.
6. PAVED A PATCH ON DICKERSONVILLE RD AT TWIN TUBES.
7. SENT TRUCKS TO TOWN OF PENDELTON, VILLAGE OF YOUNSTOWN, NIAGARA COUNTY HIGHWAY FOR PAVING.
8. HAD MEETING WITH NIAGARA COUNTY ON SNOW AND ICE

CONTRACT. WATER AND SEWER

1. COMPLETED WATER METER READINGS FOR THE QUARTER.
2. COMPLETED SERVICING SEWER LIFT STATIONS.
3. SERVICED RPZ VALVES FOR HYDRANT METERS.
4. SCOTT, JUSTIN, DUFFY, AND MY SELF MET WITH QAUKENBUSH CONTRACTORS FOR SWAIN AND LAKE RD LIFT STATIONS ON GO FOR THE MONTH OF NOVEMBER.

DRAINAGE

1. COMPLETED MOWING OFF ROAD DITCHES AND CREEKS.
2. STILL CLEANING DEBRI OUT OF DITCHES AND

CREEKS. PORTER ON THE LAKE

1. COMPLETED CLEANING BATHROOMS AND PICKING UP PARK GARBAGE.
2. HAD 2 RENTALS FOR THE MONTH.
3. COMPLETED MOWING PARK FOR THE MONTH.
4. A REMINDER THAT THE PARK BATHROOMS WILL BE CLOSED THE THIRD WEEK IN OCTOBER.

RESULT:	REPORT ISSUED
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7. Report 2021-109**Recreation**

- Story Hour is held at the Youngstown Library on Tuesdays and at the Ransomville Library on Wednesdays. The weekly program has sessions both days at 9:30am and 11:00am.
- Yoga is now held every week at the Cora Gushee Room in the Youngstown Village Center. The schedule is:
 - Tuesdays at 4:30pm - Chair Yoga
 - Tuesdays at 6:30pm - All Levels Yoga
 - Wednesdays at 6:30pm - Gentle Yoga
 - Fridays at 9:30am - Chair Yoga
- The Niagara County Youth Bureau approved our funding for 2021. Story Hour will receive \$3500 and Recreation will receive \$2712. All paperwork will be submitted and contracts will be forthcoming.
- Our next meeting is Monday, November 1, 2021 at 6:00pm at Town Hall.

RESULT:	REPORT ISSUED
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8. Report 2021-110**Grant Writer**

RESULT:	REPORT ISSUED
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9. Report 2021-111**Calendar of Events**

11/1/21	-	Recreation Board monthly meeting at 6:00 PM at Town Hall
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11/5/21 - Planning Board monthly meeting at 7:00 PM at Town Hall in the Auditorium
11/8/21 - Town Board monthly meeting at 7:00 PM at Town Hall in the Auditorium
11/25/21 - Zoning Board of Appeals monthly meeting at 7:00 PM at Town Hall in Auditorium

Halloween Trick or Treating hours are from 5:00 - 7:30 PM on Sunday, October 31st.

RESULT:	REPORT ISSUED
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10. Report 2021-112

Public Comments

Rusty Tower said that more gravel is needed on Cothran road and Jim Stone said that he will take a look at it but it's a corner and it's just going to keep happening.

Paul Innskeep said that they did a nice job paving but within 2 hours it was tore up because of all the tractor trailers. He asked why there are so many trucks?

Supervisor Johnston said "we will look into it".

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Allen Lederhouse Jr. - VP of the Board of Trustees for the Ransomville Library said he would like to explain why our 2022 requested budget is so important. Over the past years, we have always requested what we needed to keep the lights on. We never asked for more. When the 2021 budget came out and we took the cut, it hit us hard. Some of the issues we are running into: cutting employee hours and having two employees take pay reductions. This past year there were furnace and A/C issues and the historical bldg. had a new roof installed and drainage issues that flooded the basement that had to be fixed. Everyday expenses for new reading material and supplies had to be reduced.

He believes the requested budget is important because it allows to have the library open for a 35 hour week instead of the current 29 hour week. This will allow all employees to get the pay that they are entitled too.

He closed by saying that he would like to thank the board for their time!

Jane Hamilton - President of the Board of Trustees for the Ransomville Library also spoke on behalf of the Library and said with this budget request, we can continue to maintain a great facility and allow our circulation rate to remain high. Our circulation rate continues to compare to other libraries in the area. This will also help us to adjust for the next minimum wage increase that will happen at the end of the year and continue with children's programs throughout the year. The library is also a meeting place for groups like the Boy Scouts, Business Association, Bible Study, Book Club and Garden Club and not to mention school tutoring. When budgets and hours get cut the community suffers.

