



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Kara Hibbard
716-745-3730

Tuesday, October 13, 2020

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on October 13, 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	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	
Elaine Porto	Town of Porter	Deputy Town Clerk	Present	
Mike Dowd	Town of Porter	Attorney	Absent	

II. Resolutions

1. Resolution 2020-77

Minutes Approval

Resolution to approve the minutes of the September 14, 2020 of the Porter Town Board.

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

2. Resolution 2020-78

Audited Vouchers

TOWN OF PORTER

WARRANT: POST AUDIT #9A - SEPT, 9/30/20
2020

FUND	01	9,431.01
FUND	02	493.88
FUND	04	165.29
FUND	06	155.50
FUND	07	690.67
FUND	10	744.88
FUND	35	0.00

TOTAL		<u>11,681.23</u>
-------	--	------------------

VOUCHER 'S	28258	THRU	28279
------------	-------	------	-------

WARRANT:	# 10 OCTOBER, 2020	10/9/20
----------	--------------------	---------

FUND	01	19,344.81
FUND	02	23,688.00
FUND	04	19,089.28
FUND	06	66,419.10
FUND	07	31,765.93
FUND	10	759.64
FUND	11	123,007.51
FUND	28	
FUND	35	224.40
TOTAL		<u>284,298.67</u>

VOUCHER 'S	28280	THRU	28356
------------	-------	------	-------

TOTAL	<u>295,979.90</u>
-------	-------------------

Resolution to approve the vouchers as audited by the Porter Town Board.

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

3. Resolution 2020-79

Supervisor's Report

Resolution to accept the Supervisor's report from September 14, 2020.

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

4. Resolution 2020-80

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, 2020 and to have the Niagara County Legislature levy in such sums against the applicable properties onto the 2021 Niagara County tax.

Roll call vote was taken and all five (5) present board members (Supervisor Johnston, Deputy Supervisor Baker, Councilman White, Councilman Adamson and Councilman Ortiz) were in favor.

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

5. Resolution 2020-81

SEQR Negative Declaration for LWRP

**RESOLUTION
SEQR NEGATIVE DECLARATION FOR THE TOWN OF PORTER
LOCAL WATERFRONT REVITALIZATION PROGRAM**

WHEREAS, the Town of Porter has prepared a Local Waterfront Revitalization Program (LWRP), pursuant to Article 42 of the New York State Executive Law - the Waterfront Revitalization of Coastal Areas and Inland Waterways Act; and

WHEREAS, the LWRP was prepared under the review and guidance of the Town of Porter Waterfront Advisory Committee, with planning consultation assistance; and

WHEREAS, in accordance with Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), the Porter Town Board was designated as the SEQR Lead Agency and prepared an Environmental Assessment Form to identify and evaluate the potential impacts of adopting the Porter LWRP; and

WHEREAS, the Town Board, as SEQR Lead Agent, conducted a coordinated review of the LWRP and has appropriately acknowledged and addressed all comments received from interested and involved agencies; and

WHEREAS, the findings of the environmental review indicated that the adoption of the Town of Porter LWRP, will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with all associated social and economic considerations.

NOW, THEREFORE BE IT RESOLVED, that the Porter Town Board, acting as the lead government entity for this action, has determined that the adoption of the Town of Porter Local Waterfront Revitalization Program is not anticipated to result in any significant adverse impacts on the environment, and that a Negative Declaration is hereby issued based on the findings set forth in the Negative Declaration Notice of Determination of Non-Significance; and

BE IT FURTHER RESOLVED, that the Town of Porter Supervisor authorizes Planning Consultant to prepare the necessary notices and filings on this action, and that a certified copy of this resolution be provided to the Planning Consultant, as required.

Roll call vote was taken and all five (5) present board members (Supervisor Johnston, Deputy Supervisor Baker, Councilman White, Councilman Adamson and Councilman Ortiz) were in favor.

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Ortiz, Johnston, Baker, White, Adamson

6. Resolution 2020-82

Preliminary Budget Public Hearing for 2021

Resolution needed by the Town Board to declare the Tetative budget a Preliminary budget and to set a public hearing for the 2021 Preliminary Budget beginning at 6:00 PM on Thursday, November 5th, 2020. At which time and place any person will be heard in favor of or in opposition to any item or items contained therein.

Roll call vote was taken and all five (5) present Town Board members

(Supervisor Johnston, Deputy Supervisor Baker, Councilman White, Councilman Adamson and Councilman Ortiz) were in favor.

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

III. Reports

1. Report 2020-106

Supervisor's Report

Met with Bene- Care on health insurance

9-17 Niagara County Water board meeting

9-24 Rode electric bikes at a Greenway bike path meeting

Met with Pat Brown for budget numbers

9-25 Had a meeting with Mitchell Martin from Congressman Jacobs office

9-28 Met with Tim Brennan from the SPCA, lowered our yearly contract by \$550

Had a conversation with Rerig cart company and they took of \$450 for delivering garbage totes

10-8 Signed and delivered the Ft Niagara Beach project to Cerrone Inc

10-13 Had lunch with Assemblyman Norris, talked about State issues

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

2. Report 2020-107

Bookkeeper

Completed processing all September 2020 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for September 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 August.

Received budget worksheets from the head of departments for 2021 budget year.

Met with Town Accountant to go over Tentative Budget.

Completed Tentative 2021 budget and filed it with the Town Clerk's office.

Held a meeting with Bene-Care to go over the new health insurance with current employees.

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

3. Report 2020-108

Town Clerk

Water for September was \$38,270.43

Sewer for September was \$3,587.70

Clerk Fees were \$743.50

Handed out the tentative budget to Town Board members.

Transcribed the minutes from the September 14, 2020 Town Board meeting and posted on the Town website.

Met with Tim Brennan of the SPCA and talked about the contract that runs from October 1, 2020 - October 1, 2021.

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

4. Report 2020-109

Assessor

- Continued processing completed building permits into RPSV4
- Processed property transfers for Town and Village
- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Received notification from the Small Claims Hearing Officer assigned to the Wesolowski matter. No change in the assessed value was awarded to the Town
- Updated Porter Refuse District to include additional charge for properties with garage apartments
- Submitted the 2021 Budget Request for the Assessment Department
- Attended the Niagara County Assessors Association monthly meeting
- Apportioned the school tax bill for Tower/Swanson, as a result of a division of property and at the owner's request
- Processed a correction of errors for a property owner to allow for the STAR Credit
- Selah Lowery attended virtual training for Pictometry
- Submitted special district totals, and taxable value totals to the Budget Officer for calculation of the 2021 tax rates
- RPS information transmitted to building inspection IPS Software electronically

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

372 Brampton Rd	AV \$92,000	Sale Price \$195,597
1 Main St Unit 29	AV \$60,100	Sale Price \$228,000
277 Elm St	AV \$86,000	Sale Price \$150,000
2630 Lake Rd	AV \$156,700	Sale Price \$305,000
3064 Ransomville Rd	AV \$87,900	Sale Price \$183,750
3095 Creek Rd	AV \$130,000	Sale Price \$200,000

889 Lockport Rd	AV \$155,100	Sale Price \$233,200
3843 Ransomville Rd	AV \$109,000	Sale Price \$160,000

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

5. Report 2020-110

Building Inspector/Code Enforcement Officer

- ◆ Reviewed and issued **Building Permits**; per attached Permit Report; sixteen (16) permits have been issued in the month of September.
- ◆ Received, inspected, and issued **new Complaint/Violations**; per attached Complaint report; nine (9) **New** formal concerns have been processed.
- ◆ Completed twenty-two (22) **inspections** for Permits & Complaints.
- ◆ Organized and administered the **Solar Advisory Committee** meeting number 4 on September 10th.
- ◆ 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 September 3, 2020.
- ◆ Prepared information and attended the regular **Zoning Board** meeting on September 24, 2020.
- ◆ Completed the required 2020 **Advanced In-Service Training exam**, thereby satisfying the NYSDOS requirements.
- ◆ **Runaway Bay Subdivision's** construction of their new utilities (Public Improvements) are progressing nicely. The only potential slow down in their schedule will be from National Fuel who needs to complete their work before the developers can advance.

PERMIT REPORT - *September 2020*

<u>Number</u>	<u>Issue Date</u>	<u>Owner</u>	<u>Permit type</u>	<u>Parcel Location</u>	<u>SBL #</u>
118-18	9/4/2020	Thomas Walker	Single Family Dwelling	3630 Lutts Rd	60.00-2-25.112
087-20	9/1/2020	Elizabeth Rockett	Alteration	2505 Lake Rd	21.18-1-29
088-20	9/2/2020	James Wilson	Shed	3130 Park Ave	45.32-1-47
089-20	9/1/2020	Heather Allen	Demolition	3128 Park Ave	45.32-1-46

090-20	9/8/2020	Frank Dadario	Pole Barn	3400 Creek Rd	46.00-2-42
091-20	9/8/2020	Steven Dominski	Demolition	1563 Lockport Rd	47.00-1-31
092-20	9/8/2020	Robert Seyler	Addition	1669 Lake Rd	33.13-1-62.2
093-20	9/8/2020	Robert Morris	Porch	2261 Lake Rd	33.08-1-45
094-20	9/17/2020	Greta Briody	Garage	1647 Lake Rd	33.13-1-11
095-20	9/17/2020	Mark Harrigan	Fence	355 Riverview Dr	59.14-2-38
096-20	9/17/2020	Thomas Rodriguez	Fence	413 Dansworth Rd	59.14-2-61
097-20	9/17/2020	Linda O'Connor	Agricultural Structure	2901 Dickersonville Rd	33.00-2-15.12
098-20	9/17/2020	John Palermo	Alteration	617 Blairville Rd	59.00-2-6.2
099-20	9/17/2020	Lakeside Cottages Inc	Fence	2087 Lake Rd	33.08-1-3
100-20	9/21/2020	Todd Westmorland	Fence	3565 Ransomville Rd	62.10-3-47
101-20	9/23/2020	Frank Doran	Fence	2650 Lockport Rd	62.04-1-17
102-20	9/29/2020	G Edward Ortiz	Commercial Alteration/Add	2660 Lockport Rd	62.04-1-16

COMPLAINT REPORT - *September 2020*

Complaint #	Location	Owner	Complaint Type
095-20	3604 Estes Pl	Dominick Ciliberto	Swim Pool Regs
096-20	3861 Ransomville Rd	ITI Rental Property LLC	Building Code violation
097-20	238 Lake Rd	Shelly Shear	Building Code violation
098-20	3604 Estes Pl	Dominick Ciliberto	Property Maintenance
099-20	1600 Youngstown-Wilson Rd	Gary Reid	Property Maintenance
100-20	3557 Ransomville Rd	Daniel White	Noise nuisance
101-20	18 Porter Center Rd Ext	Boniello Family Trust Attn: David Boniello et al Trustees	Unpermitted construction
102-20	2137 Lake Rd	Theodore Bunce	Activity without a Permit
103-20	428 Dansworth Rd	Inga Edelsward	Property Maintenance

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

RESULT: REPORT ISSUED

6. Report 2020-111

Highway

HIGHWAY

- 1.COMPLETED GRADING MURPHY’S CORNER RD.
- 2.COMPLETED PIPE JOB BETWEEN ORCHARD AND FIELD MURPHY
- 3.COMPLETED BRUSH.
- 4.COMPLETED GRINDING STUMP OUT AT RANSOMVILLE CEMETERY AND TOPSOIL AND SEEDED.
- 5.HELPED TOWN OF NIAGARA PAVING AND VILLAGE OF LEWISTON PAVING (SHARED SERVICES).

WATER AND SEWER

- 1.COMPLETED METER READING.
- 2.COMPLETED INSTALLING NEW HOUSE SERVICE ON LUTTS RD.
- 3.COMPLETED SERVICING LIFT STATIONS (GREASED AND CHANGED FILTERS ON PUMPS).
- 4.COMPLETED FIXING A WATER BREAK ON LYNNBROOK DRIVE.

DRAINAGE

- 1.COMPLETED MOWING ROADSIDES.
- 2.COMPLETED MOWING AND BOOM MOWING DITCHES.

PORTER ON THE LAKE

- 1.COMPLETED CLEANING BATHROOMS AND PICKING UP GARBAGE.
- 2.COMPLETED MOWING AND TRIMMING PARK

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

7. Report 2020-112

Grant Writer

Grants Status Report: Projects we are currently working on:

Greenway: Final reimbursement has been submitted and as far as the Niagara County Ad Hoc Committee goes our project is complete. All \$150,000 has been expedited.

LWRP: WWS Planning sending final documentation to the State. Final phase is the Town Board adoption of the plan will be submitted before the end of the year. We will need a SEQR and resolution (WWS Planning will prepare these documents).

Fort Niagara Beach: Current Status:

1. Release fund have been approved by the State and ready for all reimbursement. Current request is \$40,071.00.
2. Town is securing (or already has secured) contracts with Cerrone to start the project.
3. 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). I am awaiting a plan and estimate.

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

8. Report 2020-113

Recreation

- Yoga continues at Porter on the Lake Park on Tuesday and Wednesday evenings, beginning at 6:00pm. Chair Yoga is held on Tuesday and Friday mornings, beginning at 9:30am. Hopefully the weather cooperates and we can continue at the Park throughout the month of October. We continue to look for an indoor facility for these classes; currently the Youngstown Red Brick remains closed.
- The Fall Story Hour program continues as a virtual weekly themed program. Children can go to the library each week at their convenience and get a Story Hour bag, which contains a craft, activity and book ideas that match the weekly theme. There are also videos posted on the Town of Porter Story Hour Facebook Page.

- Our next meeting is scheduled for Monday, November 2, 2020 at 7:00pm at the Town Hall.

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

9. Report 2020-114

Calendar of Events

Zoning Board monthly meeting	-	October 23, 2020 at 7:00 PM
Planning Board monthly meeting	-	November 5, 2020 at 7:00 PM
Recreation monthly meeting	-	November 2, 2020 at 7:00 PM
Town Board monthly meeting	-	November 9, 2020 at 7:00 PM

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

10. Report 2020-115

Public Comments

P

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

11. Report 2020-116

Town Board Comments

T

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