



# Town of Porter

## Town Board Meeting

~ Minutes ~

3265 Creek Road  
Youngstown, NY 14174

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

Kara Hibbard  
716-745-3730

Monday, September 13, 2021

12:00 AM

Town Hall Auditorium

### I. Call to Order

Attendee Name	Organization	Title	Status	Arrived
Jipp Ortiz	Town of Porter	Councilman	Present	
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	Absent	
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	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	

### II. Resolutions

#### 1. Resolution 2021-64

#### Audited Vouchers

#### TOWN OF PORTER

WARRANT  
:

POST AUDIT  
#8A - AUG, 2021

8/31/21

FUND	01	15,853.19
FUND	02	290.63
FUND	04	12,329.09
FUND	06	1,921.09
FUND	07	2,595.02
FUND	10	0.00
FUND	11	0.00
FUND		

TOTAL 32,989.02

VOUCHER'S 29362 THRU 29383

WARRANT  
:

	#9 SEPT, 2021	8/9/21
FUND 01		8,395.89
FUND 02		17,773.40
FUND 04		11,832.20
FUND 06		2,325.28
FUND 07		163.78
FUND 10		818.94
FUND 11		26,641.52
FUND 28		
FUND 35		
TOTAL		<u>67,951.01</u>

VOUCHER 29384 THRU 29451  
'S

TOTAL 100,940.03

Resolution to accept the audited vouchers for \$100,940.03

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

## 2. Resolution 2021-65

### Minutes Approval

Resolution to accept the minutes from the August 10, 2021, Town Board meeting.

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

## 3. Resolution 2021-66

### Supervisor's Report

Resolution to accept the Supervisor's report from the August 10, 2021, Town Board meeting.

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

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4. Resolution 2021-67

**Board of Assessment Review Re-Appointment**

Resolution to re-appoint Lisa Leffler to the Board of Assessment Review effective October 1, 2021 thru September 30, 2026

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

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5. Resolution 2021-68

**Justice Assistance Program Grant**

**Justice Assistance Program**

Resolution to authorize Supervisor Johnston to file an application with the NYS Justice Court Assistance Program for assistance with the upgrading of the Town of Porter's Justice Department.

Resolution: Support of the Justice Court Assistance Program Grant Application for the Town of Porter Justice Department.

**WHEREAS** the State of New York Court System is soliciting applications from local governments under the Justice Court Assistance Program to assist local Justice Departments with needed equipment, automation, furniture, supplies and training.

**WHEREAS** the funding available under the State of New York Court System would facilitate local efforts in upgrading the Town's Justice Departments.

**RESOLVED** that the Supervisor of the Town of Porter is hereby authorized and directed to file an application, up to the maximum amount available, with the Justice Court Assistance Program.

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

6. Resolution 2021-69

**Public Hearing Regarding Larry Wiebert's Petition to Rezone**

Resolution needed to schedule a public hearing regarding Larry Wiebert's petition to rezone parcels on Creek Lane and to direct Code Enforcer Jeffery's to schedule a Niagara County planning Board review and initiate a SEQR.

Mr. Wiebert said that he will write letters to people that live on the same road as him and include his name and telephone # and answer any questions they may have.

Public Hearing will be scheduled for October 12, 2021 at 7:00 PM.

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

**III. Reports**

1. Report 2021-93

**Supervisor's Report**

**AUGUST SUPERVISOR'S REPORT 2021**

Met with Eagle scout Robert on the nature trail bridge project

8-19 Went to Niagara County Water board meeting

8-26 Attended the Cancer concerns at Ransomville with Legislator Myers

Attended zoom meetings for CLEAR and Region One

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**2. Report 2021-94**

**Bookkeeper**

Completed processing all August 2021 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for August 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 July and they balanced.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**3. Report 2021-95**

**Town Clerk**

Clerk Fee's for Aug -\$997.44

Water for Aug -\$28,852.08

Sewer for Aug -\$29,402.83

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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**4. Report 2021-96****Assessor****Monthly Assessor's Report  
August 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
- Field reviewed sales in the Town and the Village, new photos taken
- Added school chargebacks to the file for the Lewiston-Porter School District
- Submitted the file to the County for the printing of school tax bills
- Attended the NCIDA public hearing in the Village regarding the property at 200 Lockport Street. I expressed my concerns over the proposed P.I.L.O.T. schedule
- Reviewed 126 sales for their usability by the State in calculating RAR and Eq Rate for 2022

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

3554 Ransomville Rd	AV \$78,500	Sale Price \$150,000
446 Powell Dr	AV \$50,000	Sale Price \$255,000
377 Howard Dr	AV \$144,700	Sale Price \$315,000
3468 East Ave	AV \$313,800	Sale Price \$535,000
350 Lockport St	AV \$101,000	Sale Price \$260,000
365 Brookshire Rd	AV \$113,100	Sale Price \$238,400
135 Campbell St	AV \$99,800	Sale Price \$230,500

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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 5. Report 2021-97

## Building Inspector/Code Enforcement Officer

- ◆ Reviewed and Issued **Building Permits**; per attached Permit Report; ten (10) permits have been issued in the month of August.
- ◆ Received, Inspected, and Issued **new Complaint/Violations**; per attached Complaint report; seven (7) **New** formal concerns have been processed.
- ◆ Completed twenty-one (21) **inspections** for Permits & Complaints.
- ◆ 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 August 5, 2021.
- ◆ Prepared information and attended the regular **Zoning Board** meeting on August 26, 2021.
- ◆ Completed 2 Hours of **Training** toward my annual NYSDOS requirements.
- ◆ Attended **Town Court** for case involvement on August 11, 2021.
- ◆ Prepared documentation for **Court appearances** for outstanding Zoning Code compliance case.
- ◆ Coordinated & Reviewed documentation/communication submitted for the **Dedication of The Runaway Bay** Subdivision Public Improvements Permit (PIP).
- ◆ Wrote a follow-up Letter on the **Rural Residential Business proposed LL8 of 2021** to the Town Board; Enumerating my rational and compliance with the currently adopted Comprehensive plan.

**Permit Report - August 2021**

<u>Number</u>	<u>Issue Date</u>	<u>Owner</u>	<u>Permit type</u>	<u>Parcel Location</u>	<u>SBL #</u>
066-21	8/5/21	WJFR , LLC	Alteration/Remodel	3745 Ransomville Rd	62.18-1-8
067-21	8/18/21	Samuel Newell	Alteration/Remodel	1591 Lake Rd	32.16-1-26.1
068-21	8/17/21	Thomas Etopio	Pole Barn	664 Blairville Rd	59.00-2-29
069-21	8/20/21	Lakewood LLC	Fireworks Display	433 Lake Rd	45.06-1-2
070-21	8/23/21	Shane Donner	Deck	2199 Lake Rd	33.08-1-40
071-21	8/26/21	Thomas Masters	Fence	2661 New Rd	62.00-1-10
072-21	8/30/21	Catherine Ruhlman	Demolition	967 Lake Rd	32.18-1-9
073-21	8/31/21	Kenneth Mitchell	Demolition	2054 Lockport Rd	47.04-1-21
075-21	8/24/21	Jeffrey Wilkinson	Porch	2942 Ransomville Rd	34.00-1-32.2
078-21	8/27/21	Boniello Family Trust	Shed	18 Porter Center Rd Ext	33.10-2-2

**Complaint report - August 2021**

<u>Number</u>	<u>Issue Date</u>	<u>Owner</u>	<u>Complaint type</u>	<u>Parcel Location</u>	<u>SBL #</u>
068-21	08/30/21	Steven Dominski	Non-conforming use	1563 Lockport Rd	47.00-1-31
070-21	08/16/21	Robert Seyler	Activity without a Permit	1669 Lake Rd	33.13-1-62.2
071-21	08/17/21	Iman Gadelrab	Property Maintenance	338 Walnut Ln	59.14-1-10
072-21	08/26/21	William Kraft	Non-permitted Business	1491 Lake Rd	32.16-1-18.1
073-21	08/26/21	5 Grandkids	Junk Vehicles	1276 Cain Rd	60.00-2-20.7

		Properties LLC			
074-21	08/26/21	Sarah Mahoney	Activity without a Permit	671 Lake Rd	31.20-1-4
075-21	08/31/21	Meghan Sabia	Property Maintenance	2559 Lockport Rd	62.10-3-31

- ♦ Reviewed and Issued **Building Permits**; per attached Permit Report; ten (10) permits have been issued in the month of August.
- ♦ Received, Inspected, and Issued **new Complaint/Violations**; per attached Complaint report; seven (7) **New** formal concerns have been processed.
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<b>RESULT:           REPORT ISSUED</b>
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## 6. Report 2021-62

### Highway

#### HIGHWAY SUPERINTENDENT REPORT FOR AUGUST 2021

##### HIGHWAY

1. Completed Brush for the month
2. Completed Mulching Town Hall
3. Completed Mowing Cemeteries
4. Completed Weed Whacking Guard Rails + Signs
5. Sent trucks to Cambria, Village of Youngstown, Town of Pendleton, Town of Newfane, Town of Lewiston, Town of Wheatfield, for milling and paving.
6. Patched roads with Hot Box.
7. Completed roadside mowing

##### WATER

1. Completed water meter readings for the quarter
2. Completed repair fire hydrant on Balmer Road
3. Completed servicing sewer Lift Stations
4. Pulled motor Lake Road sewer station to replace seal kit.

##### DRAINAGE

1. Completed Mowing Creeks + Ditches for the month
2. Started GPS on Ditches + Creeks
3. Talked to Dave Britton on upgrades for Swain + Lake Road Lift Stations

##### PARK

1. Completed Mowing Park + Cleaning Bathrooms and Garbage.
2. Had 6 Rentals for the month.

Superintendent Burmaster said that there is a meeting with Quackenbush at 1:00 PM on Wednesday (including the engineer) and they will view the lift stations.

**Burmaster said he needed a resolution to be able to replace 53 sidewalk blocks. Should not cost more than \$9,000.**

**Motion was made by Councilman Ortiz and seconded by Councilman White**

**Motion carried.**

HISTORY:

06/14/21

Board

REPORT ISSUED

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**7. Report 2021-98**

**Recreation**

- The Town of Porter Summer Recreation Program at the Ransomville Methodist Church ended on August 12<sup>th</sup>. The program went very well and was well attended by Town of Porter children.
- Story Hour begins on September 14<sup>th</sup> at the Youngstown Library, and September 15<sup>th</sup> at the Ransomville Library. The weekly program has sessions both days at 9:30am and 11:00am.
- Yoga is held every week at Porter on the Lake Park. It will move to the Cora Gushee Room at the Youngstown Red Brick when the weather turns cooler. 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
- Our next meeting is Monday, October 4, 2021 at 6:00pm at Town Hall.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**8. Report 2021-99****Grant Writer**

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**9. Report 2021-100****Calendar of Events**

9/23/21 - Zoning Board meeting at 7:00 PM

10/4/21 - Recreation meeting at 6:00 PM

10/7/21 - Planning Board meeting at 7:00 PM

10/12/21 - Town Board meeting at 7:00 PM

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**10. Report 2021-101****Public Comments**

Mr. William Dean spoke up and said that the Town Board approved funding to make drainage improvements across from his house but was wondering why it has not been mowed since Dan Truesdell did the work.

Superintendent Burmaster said that it is on the list to get done once the mower is fixed.

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Rusty Tower asked Code Enforcer Jeffery's if Melissa was in today complaining about the neighbor. Peter said yes and she did complain about the noise. Peter did tell Melissa that he will be following up on

her complaint and the issues there.

Rusty said it's advertised on VRBO and they're getting \$280 a night and felt that this is an issue that's going to have to be looked at down the road.

Attorney Dowd stated that the Town did adopt a law to allow for this.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**11. Report 2021-102**

**Town Board Comments**

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