



# 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 14, 2020

7:00 PM

Town Hall Auditorium

### I. Call to Order

7:00 PM Meeting called to order on September 14, 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	
Mike Dowd	Town of Porter	Attorney	Present	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	

### II. Resolutions/Reports

### III. Resolutions

#### 1. Resolution 2020-70

#### Minutes Approval

Resolution to approve the minutes of the August 11, 2020 Town Board meeting.

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

#### 2. Resolution 2020-71

#### Audited Vouchers

**TOWN OF PORTER**



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

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**4. Resolution 2020-73****Increase Assessor's Payroll Budget**

Resolution needed to increase the Assessor's payroll budget by \$5,000 for more training.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tim Adamson, Councilman
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	Ortiz, Johnston, Baker, White, Adamson

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**5. Resolution 2020-74****Health Insurance**

Resolution authorizing the Town of Porter Health Insurance for the year 2021 to stay with Blue Cross Blue Shield effective November 1st, 2020. The only changes to the Insurance plan is a decrease in co pay for mental health and free Telemedicine. There is a slight increase in rates. The silver POS 7100 increased by 4.21% and the Platinum HMO 110 plan increased by 7.7%.

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Tim Adamson, Councilman
<b>SECONDER:</b>	Larry White, Councilman
<b>AYES:</b>	Ortiz, Johnston, Baker, White, Adamson

## IV. Reports

### 1. Report 2020-95

#### Supervisor's Report

August Niagara County water board meeting

Met with residents on the garbage totes

Delivered over 20 totes

Met with Dave and the security company about new security cameras

Met with Bene-care, about health insurance

Had a zoom meeting with State Parks on their water-sewer bill

**\*Attorney Dowd stated that the Town expects to get reimbursed over \$100,000 regarding the water/sewer bill. He feels that a lot of progress has been made and he thinks the Town is going to come out ok.**

RESULT:	REPORT ISSUED
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### 2. Report 2020-96

#### Town Clerk

Water for the month of August was \$35,051.32

Sewer = \$16,391.65

Clerk Fees = \$510.25

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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**3. Report 2020-97****Bookkeeper**

Completed processing all August 2020 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for August 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.

Distributed budget worksheets to all head of departments for 2021 budget year to be collected on September 18th.

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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**4. Report 2020-98****Assessor****Monthly Assessor's Report  
August 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
- Updated STAR exemptions due to changes ordered by the State
- Sent a partial mailing list of homeowners near proposed bike path to NYS Greenway Commission

- Updated Porter Refuse District mailing fields to reflect proper municipality
- Assessment file was sent to the County for the printing of school tax bills
- Quarterly sales transmittal file was sent to NYS ORPTS
- Attended SCAR hearing for Wesolowski property on Dickersonville Rd
- Reviewed 97 sales for their usability by the State in calculating RAR and Eq. Rate for 2021

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

890 Lockport Rd	AV \$101,900	Sale Price \$189,900
319 Riverview Dr	AV \$169,200	Sale Price \$307,000
2378 Balmer Rd	AV \$93,400	Sale Price \$136,500

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**5. Report 2020-99**

**Building Inspector/Code Enforcement Officer**

- ♦ Reviewed and issued **Building Permits**; per attached Permit Report; eleven (11) permits have been issued in the month of August.
- ♦ Received, inspected, and issued **new Complaint/Violations**; per attached Complaint report; five (5) **New** formal concerns has been processed.
- ♦ Completed thirty-two (32) **inspections** for Permits & Complaints.
- ♦ Organized and administered the **Solar Advisory Committee** meeting number 3 on August 3<sup>rd</sup>.
- ♦ 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 6, 2020.
- ♦ Prepared information and attended the regular **Zoning Board** meeting on August 27, 2020.
- ♦ Updated Computer program (BAS-IPS) - added to the forms available for Code Enforcement.
- ♦ **Runaway Bay Subdivision** is well underway with the construction of their new utilities to be dedicated to the Town; I have been involved with a few concerns regarding the construction activity and with the Town Engineers Construction Compliance process.

- ♦ **Participated in a mandatory conference call with Niagara County Health director** and staff regarding the request for inspections on the opening of Gyms and Fitness center re-opening under Governor's Executive Order(s).

### PERMIT REPORT - August 2020

Number	Issue Date	Owner	Permit type	Parcel Location	SBL #
077-20	08/03/2020	Jerome Ulatowski	Single Family Dwelling	1519 Lake Rd	32.16-1-21.12
078-20	08/05/2020	Alan Davis	Single Family Dwelling	Porter Center Rd	33.00-2-32
079-20	08/12/2020	Matthew Webb	Fence	2309 Lake Rd	21.17-1-8
080-20	08/12/2020	Kristeen Webb	Fence	2309 Lake Rd	21.17-1-8
081-20	08/12/2020	William Brown	Pole Barn	2652 Lockport Rd	62.04-1-18
053-20	08/07/2020	Jason Berger	Temporary Use	1698 Braley Rd	47.00-1-30
082-20	08/17/2020	Duane Duncan	Alteration	3915 River Rd	73.06-1-6
083-20	08/20/2020	John Duemmer	Deck	3561 Ransomville Rd	62.10-3-2
084-20	08/20/2020	Paul Grout	Shed	1733 Harrison Ln	33.13-1-30
085-20	08/28/2020	John Sole	Shed	1733 Harrison Ln	33.13-1-30
086-20	08/31/2020	James Moore	Shed	3095 N Creek Rd	46.00-1-72

### COMPLAINT REPORT - August 2020

Complaint #	Location	Owner	Complaint Type
089-20	2505 Lake Rd	Elizabeth Rockett	Activity without a Permit
090-20	748 Blairville Rd	Edward Young	Property Maintenance
091-20	2650 Lockport Rd	Frank Doran	Activity without a Permit
092-20	3200 Creek Rd	Richard Shears	Activity without a Permit
093-20	3130 Park Ave	James Wilson	Activity without a Permit
094-20	3747 River Rd	Jonathan Lorence	Refuse Storage

**RESULT: REPORT ISSUED**

## 6. Report 2020-100

### Highway

#### HIGHWAY

- 1.COMPLETED MOWING CEMETERIES.
- 2.COMPLETED BRUSH PICK-UP.
- 3.COMPLETED CLEANING RD DITCH ON BRALEY RD FROM WILSON LINE TO RANSOMVILLE RD.
- 4.COMPLETED TOPSOIL ACROSS LEACH LINES AT TOWN HALL AND SEEDED.
- 5.COMPLETED GRINDING TREE STUMP IN RANSOMVILLE CEMETERY.

6.COMPLETED PAINTING LINES ON ROADS.

DRAINAGE

- 1.COMPLETED CLEANING BRUSH AND TREES OUT OF CREEKS AND DITCHES.
- 2.COMPLETED PIPE JOB ON PARKER RD.
- 3.REPAIRED STORM DRAIN LIDS BACK OF COLLINGWOOD ESTATES.

WATER AND SEWER

- 1.COMPLETED WATER METER READINGS FOR THE MONTH.
- 2.REPLACED WATER MAIN VALVES ON PORTER CENTER RD, BALMER RD AND RIVER RD.
- 3.COMPLETED PAINTING FIRE HYDRANTS FOR THE MONTH.

PORTER ON THE LAKE

- 1.COMPLETED MOWING FOR THE MONTH.
- 2.COMPLETED CLEANING BATHROOMS AND TAKING CARE OF GARBAGE FOR THE MONTH.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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7. Report 2020-101

Grant Writer

Grants Status Report: Projects we are currently working on:

**Greenway:** The current balance is \$5,066.45.

**LWRP:** WWS Planning sent the LWRP to State for final approval on April 12<sup>th</sup> and we are waiting for final approval. (Should be the end of the year).

**Fort Niagara Beach:** Current Status:

1. Reports have been submitted to CDBG, hoping to get a release of funds by September 7<sup>th</sup>, 2020. We have not received any notification to move forward with the project, but I have calls into Ben Mattison at CDBG and our project engineer.



2. Reimbursement has been submitted for \$40,071.00. Requested documents have been submitted and should be paid after September 7th.
3. Greenway Ecological Fund Application was presented on August 3<sup>rd</sup> 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). Will advise as soon as possible.

**CFA (Consolidated Funding Application):** Delayed but will open soon.

**Highway Dept: Working on Lift station Grant through EFC  
Working on Culvert and Bridge Projects through DOT**

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**8. Report 2020-102**

**Recreation**

- Yoga continues at Porter on the Lake Park (instead of the Youngstown Red Brick) on Tuesday and Wednesday evenings at 6:30pm. Chair Yoga is held there on Tuesday mornings at 9:30am, and a class has been added on Friday mornings at 9:30am. Protocol is followed to ensure proper distancing and no sharing of equipment. We hope the weather cooperates and we're able to continue classes at the Park until the Youngstown Red Brick reopens.
- The Fall Story Hour program will begin the week of September 14th, and will be a virtual weekly themed program. Children can go to the library each week at their convenience and get a Story Hour bag, which will contain a craft, activity and book ideas that match the weekly theme. There will also be videos posted on the Town of Porter Story Hour Facebook Page.
- Our next meeting is scheduled for Monday, October 5, 2020 at 7:00pm, and will be held at the Town Hall.

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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**9. Report 2020-103****Calendar of Events**

Zoning Board monthly meeting	-	September 24 @ 7:00 pm
Planning Board monthly meeting	-	October 1 @ 7:00 pm
Recreation monthly meeting	-	October 5 @ 7:00 pm
Town Board monthly meeting	-	October 12 @ 7:00 pm

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<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**10. Report 2020-104****Public Comments**

Jennifer Summerfield (Porter Town resident) spoke about the new garbage contract with Modern. She feels that it is a big change and surprise for the community and also some disappointment within the Town that this decision is made for us without any community input and the Town didn't tell us anything. She only received mailers from Modern saying "here's the change and here's what you need to do. She had heard that it was better for the community from a cost perspective but the service has been greatly reduced. She feels it is a big inconvenience for some members of the community to have limited bulk pickup and have to bring bulk items to Modern for dumping. She would like for the Town to "relook" at the contract and have more community input and then put that to a vote.

Supervisor Johnston explained that all of this started back in October. Modern allowed the Town of Porter to extend the contract for an extra 2 years at a cost to Modern of about \$175,000. Also, there were Town Board monthly meeting held on 10/15/19, 11/12/19, 6/8/20 and 8/8/20 discussing the garbage contract and the cart system that were open to the public. It was also on the Town website and put in the paper. When the garbage contract was put out to bid, Modern was the only bidder. As of now, there is a consortium of Towns (including Newfane, Middleport, Summerset, Cambria, Pendleton and Barker) all going to the same 1 cart system as the Town of Porter. Resident's are also allowed 2 times a year to fill up the back of your truck or trailer with garbage from your house and take it to Modern Landfill and dump without charge.

Andrea Ferin (Town of Porter resident) felt that putting it on the website and in the paper was not enough to reach out to the public.

Leanne Bank said she had a hard time getting on the website because she kept getting error messages that said "cannot connect". She is not happy with the manuever lagoon and heard that it was the Town's fault.

Supervisor Johnston explained that the Town of Porter had nothing to do with the decision. It was a DEC

decision.

Deputy Supervisor Baker explained to the residents that every month, everybody has an opportunity to come to the monthly Town Board meetings and there is a public comment period at every meeting.

Wayne Butz (Porter Town resident) asked about the totes and why it was that the Town of Lewiston didn't have to follow the same procedure and Supervisor Johnston said that it is because the Town of Lewiston has a community host agreement with Modern.

Attorney Dowd explained that the Town Board did the best they could. There is something called a hardship clause and if elderly people are having a hard time with the 95 gallon tote, they can call the Town Hall and the Town will call Modern and work out different arrangements accordingly so the driver can assist them. For many years, residents in the Town of Porter enjoyed no garbage fees because of waste management. When the contract expired with Modern, the Town put out a proposal and wanted to get as many bidders as possible but only got one. This is what Modern offers. The board has made a decision because now we have to pay. Now we have to pay out of pocket because there is a district charge. If we were to keep it the same as before, the cost would be astronomical.

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Irene Myers said she would like to see some type of law imposed on how many dogs are allowed in a household. It's hard to sit outside on her porch when all you can smell is dog feces.

Code Enforcer Jeffreys said he will follow up on this case. He did send a second letter to their attorney and he has not responded.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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#### 11. Report 2020-105

##### Town Board Comments

**Motion to adjourn the meeting at 8:32 PM was made by Deputy Supervisor Baker and seconded by Councilman Adamson.**

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