



Town of Porter

Town Board Meeting

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174

TownofPorter.Net

Kara Hibbard
716-745-3730

Monday, March 11, 2024

7:00 PM

Town Hall Auditorium

I. Call to Order

7:00 PM Meeting called to order on March 11, 2024 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
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	
Jipp Ortiz	Town of Porter	Councilman	Present	
Kara Hibbard	Town of Porter	Town Clerk	Present	
Elaine Porto	Town of Porter	Deputy Town Clerk	Absent	
Kimberli Boyer	Town of Porter	Bookkeeper	Present	
Dave Burmaster	Town of Porter	Highway Superintendent	Present	
Mike Dowd	Town of Porter	Town Attorney	Present	
Peter Jeffery	Town of Porter	Code Enforcement Officer	Present	
Selah Dell	Town of Porter		Present	

II. Resolutions/Reports

III. Resolutions

1. Resolution 2024-35

Public Hearing Regarding the Lift Stations 2024

PUBLIC NOTICE

PLEASE TAKE NOTICE THAT, in accordance with Section 202-b of the Town Law of the State of New York, a public hearing will be conducted by the Town Board of the Town of Porter on March 11, 2024 at 7:00 p.m., at the Town Hall located at 3265 Creek Road, in the Town of Porter, New York for the purpose of considering proposed upgrades and improvements to the Town of Porter Lift Station located at Swain Road and Lake Road in the Town of Porter. An estimate of the cost, has been prepared by an engineer duly licensed in the State of New York and is available for inspection at the Town Hall during regular business hours.

The proposed improvement to the facilities include the replacement of the lift station floors and replacement of lift pumps, pipes and appurtenant equipment necessary to operate these lift stations.

The expense for the proposed improvements is not to exceed \$710,000.00

By Order of the Town Board of Porter, New York

The public Hearing was opened to the public at 7:04 pm with no one from the audience wishing to speak.

Deputy Supervisor Baker read the Short Environmental Assessment Form to which all questions were answered with a no and the Town Board entertained a motion to issue a

negative declaration with no adverse issues or environmental impact.

Motion was made by Councilman Adamson and seconded by Councilman Ortiz.

Motion was also made for the Town Board to adopt lead agency status. Councilman Ortiz made the motion and Deputy Supervisor Baker seconded it.

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

Deputy Supervisor Baker made a motion to close the public hearing at 7:17 pm and Councilman Adamson seconded it.

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

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

2. Resolution 2024-36

Minutes Approval

Resolutions to approve the minutes from the February 12, 2024 Town Board meeting.

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

3. Resolution 2024-37

Audited Vouchers

TOWN OF
PORTER

WARRANT POST AUDIT 2/29/24
: #2A

FUND	01	7,179.38
FUND	02	3,195.04
FUND	04	7,280.85
FUND	06	96.65
FUND	07	2,781.85
FUND	10	897.25
FUND	20	0.00
FUND	21	0.00

TOTAL 21,431.02

VOUCHER 32568 THRU 32594
'S

WARRANT
: POST AUDIT #3 3/7/24

FUND	01	11,355.70
FUND	02	88,013.12
FUND	04	21,590.98
FUND	06	15,620.61
FUND	07	412.62
FUND	10	0.00
FUND	11	28,815.51
FUND	35	0.00
FUND	28	0.00
FUND		

TOTAL 165,808.54

VOUCHER 32595 THRU 32662
'S

TOTAL 187,239.56

Resolution needed to pay the monthly vouchers for a total of \$187,239.56

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

4. Resolution 2024-38**Supervisor's Report**

Resolution to accept the Supervisor's report from the February 12, 2024 Town Board meeting.

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

5. Resolution 2024-39**Emergency Heating for the Highway Office**

The office heater in the highway garage is no longer working and not worth fixing. Superintendent Burmaster contacted Steve's Heating & Air Conditioning and received a quote to install a 3 ton / 108KB - 230-1 Roof Unit. This is located on the ground. This includes all necessary wire and gas connections. Install adaptor for existing ductwork.
1 year for parts and labor and 10 years for the heat exchange. Total cost is \$8286.00

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

6. Resolution 2024-40**Appoint Kyle Andrews Resolution**

Resolution to appoint Kyle Andrews as a Town prosecutor in the event of a conflict or the absence of the current Town prosecutor.

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

7. Resolution 2024-41**Resolution to Close Town Hall for Solar Eclipse Activities**

Resolution needed to change the date of the regularly scheduled Town Board meeting on April 8, 2024 to April 9, 2024 due to the Solar Eclipse activities and the closing of Town hall on April 8, 2024.

Resolution to close the Town Hall and the Town Garage at noon on April 8, 2024, and to move the regularly scheduled Town Board meeting from April 8 to April 9, 2024, was made by Councilman Adamson and seconded by Councilman Ortiz.

The Town is expecting a big influx of people for the eclipse.

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

8. Resolution 2024-42**Resolution Regarding Amanda Shackelford**

Resolution needed to change Amanda Shackelford's position at the highway garage from temporary full-time account clerk to permanent full-time account clerk with a pay rate of \$23.90 per hour starting March 1, 2024.

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

IV. Reports

1. Report 2024-23

Supervisor's Report

2-16 MET WITH GLENN CALVERY ON NEW STATE STORMWATER LAWS

2-19 MET WITH THE VILLAGE OFFICIAL AND MIKE , ON THE SEWER PUMP STATION PAYMENTS

2-21 MET WITH MIKE FROM PPR , FOR NEW CAR CHARGING STATIONS AT POTL

2-22 HAD NIAGARA COUNTY WATER BOARD MEETING

2-29 MET WITH SHERIFF FELLICETTI

3-1 WENT TO THE CHAMBER RIBBON CUTTING FOR THE GRIFFIN BREWERY

3-2 ATTENDED THE OLD FORT NIAGARA VOLUNTEERS BREAKFAST

3-4 HAD A NIAGARA GREENWAY BIKE TRAIL MEETING

3-7 MET WITH GAR ASSOCIATES FOR THE RE-ASSESSMENT CONTRACT

PORTER RECEIVED A \$40,000 GRANT FROM NYS-EFC FOR STORM WASTEWATER ENGINEERING

SUBMITTED PLANS TO NYSDOT FOR THE ST PADDYS DAY PARADE, WITH PETER'S HELP

*Supervisor Johnston said that the Town will be receiving a grant from Senator Schumer for \$500,000 to use towards the water line project.

RESULT:	REPORT ISSUED
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2. Report 2024-24**Bookkeeper**

Completed processing all February 2024 Vouchers & Journal Entries.

Prepared Supervisor's Monthly Report for February 2024 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 February and they balanced.

RESULT:	REPORT ISSUED
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3. Report 2024-25**Town Clerk**

Water Collection - \$16,149.01

Sewer Collection -\$24,460.01

Clerk Fee's - \$542.78

Taxes collected at 90.95%- Reminder notices being sent out 03/05/24.

RESULT:	REPORT ISSUED
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4. Report 2024-26**Assessor**

- Continued processing completed building permits into RPSV4
- Processed property transfers for Town and Village, notified appropriate officials

- Notified appropriate officials of changes in ownership, mailing addresses, etc
- Selah and Lena attended the Niagara County Assessors Assn meeting in Lewiston
- Field review was completed on open building permits in the Town
- Field review was completed on open building permits in the Village
- We continue to value open building permits for the 2024 Roll
- We accepted applications from property owners for the Agricultural Exemption, the Aged - Low Income Sr. Exemption, the Disability with Limited Income Exemption, Clergy and Wholly Exemptions. Renewal applications and new applications were due March 1, 2024
- The level of assessment and residential assessment ratio for the 2024 assessment roll was submitted to the NYS Office of Real Property Tax Services as 47%
- The quarterly sales transmittal was submitted to the NYS Office of Real Property Tax Services

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

371 Oak St	AV: \$128,000	Sale Price: \$309,000
505 Church St	AV: \$138,000	Sale Price: \$310,000
435 Lockport St	AV: \$93,000	Sale Price: \$190,000
1817 Lake Rd	AV: \$260,000	Sale Price: \$575,000
1459 Sunrise Ln	AV: \$228,900	Sale Price: \$590,000
956 Balmer Rd	AV: \$88,800	Sale Price: \$220,000

RESULT:	REPORT ISSUED
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5. Report 2024-27

Building Inspector/Code Enforcement Officer

- ♦ Reviewed and issued six (6) **Building Permits** for the month of **February**.
- ♦ Issued four (4) Registration Certificates for **Short Term Rental Homes (STRH)**.

- ◆ Received, Inspected, and followed up on Two (2) **New formal Complaint/Violations**
- ◆ Completed fifteen (15) **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.
- ◆ Participated in the **Planning Board** meeting February 1, 2024
- ◆ Reviewed Permits, followed up on complaints, and participated in Code Enforcement activity within the **Village of Youngstown.**

RESULT:	REPORT ISSUED
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6. Report 2024-28

Highway

Highway

1. Completed trimming trees on the roadsides.
2. Cleaned roadside ditch on Braley Road.
3. Picked up brush from the high winds.
4. Picked up tires from the roadside and ditches.
5. Plowed and salted 3 times.
6. Macvie moved the metal storage bins with a crane to make room for the new equipment building.

Water and Sewer

1. Completed meter readings for the Quarter.
2. Completed servicing sewer stations.
3. Fixed water breaks; 2 on River Road and 1 on Riverview

Drive.

4. Put new 1" water service tap in, with a meter pit and meter on River Road for Hastings.
5. Went to water school for credit hours for our water licenses.
6. Did Quarterly water samples for testing.

Drainage

1. Dan Truesdell is cleaning the creek between Youngstown Wilson Road and Braley Road.

Porter on the Lake Park

1. Cleaning up brush and debris

Superintendent Burmaster asked if there was a Town Board resolution done for Solar Simplified?. He has received countless calls and what does he tell the people that are complaining? Supervisor Johnston said "we don't think so". Dave asked if the mailing was supposed to be for the Town of Porter only, why did the mailers go to the Town of Wilson and the Town of Lewiston?

Deputy Supervisor Baker responded by saying "we don't know". Supervisor Johnston said that he had received a lot of calls himself. Selah gave all the address's to Duffy and when the mailer got a hold of them, they messed up.

Superintendent Burmaster asked the board if they had to get 3 bids from other companies? He received a mailer from Nexamp trying to sell him solar. Did we do the right thing? Attorney Dowd said that the board negotiated with Solar simplified. They are NYSERTA approved. Supervisor Johnston said "it has been in the works for over a year. For every household that sign up, the company gives the Town \$50 and if we get over 60 houses, NYSERTA gives the Town \$5000 and if we get over 150 houses's, NYSERTA is supposed to give the Town \$15,000. There is no cost to the Town of Porter and the Town did not pay any money

for postage". "The monies that the Town receives will be put into a separate account called celebrations and will be used to help out the Town and go back into the community."

Building Inspector Jeffery's said that these companies are all over the state, anybody can sign up for community solar. You are not committed to one solar company. These companies make excess power and they have an arrangement with NYSERTA at a state level for theses community solar projects. They are all over the state and available to anybody that would like to sign up.

RESULT:	REPORT ISSUED
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7. Report 2024-29

Recreation

March 4, 2024

Story Hour update report by Director Rugg:

Director Rugg presented her story hour lesson plans and calendar for the March program which includes celebrating Dr. Suess' birthday, St. Patrick's Day, Spring Celebration and Easter activities.

Lew-Port is closed on March 26 (for spring break), so there will be no story hour that day.

Director Rugg stated that weekly they see approximately 20-24 children enjoying the program and that a group from Jill's Playard come weekly in Ransomville.

Recreation update and report by Assistant Recreation Director Nethaway:

Tentative dates were established for the summer recreation program:

May 16: Applications for Recreation Leaders due

June 3: Interview of applicants - all applicants will be interviewed this year

July 1-3: Staff training and set up

July 2-3: Registration

July 8-August 15: Summer recreation program

August 16: Staff to report for cleanup

The hourly rate for employees as budgeted is \$15.00 for new employees and \$15.50 for returning employees.

Old Business:

Chairperson Orsi reminded Story Hour Director Rugg and Assistant Recreation Director Nethaway to keep demographics as required for reporting to the Office of Children and Family Services. **Demographic reporting -- Updated reporting needs to include sex, race/ethnicity of program participants, primary languages spoken at home and age.*

Future meeting:

The next meeting of the commission will be at 6:00 p.m. on Monday, April 1, 2024.

RESULT:	REPORT ISSUED
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8. Report 2024-30

Calendar of Events

Recreation monthly meeting	-	April 1, 2024 at 6:00 pm
Planning Board monthly meeting	-	April 4, 2024 at 7:00 pm
Town Board monthly meeting	-	April 9, 2024 at 7:00 pm
Zoning Board monthly meeting	-	April 25, 2024 at 7:00 pm

RESULT:	REPORT ISSUED
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9. Report 2024-31

Public Comments

Karen Swaze from the Youngstown Free Library thanked the Town Board for allowing public comments and for their continued support for the library. They couldn't do it without the support from the Village, County and of course the Town. Books, materials, newspapers and magazines are available. The librarian and staff have been doing their 5 year inventory for the last two months and the items that are not being used can be taken out and make room for new materials. The Library also has over 10,000 digital materials such as audio books, TV and such available for check out. There is also three adult book clubs. Please stop in and check out the library!!!

RESULT:	REPORT ISSUED
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10. Report 2024-32**Town Board Comments**

Attorney Dowd stated that maybe two meetings ago , the Town talked about abandoning the piece of property on Lynnbrook that is 33' X 100' and he does have now the releases in hand request petitioning the release from the neighboring land owners. It's already been approved doing it except for the application from Mr. & Mrs. Vanstrom and Mr. & Mrs. Savard. If the board approves accepting the application from Mr. Burmaster to sign. He can file it with the County. This should be enough to transfer the title. Will the board approve accepting the application.

Resolution needed by the Town Board accepting the application and abandonment of the piece of land on the end of Lynnbrook.. Attorney Dowd will give the application to the Town Clerk before he goes on vacation!

Motion was made by Deputy Supervisor Baker and seconded by Councilman Adamson to abandon this piece of property.

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

Motion to adjourn the meeting at 7:39 PM was made by Councilman Adamson and seconded by Deputy Supervisor Baker.

RESULT:	REPORT ISSUED
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