



Town of Porter

Work Session

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Barb DuBell
716-745-3730

Thursday, June 22, 2017

8:30 AM

Town Hall Auditorium

I. Call to Order

8:30 AM Meeting called to order on June 22, 2017 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert Wiepert	Town of Porter	Supervisor	Present	
Jeff Baker	Town of Porter	Deputy Supervisor	Absent	
Thomas Baia	Town of Porter	Councilman	Present	
Larry White	Town of Porter	Councilman	Present	
J. Duffy Johnston	Town of Porter	Councilman	Present	
Barb DuBell	Town of Porter	Town Clerk	Present	
Kara Hibbard	Town of Porter	Deputy Town Clerk	Absent	
Mary Siegrist	Town of Porter	BOOKKEEPER	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Mike Dowd	Town of Porter	Attorney	Present	

II. Reports/Resolutions

1. Report 2017-136

Cemetery Grant Money

Supervisor Wiepert: Clyde Burmaster has given us \$6,000 for cemetery repairs. Scott, did Wendy talk to you at all about working on the cemeteries?

Hwy Supt. Hillman: She talked about it, the guy who does the restorations has looked. I think what their intentions are is to pick one cemetery and I think they were looking at the one in Ransomville.

Supervisor Wiepert: The one next to the post office. I just wanted to update you where we are on that.

RESULT: REPORT ISSUED

2. Report 2017-137

Art & Music Fest at POTL

Discuss the rental of POTL by Ray Berry for an Art & Music Fest.

Supervisor Wiepert: We have had a request from Ray Berry Entertainment, to put on a music and art festival at the park. We have never rented the park out totally for one money making outfit. He is here to

talk to us about it.

Ray Berry: I'd like to do a music and art festival, something like a Lewiston Art Festival where you have the vendors, arts and crafts, that sort of thing. Showcasing the local arts community. I'm a full time instructor at Lewiston Music, I've been doing events locally for 15 years. I have a lot of young artists and musicians and singers throughout Lewiston that I work with. I've done stuff like this in the past; I was the co-director for the Buffalo Blues & Brews Festival at the Amherst Museum. We had vendors, beer and wine. We had a great turnout and it was a great success. I do a festival at Sunset Grille in Wilson every Labor Day weekend, this is my 5th year doing that. I live on Main Street in Youngstown.

I think the park is a beautiful place and I'd love to showcase it. A festival like this is a local economic stimulation. If we do well, hundreds of people are profiting from this, local people all the artists, the musicians, the sound men the stage men, the local food vendors, security, local police.

Councilman Johnston: What if it rains? The vendors are going in and making trenches, that can't be on the town or Scott. It has to be left as pristine as you came in there.

Attorney Dowd: We would put together a contract for using the park that would cover damages, who is going to supply power, who is going to supply the stage, I'm assuming all that will be on you?

Berry: All you would have to do is rent me the park. I would do everything, I have a whole team that I work with that does all that, providing security. I've done a lot of these and I've never had a problem. We would have a tent, I would like to do beer and wine. I'd hire local police or security. The date that I'm looking at is September 23rd. I have a few sponsors that have committed. So right now I need more sponsorship to make this happen. It's expensive to put something like this on. Even if you say yes, you'd like to do it, I can't guarantee that I can make it happen, I think I can but I need a few weeks from now.

Berry: What I really need the on the park is the upper portion. It's technically the whole park but I would be using only a part of it.

Dowd: What I will do is look around at a few other places that have done this kind of stuff. We will find a similar sized community and see how they operate. We have our own up keep, Scott has his guys out there to make sure the park is ready, maybe clean up.

What you should do is put together a proposal to the town, time and date. What you're proposing for hours, what you're going to serve, is it catered, whose liquor license it's going to be under, do you plan on getting your own.

Berry: I have to allow for a certain period of advertising time, or else it's not lucrative for them to sponsor the event. At the very least I need 60 days from the event. It would be nice if I had 2 or 3 weeks to do everything I need to do.

Dowd: Get us a proposal.

Councilman White: You would provide port-a-potties? There are not enough bathrooms if you have a large crowd.

Berry: That was a question I had for you. Ok. Just so I'm clear with the proposal, what exactly do you need.

Dowd: Just describe it, so I can get a handle on it. Make a firm proposal, talk to the Village to see if there are off duty officers to cover it. How do you plan to do vendors, describe those things. I will look to see what other similar sized communities do. I see you have a map, but is it detailed enough for Scott? Lay it out a little better.

White: If you're charging people to come into the park, how do you keep the people that you're just going to let in taking advantage of for free?

Berry: I'd like to make this a donation. Have a donation entrance, especially if it's a public park, if you want to come in and you don't want to donate, don't donate. If everything is covered by sponsorship on my end, I'd be will to give you the entrance fee.

Dowd: Is there going to be a fee charged for entering the park. Do we have any liability? Is there going to be a parking fee. Are you going to need a generator? These are the things that you need to address. We need a lot better detail what exactly you are proposing. Let us know exactly what we need to have then we can make a decision.

RESULT:	REPORT ISSUED
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3. Report 2017-138

Short Term Rentals

Discuss the Short Term Rental Local Law #1 for 2017 that was tabled at the June 12th meeting.

Dowd: I sent you various drafts that we worked on. We've talked at length with the Zoning and Planning Boards. Residents participated, zoning and planning boards gave you what was a good idea. I think it was a good idea to put it off to see what you wanted to do. Maybe we can tighten up the definition a little more, maybe say that the buildings will be in compliance with whatever the code requires for single family residence. I think the fear is do we want to set something up where now you have Peter having to go in and check people's houses and collect fees.

Remember those are for places like Geneva where there are 200 cottages on the lake that are getting rented out. There are a handful of people in the Town of Porter that rent out their places.

This is a town wide issue. Do we want to acknowledge the existence of these kinds of homes? Even if we say that it's not allowed, it's not going to stop. Who is going to police the Air B&B? Do we adopt a local law that's restrictive but allows it?

Wiepert: I think that some of it's necessary in the town. Your tourists and fishermen come into town and they are looking for that, we don't have enough hotels or motels.

Dowd: And that's the consensus of the zoning and planning board, but some neighbors aren't happy with it. Right now it's 2 people per bedroom plus 2 extra guests, parking that's otherwise permitted. Every house should comply with local zoning.

I will add some language, in the event that there are any local, county or state bed taxes or assessments related to this use of this property that they are responsible for. In 2015 the county adopted a county wide Bed Tax, it says hotels, bed & breakfasts and it says rooming houses. But it doesn't say renting out a house. It's up to the county if they want to chase someone around for renting their rooms out to make them pay their taxes.

We can send the local law if you like it the way it is, you don't want to make it any more restrictive or add anything else to it, we should send it down to the county planning board because it's town wide and we have to do SEQR. Someone make a motion to be lead agency, I'll prepare the SEQR, and we can do that at the board meeting. You can say this is what we like and were going to send it to the county for their input.

Motion to be Lead Agency for SEQR made by Councilman Johnston and seconded by Councilman White. Motion carried.

RESULT:	REPORT ISSUED
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4. **Report 2017-139**

Appoint Constables

Resolution to appoint the following constables starting on July 1st at a rate of \$16.50 per hour:

Greg Quarantillo

Joshua Lundquist

Breanna Catipovic

Motion made by Councilman Baia and seconded by Councilman Johnston. Motion carried.

RESULT:	REPORT ISSUED
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5. **Report 2017-140**

Senior Van

Councilman Johnston: That got turned down because it was a passenger van. I went back thru it again and sent them an email telling them that that this wasn't a passenger van it was a handicapped vehicle we need for our seniors who are going for bloodwork, x-rays and kidney dialysis. It all looked good and then they turned it down. Ort's office said that they best thing we can do is next year put it right into the budget, they would budget \$53,000 for a brand new van. Bernie said he is going to try for some grant money between now and then. But it's still the services that they have to have the upkeep and the Village is asking for half, they pay \$26,000 in upkeep. They are asking for \$13,000 because apparently we haven't been dividing that up with them and helping them out. It's for maintenance, tires, drivers, they pay them \$10.00 an hour. It pretty close to being 50/50. This money was earmarked for over \$50,000 and then at the bottom ineligible school buses, garbage trucks and passenger vans. It's not really a passenger van.

The Village is looking for help on this; I don't know where we can find the \$13,000.

Supervisor Wiepert: Put a request in at budget time, they never have before.

RESULT:	REPORT ISSUED
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6. Resolution 2017-62**Snow & Ice Contract 2018-2019**

Authorize the Supervisor to sign the renewal of the Snow and Ice Contract between the New York State Transportation Department of Transportation and the Town of Porter through the 2018-2019 snow and ice season.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry White, Councilman
SECONDER:	J. Duffy Johnston, Councilman
AYES:	Mert Wiepert, Thomas Baia, Larry White, J. Duffy Johnston
ABSENT:	Jeff Baker

7. Report 2017-141**Town Board Comments**

Supervisor Wiepert: Peter has sent a letter to Mike McCabe requesting some info on what time he's going to start, what trucks he's going to use, what road, timeline etc. He sent it out June 16 and Mike has not responded yet.

Attorney Dowd: Right now he has permission to do it. He already has a letter from our building inspector saying he has to pay \$1,000 deposit for cleanup or whatever it's for. He can only remove so many loads.

Wiepert: Back in 2016 that was the letter that was already approved. In my opinion he can move that dirt now.

Dowd: It's up to the building inspector if he wants to expand the time frame. The building inspector has control over it.

Hwy Supt. Hillman: Received a request from State DOT to extend the Snow & Ice Contract for 2018-2019. It requires a resolution by the board authorizing the supervisor to sign the contract.

I have all the paper work and maps.

I did talked to my counterpart at DOT yesterday and we are going to have a meeting down on Lake Road

in the flood prone area near Park Avenue to see what belongs to them and what belongs to the town and what could be causing the problem. It's a fact finding mission.

At 9:36 am a motion to adjourn was made by Supervisor Wiepert and seconded by Councilman Johnston. Motion carried.

RESULT:	REPORT ISSUED
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