



Town of Porter

Work Session

~ Minutes ~

3265 Creek Road
Youngstown, NY 14174
TownofPorter.Net

Barb DuBell
716-745-3730

Monday, July 10, 2017

6:30 PM

Town Hall Auditorium

I. Call to Order

6:30 PM Meeting called to order on July 10, 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	Present	
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	
Mike Dowd	Town of Porter	Attorney	Present	
Mary Siegrist	Town of Porter	BOOKKEEPER	Present	
Scott Hillman	Town of Porter	Highway Superintendent	Present	
Peter Jeffery	Town of Porter	Building Inspector/Code Enforcement	Present	
Susan Driscoll	Town of Porter	Assessor	Present	

II. Reports

1. Report 2017-157

Niagara County Hazard Mitigation Plan

Discuss Niagara County Hazard Mitigation Plan:

WHEREAS, The Town of Porter, with the assistance from Witt O'Brien's, has gathered information and prepared the Niagara County NY Hazard Mitigation Plan; and

WHEREAS, the Niagara County NY Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, The Town of Porter NY is a local unit of government that has afforded the citizens and opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, The Town of Porter NY has reviewed the Plan and affirms that the Plan will be updated no less than every five (5) years;

NOW THEREFORE, BE IT RESOLVED by the Town Board that The Town of Porter NY adopts the Niagara County NY Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

The town board were all agreed to approve the Niagara County Hazard Mitigation Plan.

Resolution to approve is in the Town Board Meeting minutes.

RESULT:	REPORT ISSUED
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2. Report 2017-158

Short Term Rentals

Discuss short term rentals local law #1 of 2017.

A local law adding a definition of "Short Term Rental Homes" to Chapter 200 "Zoning" of the Town of Porter Ordinance Article XI, Section 122 "Definitions" affecting residentially zoned districts within the Town of Porter:

" SHORT TERM RENTAL HOMES

Occupancy of single-family residential premises for a term of no more than two weeks, on two or more occasions during any six-month period. Occupancy shall not exceed two persons for each bedroom, plus two additional occupants. Onsite parking as otherwise required by the Town of Porter Zoning Law shall be provided. Short Term Rentals are permitted in any district where a single-family residence is permitted."

Supervisor Wiepert read the proposed law to the board.

Attorney Dowd: We had a work session on June 22nd; the assessment of the board was to adopt the Zoning and Planning Board recommendations.

At that meeting a motion was passed to make the Town of Porter Lead Agency for SEQR.

Motion to close the Public Hearing made by Councilman Baker and seconded by Councilman Johnston. Motion Carried.

Attorney Dowd: Because the Town is the applicant, the supervisor can sign this once you go through it.

Attorney Dowd read through the Short Environmental Assessment Form, Part 1 - Project Information, and Part 2 - Impact Assessment. The board answered "**No**" to each question in section 2.

Attorney Dowd: The next question is whether or not there is going to be a large impact, if you determine that it will not be a large impact, a negative declaration will be issued. So we need a motion on that.

Councilman Baker made a motion to Declare a Negative Declaration. Councilman White seconded. Motion carried.

Attorney Dowd: If that's approved then the supervisor will sign this one, I've filled out the appropriate boxes. We send that to the county for the planning board input along with a copy of the local law.

RESULT: REPORT ISSUED**3. Report 2017-159****Art & Music Fest at POTL**Discuss having the Art & Music Fest at POTL

Attorney Dowd: He sent me some detail on electricity, will not need any more than 200 AMP service. They bring their own generators. All vendors will be responsible for their permits and taxes. Four or five food vendors from the local area to set up their own tents and sell products. Alcohol, Berry says that he will be applying for the events permit thru New York State. Will be hiring local police departments for security. Insurance, they will provide insurance for the event. Bathroom and portable facilities as necessary will be provided by him. That is essentially what he is saying. He does not want to have to pay any rent. He saying he wants it to be a free family event without a cover charge. So, that's what he's looking for. I've prepared a draft Music Festival Lease Agreement. The agreement I put together leaves it blank for what kind of rent you would want or anything additional. I don't know if you want to charge a parking fee for the town, I don't know if it's worth it.

Councilman Baker: Their charging something somewhere. He flat out said it last time. And then they were maybe making a donation to some charity.

Bookkeeper Siegrist: Then he talked about doing the can goods thing too.

Councilman Johnston: What about when we talked about some kind of a bond, if he doesn't leave it that place exactly the way he found it?

Dowd: I've address most of that stuff in this agreement. It's going to require that he provide insurance, I'm not going to leave it up to his vendors to get permits. If we're dealing with one guy, Ray Berry, tenant will get all approvals and permits for any law regulations including health permits for food vendors and alcoholic beverages. We're putting all the burden on him. I don't know what you want to charge him, if anything. I put on here that the town would provide the following utilities free of charge: electricity and water.

Baker: This guy doesn't want to do this for the town. So as far as I'm concerned the town spent the money, the town is going to get stuck with the mess after it's over. I'm out. The highway is going to get stuck doing it.

Dowd: Do you post something up front for the cleanup charge? Do you require him to get a dumpster? I put in here that if the town was interested that he would name the town a sponsor if you even wanted it. Maybe you don't.

Johnston: He could leave all that junk, garbage.

Baker: The town didn't buy a park for somebody to make money off it. That's where I stand. You guy pick your point.

Dowd: This provides for rental, if you want to charge him a rental fee.

Baker: You can tell me anything you want, I just stated what I said. The town spent the money, it's a town park. It is what it is, that just my opinion.

Supervisor Wiepert: Larry, What's your opinion.

Councilman White: I'm not in favor of it. Let him in, then next year you're going to have more people who want to come in and use the park for next to nothing.

Baker: There is very limited park parking down there. If it goes bad, it can go horribly bad.

Johnston: In September, I'm worried about the weather. You're talking food trucks and whatever else will be in there. You know how it is to clean something like that up and bring in topsoil. Who's going to get nailed for that?

Wally Nowacki: May I say something? We run a Polish Festival I North Tonawanda. We put \$10,000 into escrow and the money can be released with a signature from North Tonawanda and the organizers. That protects the town from any damages and expenses. We've been doing it for the last 10 years. It brings a lot of business to the town.

Dowd: Charge them rent or don't do it at all. I put together a not terribly burdensome agreement, but it covers all the bases if you guys want to do it.

Baker: It's just going to be more and more every year.

Wiepert: All set, discussion over. Let's take a vote.

Councilman White: No
Councilman Johnston: No
Councilman Baker: No
Councilman Baia: No
Supervisor Wiepert: Yes, I'm in favor of it.

Dowd: We can send Mr. Berry a letter that the park won't be available for this type of event.

RESULT:	REPORT ISSUED
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