



# Town of Porter

## Work Session

~ Minutes ~

3265 Creek Road  
Youngstown, NY 14174

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

Barb Dubell  
716-745-3730

Monday, September 12, 2016

6:00 PM

Town Hall Auditorium

### I. Call to Order

6:00 PM Meeting called to order on September 12, 2016 at Town Hall Auditorium, 3265 Creek Rd., Youngstown, NY.

Attendee Name	Organization	Title	Status	Arrived
Mert Wiepert	Town of Porter	Supervisor	Present	
Larry White	Town of Porter	Deputy Supervisor	Present	
Thomas Baia	Town of Porter	Councilman	Present	
Jeff Baker	Town of Porter	Councilman	Present	
Joe Fleckenstein	Town of Porter	Councilman	Present	
Barb Dubell	Town of Porter	Town Clerk	Present	
Kara Hibbard	Town of Porter	Deputy Town Clerk	Present	
Mike Dowd	Town of Porter	Attorney	Late	6:10 PM
Scott Hillman	Town of Porter	Highway Superintendent	Late	6:15 PM
Norm Ault	Town of Porter	Bookkeeper	Present	

### II. Reports

#### 1. Report 2016-171

#### Public Hearing Peddler Permit

##### Public Hearing Peddler Permit

The board members discussed different options for the solicitation law. If we should have a no solicitation law and add in exemptions, such as not for profit, religious etc. Can we ban the solicitation completely with just the exemptions?

Attorney Dowd: We can certainly do something. I don't know if you can prohibit it versus regulate it. We can change the law and say there is no solicitation other than those specified. I'll check and see if we can do it, if it's appropriate or legal to prohibit versus regulate.

The public hearing is still open on it.

**RESULT: REPORT ISSUED**

#### 2. Report 2016-172

#### Public Hearing Repair Lawn & Garden

**Public Hearing Repair Lawn & Garden**

Fleckenstein: I would like to see a site plan and a special use permit.

White: Are these things the Planning Board recommended going to be in the Zoning manual?

Attorney Dowd: They want it included in the existing home occupation, we have to make sure it's small scale. A 1000 square foot building would be somebody's garage and not much bigger. So we would add these recommendations to the customary home occupation law that we have right now.

Fleckenstein: The other thing was horsepower, size.

Dowd; You could add to that and say no more than 2 pieces of equipment on the property. Whatever limitations you want, this is just their recommendation to make sure that things are kept in a scale that's appropriate for what we are trying to accomplish. If you think we should do something different we can add to it.

**RESULT:           REPORT ISSUED**

**3. Report 2016-173**

**2017 Health Insurance**

**2017 Health Insurance**

Carrie Butler from BeneCare sent the health care provisions. The rates have gone down slightly. Everything is the same, the only thing that has changed is currently we've got a \$1,500 / \$3,000 dollar deductible. That went up to a \$2,000 / \$4,000 deductible. That's the only change. Everybody doesn't use 100% of their deductible. For those that use all of their deductible they will have an additional \$500 or \$1,000 to use. This year thru August the percentage of usage is about 30 percent of the deductible. The committee agreed to leave it alone, everyone is happy with what they have.

**RESULT:           REPORT ISSUED**

**4. Resolution 2016-86**

**2017 Health Insurance**

Resolution authorizing the Town of Porter 2017 hospitalization to be with Blue Cross Blue Shield effective November 1st, 2016.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Baia, Councilman
<b>SECONDER:</b>	Jeff Baker, Councilman
<b>AYES:</b>	Wiepert, White, Baia, Baker, Fleckenstein

## 5. Report 2016-174

### 2017 Budget

Discuss 2017 budget. Councilman Fleckenstein: I was asked by a few people for a 3% increase.

Supervisor Wiepert: Why don't we start at 2%.

After some discussion the town board agreed on a 2% raise.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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## 6. Report 2016-175

### Lakeview Motel & Lynch Issue

#### Discuss Lakeview Motel and Lynch issue.

Attorney Dowd: I received a text from Attorney Max Coykendell on Friday telling me that they want to meet during the last week of September with the supervisor, code enforcement officer and Lynch's lawyer.

There are different types of rental structures, there is transient housing. That's where you rent a room per night, where the owner may or may not be on the property. Bed and breakfast where the owner lives on the premises. Then there is motel which is a motel with parking lot with door outside the room you're staying in.

Fleckenstein: Each building is a one resident single family home. So when he rents it he is renting to one specific family or person. They are staying there for whatever days or weeks. Is that different if I buy a house down the road and rent it out?

Dowd: That's Roy's position, that there is nothing in the code to prohibit it. I will say communities are coming up with these regulations saying if you are going to use your home for this purpose then you should at least come in and pay a \$5 dollar fee, let the clerk know who the owner is, put in some regulations. We can talk about doing some local laws to regulate this stuff.

Fleckenstein: I personally don't see the harm. I think we are getting too regulatory, too technical.

Dowd: Roy's position was it's not a prohibited activity so I'm not going to stop it. The Lynch's point is this particular situation where the property owners are tying those rental units to advertising done thru their motel website turns it from just mom & pop to its part of the motel business, therefore it's not permitted. That's the distinction that's being made. It's a tough thing to regulate.

We're going to have a meeting the last week of September and I will let Max know I'm available.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**7. Report 2016-176**

**Bailey Landscaping Business**

Discuss Bailey Landscaping business.

Fleckenstein: All their trucks, trailers and employees cars are all parked on Balmer.

Dowd: I'm sure the activity is ok, it's just a matter of the access needing to being changed.  
If they have complied with that, that's great.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**8. Report 2016-177**

**Benches and Wreaths**

**Discuss benches and wreaths.**

**Benches**

The Ransomville Business Association got a grant for some benches We can put them on a slab.

Baker: I don't know if the slabs are any good, they need to be redone.

Hillman: Is that your intention, to pull the plastic benches and put in the new benches?

Baker: All those benches are shot, they're junk.

Ault: These benches are around \$500 each.

Wiepert: Can we get the slab under the same grant?

Baker: Don't know why not, put it right thru with the foundation part.

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**Wreaths**

Ault: The wreaths are \$639 dollars. The wreath that we have now they want to add additional lights  
They want to add to strings of 87 bulbs. Total bill would be \$639.

Fleckenstein: There are how many wreaths in there?

Ault: 16 wreaths, \$20 per strand.

<b>RESULT:</b>	<b>REPORT ISSUED</b>
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**9. Resolution 2016-87**

**Town Clerk Office Hours**

Resolution to eliminate the Town Clerks extended hours on Tuesday evenings from 4:00 to 6:00 pm.

The Town Clerks office will no longer be open on Tuesday evenings from 4:00 - 6:00 pm. Since June of 2014 the town clerk's office has been open for the public to come in and take care of their business. But due to the lack of response we are no longer going to keep the office open on Tuesday evenings.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Thomas Baia, Councilman
<b>SECONDER:</b>	Joe Fleckenstein, Councilman
<b>AYES:</b>	Wiepert, White, Baia, Baker, Fleckenstein

**10. Report 2016-180**

**Court Officers**

**Peace officer status and registry.**

Attorney Dowd: Several courts in Niagara County have sheriff's deputies they pay to come in and serve as court officers for the town. There was a town somewhere in the state that had a problem where an officer used his weapon or hurt himself. That town, where ever it was, didn't have a public peace officer law on the books for the town. We don't either. So the sheriff's department has said that our guys can't go there with their weapons unless we have this local law in place. I have a contact in Albany to get a model of a local law that will allow us to hire peace officers that can carry weapons into court for their duties.

We are going to schedule a public hearing for next month. We can probably pass the law next month. This month if the judges still want the deputies to come to provide security, they can do it but they can't carry any weapons.

The public hearing will be held at the next town board meeting on Tuesday, October 11<sup>th</sup>.

**Executive Session**

Councilman Fleckenstein made a motion to go into executive session at 6:38 pm regarding the lawsuit and a personnel matter. Motion was seconded by Councilman Baker.

Town Board returned from Executive session at 7:08 pm. Motion to close executive session was made by Councilman White and seconded by Councilman Baker.

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