

TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 – 7:00 P.M.

BOARD MEMBERS PRESENT:

Daniel Schrantz	Supervisor
Jerry Boltz	Council
Gary Miller	Council
Patti Farrell	Council
Rick Manzella	Council

OTHERS PRESENT:

Ken Becker	Highway Superintendent
Roxane Sobecki	Town Clerk
Art Miller	Village of Brocton Trustee

Approximately 20 to 25 residents

Supervisor Schrantz opened the meeting at 7:05 P.M. with the pledge to the flag.

MINUTES

07-64-18

On a motion of Council Boltz, seconded by Council Farrell the following resolution was

ADOPTED Ayes 5

Nays 0

RESOLVED the Portland Town Board approves the Minutes for June 13, 2018 as presented.

DEPARTMENTAL REPORTS

07-65-18

On a motion of Council Miller, seconded by Council Manzella the following resolution was

ADOPTED Ayes 5

Nays 0

RESOLVED the Portland Town Board approves the Departmental Reports as presented:

Monthly reports received and filed:

- Assessor
- Code enforcement
- Water Department
- Town Clerk
- Town Justice
- Dog Control

TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 – 7:00 P.M.

TREASURY REPORT

07-66-18

On a motion of Council Boltz, seconded by Council Farrell the following resolution was

ADOPTED Ayes 5

Nays 0

RESOLVED the Portland Town Board approves the Treasury Report for May 2018 as presented by the Supervisor.

CORRESPONDENCE:

Supervisor Schrantz read the following:

- Access Channel 5-rebranding name to Access Chautauqua.
- Association of Towns-regional seminar training on optional charitable reserve funds, a list of dates will be on file at the clerk's office.
- CCIDA-Public Hearing at the Town Hall-July 16, 2018 at 11:00am for a proposed project and financial assistance for 5695 Martin Road for the installation of solar panels.

OLD BUSINESS:

VILLAGE/TOWN REPRESENTATIVES:

Village Trustee Art Miller was present and discussed with the board issues the Town and Village are working on. He started the village board and attorney are reviewing combining the Village/Town courts. Supervisor Schrantz stated he has been told the village could pass a resolution subject to permissive referendum, if this isn't done the village would need a candidate for the November Election to be elected for the remaining term of the late Hon. James Craig.

TOWN/VILLAGE HIGHWAY & WATER DEPARTMENTS:

Supervisor Schrantz told the board the Town and Village will be reviewing the inter-municipal agreement in September.

HIGHWAY GARAGE:

Supervisor Schrantz told the board they have two different options to fix the floor, STC construction would tear out the damaged part and relay with new concrete, Urban Engineers suggested an overlay. Supervisor Schrantz stated the board and Highway Superintendent will need to review these options.

TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 - 7:00 P.M.

EXTRACT OF MINUTES

07-67-18

Meeting of the Town Board of the
Town of Portland, in the
County of Chautauqua, New York

July 11, 2018

* * *

A regular meeting of the Town Board of the Town of Portland, in the County of Chautauqua, New York, was held at the Town Hall, 87 West Main Street, Brocton, New York, on July 11, 2018.

There were present: Hon. Daniel F. Schrantz, Supervisor; and

Board Members: Gary Miller, Rick Manzella, Patti Farrell,
Jerry Boltz

There were absent:

Also present: Roxane Sobecki, Town Clerk

* * *

Council Miller offered the following resolution and moved its adoption:

TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 - 7:00 P.M.

BOND RESOLUTION OF THE TOWN OF PORTLAND, NEW YORK, ADOPTED JULY 11, 2018, AUTHORIZING THE ACQUISITION OF A SNOW PLOW TRUCK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000; APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE; AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$200,000 TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF PORTLAND, IN THE COUNTY OF CHAUTAUQUA, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Portland, in the County of Chautauqua, New York (herein called the "Town"), is hereby authorized to acquire a snow plow truck. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$200,000 to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Town in the principal amount of \$200,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (referred to herein as the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 - 7:00 P.M.

(a) The period of probable usefulness applicable to the objects or purposes for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections

TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 - 7:00 P.M.

56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board as to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the "*Dunkirk Observer*," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, and to post on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 - 7:00 P.M.

TOWN OF PORTLAND, NEW YORK

PLEASE TAKE NOTICE that on July 11, 2018, the Town Board of the Town of Portland, in the County of Chautauqua, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Portland, New York, adopted July 11, 2018, authorizing the acquisition of a snow plow truck; stating the estimated maximum cost thereof is \$200,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of \$200,000 to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire a snow plow truck; STATING the aggregate estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$200,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$200,000 to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$200,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$200,000 bonds will exceed five (5);

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 - 7:00 P.M.

DATED: July 11, 2018
Brocton, New York

Roxane Sobecki
Town Clerk

Section 8. The Town Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was seconded by Council Boltz and duly put to a vote on roll call, which resulted as follows:

AYES: Miller, Manzella, Farrell, Boltz, Schrantz

NOES:0

The resolution was declared adopted.

.....

CHADWICK BAY:

Supervisor Schrantz stated the organization is looking for more regional projects.

NORTH COUNTY WATER PROJECT:

Supervisor Schrantz told the board the regional water project is moving ahead, water should be supplied to customers by the end of August. Supervisor Schrantz said the water will be supplied from the City of Dunkirk, with the Town's of Pomfret, Sheridan, Portland, Dunkirk and Village of Brocton be part of the district. He explained that the Village of Fredonia did not want to be a part of this process, but recently has been in contact with the district and does not want to join but would like to be a supplier of water as a back up system. Supervisor Schrantz stated Erie County Water will be the backup supplier if needed and at a lower rate per 1000 gallons than the Village of Fredonia. He stated if the Village of Fredonia would

TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 - 7:00 P.M.

come on board like the other municipalities this would change everything and help keep the cost down even more.

GREENCREST DRAINAGE/WATER DISTRICT 2 IMPROVEMENT PROJECT:

Supervisor Schrantz told the board and residents that paperwork is being submitted for WD2 improvement project, the engineer is trying to incorporate as many drainage problems into the plan. The project will not go out to bid until spring of 2019. Supervisor Schrantz reviewed with the residents the details of the project, stating the Town will keep the communication line open with VBP's board. The residents in this district will see approximately a \$300 per year charge on their taxes, this would not go into effect until 2020.

WATER DISTRICT 8:

Supervisor Schrantz stated the town has submitted all paperwork, the engineer is working on the final plans and should be able to go out to bid in August/September.

CODIFICATION OF TOWN LAWS:

Supervisor Schrantz stated the project has started with the codification of all town laws, he recommended the chairman of the Planning Board as the contact person.

NEW BUSINESS

TOWN JUSTICE SALARY

07-68-18

On a motion of Council Manzella, seconded by Council Farrell the following resolution was

ADOPTED Ayes 5

Nays 0

RESOLVED due to the passing of Portland Town Justice Hon. James Craig, Hon. Vera L. Hustead has been temporarily been assigned as Acting Town Justice effective June 14, 2018 and shall continue until December 31, 2018.

BE IT FUTHER RESOLVED Hon. Vera L Hustead shall be paid the salary of \$10,031 pro-rated from June 14, 2018.

RAIL ROAD CROSSING'S:

The board discussed the railroad crossing on Pecor Street being closed for 3 weeks, and other situations within the town. Supervisor Schrantz stated the County Executive has arranged a meeting with the railroads on July 17th, at Fredonia Technology Incubator in Dunkirk.

BOARD MEMBERS:

Supervisor Schrantz told the board the Town Attorney will be reviewing the issues/paperwork with Paul Guest's property in Greencrest.

Supervisor Schrantz told the board the assessor will be retiring at the end of January 2019.

MUSEUM:

Supervisor Schrantz stated the town's museum has not yet been opened and will check with Al Valentin to see if he still wanted to be in charge. If not, Council Farrell has a name of someone who would like to take over. Supervisor Schrantz asked Council Boltz and Farrell to review.

DATA COLLECTION:

Portland residents Mark Rand and Bill Ploetz told the board they would like to analyze the Data Collection's new data and compare this with the old data. Mr. Rand stated a \$124,000 was spent on Data

TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 – 7:00 P.M.

Collection. A foil request was sent to the state, Mr. Rand and Mr. Ploetz received a file, but no code was sent to open the file. Council Miller stated the more information we can get the better we are.

DATA COLLECTION

07-69-18

On a motion of Council Miller, seconded by Council Boltz the following resolution was

ADOPTED Ayes 3 Miller, Boltz, Schrantz

Nays 2 Manzella, Farrell

RESOLVED the Town Board would like the Portland Assessor to supply the Town Supervisor with the DSN and SQL code, and a contact person at the State Level to work with him on any issues that may arise.

WESTERN NEW YORK CONSERVANCY RESOLUTION

07-70-18

On a motion of Council Boltz, seconded by Council Farrell the following resolution was

ADOPTED Ayes 5

Nays 0

WHEREAS, the Western New York Land Conservancy is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at the College Lodge with a mailing address of 8067 Rte. 380, Brocton, NY 14716, a site located within the territorial jurisdiction of this Board; and

WHEREAS, as a requirement under the rules of this program, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, be it resolved by this august body that the Board of the Town of Portland hereby does approve and endorse the application of the Western New York Land Conservancy for a grant under the Environmental Protection Fund for a park project known as the College Lodge Forest and located within this community.

STANDARD WORK DAY RESOLUTION

07-71-18

On a motion of Council Manzella, seconded by Council Farrell the following resolution was

ADOPTED Ayes 5

Nays 0

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Portland, Location Code 30217 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on record of activities maintained and submitted by these officials to the clerk of this body:

ELECTED OFFICIALS	NAME	STANDARD WORK DAY	TERM	DAYS/MONTHS
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TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 – 7:00 P.M.

				Based on record of Activities
Town Clerk	Roxane Sobecki	6	1/1/18-12/31/21	20.23
Highway Superintendent	Kenneth Becker	8	1/1/18-12/31/21	21.67
Tax Collector	Susan Hindman	6	1/1/18-12/31/21	16.59
 APPOINTED OFFICIALS				
Dog Control Officer	Clarence Grover	6	1/1/18-12/31/18	.78
Deputy Dog Control Officer	Diane Grover	6	1/1/18-12/31/18	.89
Water Billing Clerk	Susan Hindman	6	1/1/18-12/31/18	2.70
Water Collection Clerk	Roxane Sobecki	6	1/1/17-12/31-17	2.42
Cleaner	Roxane Sobecki	6	1/1/18-12/31/18	2.37
Assessor	DeaAnna Wheeler	6	10/1/13-9/30/19	13.50

On this 11 day of July 2018

Signature: _____ Date enacted: July 11, 2018

I, Roxane Sobecki, Clerk of the governing board of the Town of Portland, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting on July 11, 2018, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

MARMADUKE COMMITTEE:

Council Boltz thanked the Highway crew for installing the Brad Anderson/Marmaduke signs. He suggested the Town Board buy a brick for Deceased Judge James Craig.

**BRICK
07-72-18**

On a motion of Council Miller, seconded by Council Farrell the following resolution was

ADOPTED Ayes 5

Nays 0

RESOLVED the Portland Board will purchase a \$100.00 brick to be installed at the Marmaduke statue in memory of the late Hon. James Craig.

HIGHWAY DEPARTMENT:

Highway Superintendent Becker told the board he has called the State about road conditions on Route 20 and 5, he was told Route 20 will be milled from the new bridge in the Village of Brocton to the Fredonia line. Route 5 from the Pennsylvania State Line to Matthews road.

TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 – 7:00 P.M.

The residents discussed with the board and Mr. Becker the accidents on Route 5 by the fireside/White Village restaurants, and possibly having a traffic study done.

Mr. Becker stated his crew has finished oil and stoning and will start paving around the second week in August.

PAY BILLS

07-73-18

On a motion of Council Manzella, seconded by Council Farrell the following resolution was

ADOPTED Ayes 5

Nays 0

RESOLVED the Portland Town Board authorizes the bills for July 2018 be paid.

GENEAL FUND	\$15,453.54
TOWN OUTSIDE VILLAGE	\$3,226.09
HIGHWAY TOWNWIDE	\$30.43
HIGHWAY OUTSIDE VILLAGE	\$84,473.60
LIGHT	\$454.22
WATER	\$65,740.79

Council Manzella told the residents he is not in favor of a REVAL unless it is done County wide and have something in place, so future boards will keep it at 100%.

With no further business, on a motion of Council Manzella, seconded by Council Farrell the meeting adjourned at 9:00 p.m. Carried unanimously.

Respectfully Submitted by,
Roxane Sobecki-Town Clerk

TOWN OF PORTLAND BOARD MEETING
VAN BUREN POINT MEETING ROOM
JULY 11, 2018 - 7:00 P.M.

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VAN BUREN POINT MEETING ROOM
JULY 11, 2018 - 7:00 P.M.