

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
OCTOBER 09, 2019 – 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         |
| Mario Rice                   | EWT Direct Drive Wind Turbines |
| Clarence Grover              | Dog Control Officer            |
| County Legislator Mark Odell |                                |
| Approximately 20 residents   |                                |
| Roxane Sobecki               | Clerk                          |

Supervisor Schrantz opened the Board Meeting at 7:00 p.m. with the pledge to the flag.

**MINUTES**

**80-19**

On a motion of Council Miller, seconded by Council Manzella the following resolution was ADOPTED Ayes 4 Schrantz, Boltz, Farrell, Manzella, Miller

Nays 0

RESOLVED The Portland Town Board approves the Minutes from the September 13<sup>th</sup> and October 03<sup>d</sup> 2019 board meetings.

**DEPARTMENTAL REPORTS**

**81-19**

On a motion of Council Manzella, seconded by Council Boltz the following resolution was ADOPTED Ayes 4 Schrantz, Boltz, Farrell, Manzella, Miller

Nays 0

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

Monthly reports received and filed:

- Assessor
- Code Enforcement
- Town Clerk
- Town Justice
- Dog Control

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**TREASURY REPORT**

**82-19**

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

ADOPTED Ayes 5 Schrantz, Boltz, Miller, Farrell, Manzella

Nays 0

RESOLVED the Portland Town Board approves the Treasury Report for September 2019 as presented by the Supervisor.

**CORRESPONDENCE:**

Supervisor Schrantz read the following correspondence:

- New York Department of Conservation Grants-Supervisor Schrantz will review.
- Chautauqua County Fair-advertisement for bench-\$100.00 donation.
- Solar Energy Opportunities and Challenges-October 15<sup>th</sup>, 8:45am at the Robert H. Jackson Center.
- Portland Resident Dale Carlson-discounts on wind and solar projects, National Grid customers cannot take advantage of more than one such plan. Noted that such plans already are available to Portland Residents not dependent on either of the two projected energy projects.

**PUBLIC COMMENT:**

Residents Dale Carlson and Doug Walter addressed the board with concerns regarding Industrial Wind Turbines. Asking to extend the moratorium until there have been further studies that would provide the board with more guidance. Possibly a separate law that protects property owners of devaluation of real property as a result of wind and solar energy. It was asked for setbacks of 1 to 1 ½ miles. The Chautauqua County Board of Health are considering stepping up Health Department regulations of industrial wind turbines, with three potential actions:

1. A moratorium on construction of industrial wind turbines until there have been further studies.
2. Sending a letter to the county's towns stating the Board of Health's concerns with industrial wind towers and asking towns to consider implementing town laws governing wind towers.
3. Regulate industrial wind turbines through the county's sanitary code.

A copy of wind ordinances was given to the board for their review from the State of Michigan that have been passed since 2018.

Mario Rice of EWT asked the board to review the wind law that will be coming out by NYSERTA. Kevin Powell explained the process to the board of community wind and solar projects. The Town has two feeder lines, must be in line with National Grid, EWT is first in line, second is Solar Liberty, third is Abundant Solar. If the Town does not move forward with these projects, Mr. Powell told the board the lines will be developed by another community and the Town may lose out on any potential revenue. County Legislator Mark Odell discussed with the board the Pilot Program in lieu of taxes. Councilman Manzella would like to know more of what is involved with this program. Mr. Odell will arrange a meeting with the Industrial Development Agency and the Town Board to review all options the town has

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with wind or solar projects and the pilot program. Supervisor Schrantz stated no one knows what the benefit is regarding the pilot program and what residents will save on taxes. He supported meeting with the county to review options. Supervisor Schrantz gave the board a rough draft of changes to the wind law for their review, he suggested scheduling some meetings in the very near future. Supervisor Schrantz thanked everyone for their input.

**OLD BUSINESS:**

**VILLAGE/TOWN:**

Council Miller discussed with the board a joint code officer with the Village of Brocton and the Town. He asked to go into Executive Session regarding possible litigation.

**BATTERY ENERGY STORAGE SYSTEM:**

Supervisor Schrantz asked the board to review material from the town attorney.

**TOWN HIGHWAY GARAGE:**

Supervisor Schrantz told the board the concrete has been removed from the garage floor, the rebar is down and should be pouring soon.

**CHADWICK BAY:**

Supervisor Schrantz told the board Chadwick Bay has sent in all paperwork for a grant to study a possible North County Sewer District. The next meeting is scheduled for October 17<sup>th</sup>, 5:30 at the Fireside restaurant.

**NORTH COUNTY WATER:**

Meters are being installed in Sheridan, then all water billing will be turned over to CBI Water. The next meeting will be October 17<sup>th</sup>, 4:00 at the Fireside restaurant.

**WATER DISTRICT 2 PROJECT:**

Supervisor Schrantz said the town is working on the easements needed, will meet with Greencrest residents on October 29<sup>th</sup> to review the project and easements that are needed in that area.

**WATER DISTRICT 8:**

Construction for the new water line started October 07<sup>th</sup>.

**FIRE CONTRACTS:**

Council Miller reported to the board the meeting that was held last week between Portland and Brocton fire departments and committee members was well attended. Discussed options regarding one EMS district instead of the current three. He stated the next step would be to get a letter from the Fire Commissioners and the Village of Brocton stating they are willing to look at this and to go with one

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license. Supervisor Schrantz stated since the Town needs to hold a public hearing on the contracts next month the attorney may be able to add an addendum if it is decided to move forward until a budget is put together for the following year.

**PUBLIC HEARING ON FIRE CONTRACTS AND BUDGET 2020**

**83-19**

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

ADOPTED Ayes 5 Schrantz, Boltz, Miller, Farrell, Manzella

Nays 0

**RESOLVED** the Portland Town Board will hold a public hearing at 2:00 p.m. November 7, 2019 Fire Contracts for Portland Fire Protection District 1 and 2 2020, and a public hearing at 2:15 on the Budget 2020.

The board scheduled a budget workshop for October 21<sup>st</sup>, 1:00 p.m. at the Town Hall.

**ASSESSOR**

**84-19**

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

ADOPTED Ayes 5 Schrantz, Boltz, Miller, Farrell, Manzella

Nays 0

**RESOVLED** Pursuant to Real Property Tax law 310 the Portland Town Board appoints Darlene Fox as Portland Town Assessor to a six-year term beginning October 01, 2019 and ending September 30, 2025.

**RESOLUTION WAIVING THE FEES ON MARRIAGE LICENSES FOR ACTIVE DUTY MEMBERS OF THE ARMED FORCES**

**85-19**

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

ADOPTED Ayes 5 Schrantz, Boltz, Miller, Farrell, Manzella

Nays 0

**WHEREAS**, on August 20, 2019, New York Governor Andrew Cuomo signed legislation waiving the State fee on marriage licenses for active duty members of the Armed Forces (S.3756/A.55 [“legislation”]);and

**WHEREAS**, the legislation also gives local governments freedom to waive the fees they charge for marriage license; and

**WHEREAS**, the Town of Portland wishes to waive the fees charged on marriage licenses to active duty members of the Armed Forces;

**NOW, THEREFORE BE IT RESOLVED** that the Town of Portland hereby formally waives the fees to be charged on marriage licenses for active duty members of the Armed Forces in accordance with New York State Law.

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**WATER ARREARS**

**86-19**

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

ADOPTED Ayes 5 Schrantz, Boltz, Miller, Farrell, Manzella

Nays 0

RESOLVED the Portland Town Board establishes November 10, 2019 as the last day to pay arrears on water bills prior to sending all delinquent bills to the County as Tax Liens.

The Board discussed water shut off policies for CBI water.

Supervisor Schrantz told board members the town has been served court papers for a reduction in assessment from Century Link Communications, Broadwing Communications, Global Crossing N.A., Global Crossing Telecommunications, Level 3 Communications and Telcove Operations. 23 Cities, 77 Towns, and 34 Villages have been served. Hodgson Russ Attorneys will be representing the town. Supervisor Schrantz stated the town was hit with 750,000-dollar reduction this year for fiber optic.

**DOG CONTROL:**

Dog Control officer Clarence Grover told the board he is writing tickets to all residents who are over two months late on renewing their dog license. He also stated he will be starting a dog enumeration soon.

**MUSEUM:**

The board discussed the museum roof and getting price quotes for repair.

**BOARD MEMBERS:**

The board discussed the vacant position on the Zoning Board, Clerk Sobacki said she will put this on the town's website.

**HIGHWAY:**

Superintendent Becker said his crew has been working on the boarder around the playground. He asked the board for permission to list the 2016F150 on auction international.

**87-19**

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

ADOPTED Ayes 5 Schrantz, Boltz, Miller, Farrell, Manzella

Nays 0

RESOLVED The Portland Town Board declares the 2016 Ford F25 vin. No. 1FTBF2B68GEC73057 Surplus. The Town Board authorizes the Highway Superintendent to list the truck on Auction International with a minimum amount that will be accepted at \$25,000. Supervisor Schrantz will authorize the sale.

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**BILLS**

**88-19**

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

ADOPTED Ayes 5 Schrantz, Boltz, Miller, Farrell, Manzella

Nays 0

RESOLVED the Portland Town Board approves the bills for October 2019.

|                         |             |
|-------------------------|-------------|
| GENERAL FUND            | \$8,276.28  |
| TOWN OUTSIDE VILLAGE    | \$411.20    |
| HIGHWAY TOWNWIDE        | \$4,661.40  |
| HIGHWAY OUTSIDE VILLAGE | \$4,678.24  |
| LIGHT                   | \$520.89    |
| CAPITAL PROJECTS        | \$18,000.00 |
| TRUST & AGENCY          | \$112.00    |

**EXECUTIVE SESSION:**

On a motion of Council Miller, seconded by Council Farrell the Board moved into Executive Session at 8:09 pm to discuss litigation with the code office.

On a motion of Council Miller, seconded by Council Manzella the Board returned to Regular Session at 8:50 p.m.

With no further business, on a motion of Council Manzella, seconded by Council Farrell the meeting adjourned at 8:51 p.m. Carried unanimously.

Respectfully Submitted by,

Roxane Sobecki  
Town Clerk