

TOWN OF PORTLAND PUBLIC HEARING LOCAL LAW 3-2019-7:00 P.M.
TOWN OF PORTLAND REGULAR BOARD MEETING
PORTLAND TOWN HALL
DECEMBER 11, 2019

BOARD MEMBERS PRESENT:

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

OTHERS PRESENT:

Ken Becker	Highway Superintendent
Joel Seachrist	Town Attorney
Approximately 30 to 35 residents	
Roxanne McFadden	Deputy Town Clerk

Supervisor Schrantz opened the Public Hearing at 7:00 p.m. with the pledge to the flag and a moment of silence was held for former Highway Superintendent Alvin Brumagin who passed away today.

Supervisor Schrantz stated the notice of publication was posted and reviewed. A letter was read from the Chautauqua County Health Department regarding health issues and setbacks with Wind Turbines. Mark Twitchell addressed the board on SEQRA regulations-discussion followed. Attorney Seachrist explained the three different types of regulations.

On a motion of Council Miller, seconded by Council Farrell the Public Hearing closed at 7:10 p.m. Carried

Supervisor Schrantz opened the regular board meeting at 7:10 p.m.

MINUTES

109-19

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

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

Nays 0

RESOLVED The Portland Town Board approves the Minutes from the previous meeting as presented.

DEPARTMENTAL REPORTS

110-19

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

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

Nays 0

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

Monthly reports received and filed:

- Assessor

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

TREASURY REPORT

111-19

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 November 2019 as presented by the Supervisor.

Wilson endurance Sports, LLC:

Mark Wilson gave a brief presentation on the CasadagaMan Triathlon to be held September 5, 2020. This includes 28 miles of biking which will take them on roads in the Town of Portland. He also stated all necessary safety precautions will be followed. Also, a Certificate of Insurance will be issued to all parties involved.

On a motion by council Miller and a second by Council Farrell to allow the Triathlon on Town Roads with all board members voting Aye, Carried.

BEACH PLACE DRAINAGE:

Kurt Maytum addressed the board concerning the drainage problem in the area in which he lives, along with Tom Webb and Gary Mucha. A lengthy discussion followed with Hwy Superintendent Becker. No decision was made at this time.

Kurt Maytum submitted to the board a bill, which he paid to clear the drainage ditch near his property.

CORRESPONDENCE:

A letter of resignation was presented to the board from Lori foster resigning her position on the planning board effective 12/31/19. Letters from Dale Carlson and Dave McIntyre were read showing interest in being appointed to the planning board. Supervisor Schrantz stated the letters will be turned over to the Planning Board for review.

A letter from Mellissa Stalter concerning negative effects on her property from the proposed installation of wind turbines.

A letter from Dale Carlson- to extend the current moratorium on wind energy for an additional 6 to 12 months.

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A letter of resignation from Timothy Munson a member of the Highway Department. It will be referred to in executive session.

OLD BUSINESS:

Doug Walter wanted to thank the board for their time and effort on the wind turbine local law. He also handed in a petition with 125 signatures against future construction of wind turbines.

Art Miller, Village Trustee, thanked the Town for working with the village on the matter of sharing duties of the Code Enforcement Office. He also stated there is no further information on the downtown building issue.

WIND MORATORIUM

Discussion held. Attorney Seachrist state that 2 corrections should be made in Section 3, A Local law No. 3 of 2019 should be Local law No.1 . Section 3, B Local Law No 3 of 2019 should be Local Law No. 1. On a motion made by Council Miller and a second by Council Farrell and all board members voting AYE, to extend the moratorium on the approval of certain wind energy conversion system until May 31, 2020 was CARRIED.

**TOWN OF PORTLAND
LOCAL LAW NO. 3 FOR THE YEAR 2019**

**A LOCAL LAW TO EXTEND THE MORATORIUM ON THE REVIEW AND APPROVAL OF CERTAIN WIND
ENERGY CONVERSION SYSTEMS IN THE TOWN OF PORTLAND**

Be it enacted by the Town Board of the Town of PORTLAND as follows:

Section 1. Title.

This Local Law shall be referred to as the "Local Law to Extend the Moratorium on the Review and Approval of Certain Wind Energy Conversion Systems in the Town of Portland".

Section 2. Purpose and Intent.

By Local Law No. 1 of 2019, the Town Board of the Town of Portland enacted a six (6) month moratorium on the processing and approval of new applications for zoning approvals for certain wind energy conversion systems. The Moratorium became effective on June 26, 2019 and is set to expire on December 26, 2019.

The Town Board, in conjunction with the Town Planning Board, is undertaking a comprehensive review of the Town Zoning Law relating to wind energy conversion systems, and the Town Board's desires to complete its review of the Zoning Law free from any pressure or concerns related to timing concerns raised by the possible expiration of the moratorium. The moratorium is set to expire on or about December 26, 2019 and it is anticipated the Town Board will need additional time to complete this process, the related environmental review, and the required procedure for the adoption of a local law.

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Accordingly, the Town Board desires to extend the current moratorium for an additional six (6) month period

The Town Board finds that pursuant to 6 N.Y.C.R.R. 617.5(c)(30) the extension of the moratorium is a Type II action under the New York State Environmental Quality Review Act ("SEQRA") which has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review under Article 8 of the Environmental Conservation Law and is therefore not subject to review under 6 N.Y.C.R.R. Part 617 or the Environmental Conservation Law.

Section 3. Moratorium; Extended Term.

A. Local Law No. 1 of 2019, imposing a six-month moratorium on the on the review and approval of new applications for certain wind energy conversion systems in the Town of Portland shall be extended for a six (6) month period of time through May 31, 2020.

B. Except as otherwise amended herein, all provisions of Local Law No. 1 of 2019, including but not limited to the scope of controls and hardship variance procedures contained therein, shall be extended for a six (6) month period of time through May 31, 2020.

Section 4. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this law which can be given effect without such invalid part or parts.

Section 5. Suspension and Supersession of Other Laws.

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended through May 31, 2020. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Town Law under the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and §22. In particular, this Local Law supersedes any inconsistent provisions of New York Town Law §267, §267-a, §267-b, §274-a, §274-b, §276 and §277 for the purpose of vesting the Town Board of the Town of Portland with the authority to accept, hear, process and determine applications for variances from this Local Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law of the State of New York.

DISCUSSION HELD ON THE FOLLOWING

Chadwick Bay

Greencrest/Van Buren drainage and the Gabion walls that have exceeded their life span but are still in relatively good shape.

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WATER DISTRICT #2

Easements are being finalized. Attorney Seachrist is going to meet with the Town Clerk, Roxane Sobecki to get them completed .

WATER DISTRICT #8

On a motion from Council Manzella and a second from Council Boltz to authorize the Supervisor Schrantz to sign form E# 1 & 2 concerning Water District #8, with all board members voting AYE, was CARRIED.

CODE OFFICER

The Code Office topic will be referred to executive session.

COMPUTER SERVICE

The Town Clerk has recommendations for the board to be discussed at the year-end meeting.

NEW BUSINESS

On a motion made by Council Boltz and seconded by Council Farrell all budget transfers be approved, a copy of which is attached, with all board members voting AYE, was CARRIED.

TOWN JUSTICE CLERK

The hiring of a Clerk for the Town of Portland Justices is referred to executive session.

INSURANCE BUY OUT

With a motion made by Council Manzella and a second by Council Miller

BE IT RESOLVED the following Town of Portland Employees will accept the 30% Annual Buy Out Health Insurance Option for 2020, Roxane Sobecki, Seth Patterson and Herbert McIntyre with all board members voting AYE, was CARRIED.

NEW YORK STATE DISABILITY

On a motion made by Council Miller and a second by Council Farrell RESOLVED the Portland Town Board will cover full time and part time employees excluding Town Board Members and Justices with New York State Disability Coverage thru Shelter Point Inc. Co. Th Town of Portland will pay this coverage for employees annually. With all board members voting AYE< was CARRIED.

MARMADUKE COMMITTEE

Council Boltz wanted to Thank Council Farrell and Patricia Thompson for providing hats and scarves for the statue. Many people stop and walk around the monument. A bill for flyers was handed over to the Marmaduke Committee for payment.

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YEAR END MEETING

On a motion made by Council Farrell and seconded by Council Manzella the year end meeting will be held on 12/30/19 at 1:00 with all board members voting Aye. CARRIED.

BILLS

On a motion made by Council Boltz and a second by Council Farrell all bills be paid as presented. A copy of which is attached. With all board members voting AYE, was CARRIED.

EXECUTIVE SESSION

On a motion made by Council Miller and a second from Council Manzella the board meeting will be adjourned and move into executive session to discuss personal. With all board members voting AYE, was CARRIED.

OUT OF EXECUTIVE SESSION

On a motion made by Council Boltz and a second by Council Miller the Town Board gives consent to the Highway Supt. To issue The Right of Way Work Application to JD Northrup Construction Inc. for work on the highway for Water District #8 with all board members voting AYE, was CARRIED.

CLERK B

On a motion by Council Boltz and a second by Council Manzella, Carol Horlacher be hired as a Part Time Clerk B for the Town of Portland Court at a rate of \$12.65/hour affective December 1, 2019. With all board members voting AYE was CARRIED.

CODE OFFICER

On a motion made by Council Boltz and a second by Council Miller to hire Wendy Spinuzza Code Enforcement Officer for an hourly rate of \$30.00/hour with full benefits, at 30 hours per week to start. There will be a 6-month probationary period, effective January 1, 2020 pending a contract with the Village of Brocton. With AYE votes from Council Miller, Manzella, Boltz and Supervisor Schrantz, and an nay from Council Farrell, the motion was CARRIED.

ADJOURNMENT

On a motion made by Council Miller and a second by Council Boltz the meeting was adjourned at 10:00 pm. With all board members voting AYE, was CARRIED.

Respectfully submitted,

Roxanne McFadden
Deputy Town Clerk

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