

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
MARCH 11, 2020 – 7:00 P.M.

**BOARD MEMBERS PRESENT:**

|               |                   |
|---------------|-------------------|
| Jerry Boltz   | Deputy Supervisor |
| Patti Farrell | Council           |
| Rick Manzella | Council           |

**BOARD MEMBERS ABSENT:**

|                 |            |
|-----------------|------------|
| Gary Miller     | Council    |
| Daniel Schrantz | Supervisor |

**OTHERS PRESENT:**

|   |                            |
|---|----------------------------|
| Joel Seachrist                          | Attorney                   |
| Representatives for EWT (wind turbines) |                            |
| Ken Becker                              | Highway Superintendent     |
| Art Miller                              | Village of Brocton Trustee |
| Approximately 10-12 residents           |                            |

Deputy Supervisor Boltz opened the meeting at 7:00 with the pledge to the flag.

**MINUTES**

**18-20**

On a motion of Council Manzella, seconded by Council Farrell the following resolution was ADOPTED Ayes 5 Boltz, Farrell, Manzella

Nays 0

Absent 2 Schrantz, Miller

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

**DEPARTMENTAL REPORTS**

**19-20**

On a motion of Council Farrell, seconded by Council Manzella the following resolution was ADOPTED Ayes 5 Boltz, Farrell, Manzella

Nays 0

Absent 2 Schrantz, Miller

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

Monthly reports received and filed:

- Assessor
- Code Enforcement
- Town Clerk
- Town Justice

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
MARCH 11, 2020 – 7:00 P.M.

**TREASURY REPORT**

**20-20**

On a motion of Council Manzella, seconded by Council Farrell the following resolution was ADOPTED Ayes 5 Boltz, Farrell, Manzella

Nays 0

Absent 2 Schrantz, Miller

RESOLVED the Portland Town Board approves the Treasury Report for February 2020 as presented by the Deputy Supervisor.

Mark Lucas of Techsulere gave the board a brief presentation on computer needs and support services his company can provide the Town. Two options were proposed- Option 1 :On- Demand Support which is provided hourly and can be performed both on-site and remotely. Option 2: Monthly Maintenance Agreement: some of the highlights;

- Ongoing technology consulting to help mitigate IT risk level.
- Provide technology budgeting assistance.
- Unlimited support during normal business hours, excluding all federal holidays.
- Consult with the Town's vendors, to save employees time.
- Monitor the Town's backup solution to ensure data backups are good.
- Provide free review of cell phone, voice services, and copier agreements.

After some discussion with the board, Deputy Supervisor Boltz thanked Mr. Lucas for his time.

**PUBIC COMMENT:**

Residents of Van Buren Point presented the board with pictures of the Gabion Wall at the Point, they stated after the last storm the wall has moved at least a foot. Attorney Seachrist told residents that the Town Supervisor, Paul Parker of Urban Engineers and himself have been meeting to review this issue and drainage issues at the Point and Greencrest areas. They also have been in contact with the Army Corps of Engineers. They are hoping that funding may be available.

**EWT DIRECT WIND:**

Eric Holton of EWT Direct Wind followed up on a letter he had sent to the board. He stated he has spoken with many people in the community and believes EWT has a good understanding of the concerns for wind energy. EWT has identified three sites where up to 10 turbines could be installed, these sites are just options. EWT is open to any feedback or advice from the board and residents. Mr. Holton told the board EWT has suspended development of the two turbines nearest the hamlet due to local concern. EWT intends to seek one or more payment in lieu of taxes (PILOT) agreements. Mr. Holton stated EWT anticipates an amount amount \$5,000/MW upon negotiating the PILOT which could be up to \$50,000 per year. EWT will also enter into a Host Community Agreement. Mr. Holton stated based on preliminary review, EWT will be the highest taxpayer in the entire town, more than the railroads, National Grid, and National Fuel. Mr. Holton asked the board to please review setbacks, EWT's turbines are significantly smaller. They are 165 feet shorter that the turbines at Arkwright Summit. The sites are

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
MARCH 11, 2020 – 7:00 P.M.

at low elevation, on flat land, and shielded by trees, Thruway, prison and railroad tracks. Mr. Holton explained sound, infrasound and shadow flicker. Mr. Holton showed the board visual simulations of all the potential sites. He asked the board to please give EWT the opportunity to work with them. Concerned residents asked the board to please consider the Chautauqua County Health's Department recommendation of 1 ½ mile setback. Kevin Powell stated if the Town doesn't develop this other towns will, he told the board the town has two three phase electric lines within the town which is very rare. He asked that the board look for a law that would benefit the Town.

**VILLAGE/TOWN REPRESENTATIVES:**

Village Trustee Art Miller updated the board on Cave's Deli in the Village. He said the building is in the hands of the Land Bank and will be taken down hopefully by this summer. He also stated the Land Bank is working to improve other homes within the Village. He complimented the new shared Code/Building Office, stating she is doing a good job.

**WIND/SOLAR:**

Attorney Seachrist told the board he is drafting different options for the board to review regarding the Wind Law for the town.

**WD2 IMPROVEMENT PROJECT:**

Attorney Seachrist is working on the easements needed before the project can be bid out. There are over 100 easements needed.

**WD8:**

Highway Superintendent Becker told the board the project is moving forward, all the lines are in the ground. Part of the line has been charged and approved by the County Health Dept. Repairs and cleanup will soon be starting.

**AMENDMENT/MUNICIPAL SOLUTIONS INC.**

**21-20**

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

ADOPTED Ayes 5 Boltz, Farrell, Manzella

Nays 0

Absent 2 Schrantz, Miller

RESOLVED the Portland Town board approves the amendment to a six-month contract extension for the Town's Water District No. 8 project with Municipal Solutions, Inc. The total fee for this contract will remain at \$41,000.

BE IT FURTHER RESOLVED the Portland Town Board authorizes the Supervisor to sign the amendment to the contract.

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
MARCH 11, 2020 – 7:00 P.M.

**COMPUTER SERVICE/TOWN HALL**

**22-20**

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

ADOPTED Ayes 5 Boltz, Farrell, Manzella

Nays 0

Absent 2 Schrantz, Miller

RESOLVED the Portland Town Board approves a one-year contract (option 2) with Techsulere for all Town computer support services.

**MOWING BID**

**23-20**

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

ADOPTED Ayes 5 Boltz, Farrell, Manzella

Nays 0

Absent 2 Schrantz, Miller

RESOLVED The Town Board authorized the Town Clerk to advertise for Mowing Bids for Portland Community Park and Depot, Pecor Street Cemetery, Library, and Town Hall. Sealed Bids will be accepted until 11:00 A.M. on April 7, 20120 and opened at the April 08<sup>th</sup> board meeting.

Resident Dale Carlson read and discussed with the board the following:

**Requesting the Withdrawal of the State Budget's Energy Siting Amendment  
TOWN OF PORTLAND**

Resolution Number **24** Date **March 11, 2020**

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

ADOPTED Ayes 3 Farrell, Boltz, Manzella

Nays 0

Absent 2 Miller, Schrantz

**WHEREAS:** NYS is a Home Rule State, which basically means that any and all powers of the State emanate from the people.

**WHEREAS:** Per the NYS Constitution, Article IX, it is our statutory obligation to protect the health, safety and welfare of citizens of our community.

**WHEREAS:** On Feb 21, 2020, Governor Cuomo proposed a Budget Amendment "to dramatically speed up the permitting and construction of renewable energy projects."

**WHEREAS:** This amendment could be passed with the Budget by April 1<sup>st</sup>, replacing the current Article 10 process with a radically new method for siting renewable energy projects.

**WHEREAS:** The stated purpose of this proposed far-reaching change is to enhance the execution of the *Climate Leadership and Community Protection Act (CLCPA)*.

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
MARCH 11, 2020 – 7:00 P.M.

**WHEREAS:** Although the objectives of the CLCPA sound admirable, there is no empirical scientific proof that industrial wind energy (compared to Nuclear, Hydro or Gas) saves any consequential amount of Carbon Dioxide (CO2).

**WHEREAS:** Conversely, there is considerable scientific evidence that onshore industrial wind energy projects will likely be a *net economic liability* to NYS host communities. This will be particularly burdensome to social justice communities.

**WHEREAS:** There is extensive scientific evidence that onshore industrial wind energy projects will likely result in adverse health effects to some citizens of NYS host communities.

**WHEREAS:** There is substantial scientific evidence that industrial wind energy projects will likely cause extensive eco-system damage to onshore NYS host communities, or to marine locales where offshore wind projects are sited.

**WHEREAS:** This amendment will effectively remove any meaningful input from citizens, towns, counties, local environmental groups, and community businesses regarding the siting and regulation of renewable energy projects.

**WHEREAS:** The new process is structured such that scientific data, or testimony from qualified experts, will have little bearing regarding siting regulations and approval.

**WHEREAS:** Once an application is submitted, the new Office of Renewable Energy Siting (ORES) has 60 days to review and determine if it is complete. If the ORES decision is **not** made in that time, the application is *automatically* deemed complete!

**WHEREAS:** Once an application is determined to be complete, ORES has 12 months to approve the project. If the ORES decision is **not** made in that time, the application is *automatically* approved! There is no provision for extending this time limit.

**WHEREAS:** The Governor's proposal also seems to indicate that the State might get into the ownership and/or operation of renewable energy generation. Such a profound change would also severely limit the ability of local communities to regulate such industrial projects.

**WHEREAS:** All of these proposed changes are not only in conflict with our Home Rule rights but are also contrary to our obligation to protect the health, safety and welfare of our constituents.

**RESOLVED:** The Town of Portland formally requests that this Budget Amendment be withdrawn before the Budget is voted on. Additionally, we petition the State to respect our Home Rules rights, and to defend our authority to regulate renewable energy projects as the citizens of our community see fit.

**POST TOWN ROADS**

**25-20**

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

ADOPTED Ayes 5 Boltz, Farrell, Manzella

Nays 0

Absent 2 Schrantz, Miller

**RESOLVED** the Portland Town Board authorizes the Highway Superintendent to post town roads.

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
MARCH 11, 2020 – 7:00 P.M.

**PAY BILLS**

**26-20**

On a motion of Council Farrell, seconded by Council Manzella the following resolution was  
ADOPTED Ayes 5 Boltz, Farrell, Manzella

Nays 0

Absent 2 Schrantz, Miller

RESOLVED the Portland Town Board approves the bills for March 2020.

|                         |             |
|-------------------------|-------------|
| GENERAL FUND            | \$43,060.64 |
| TOWN OUTSIDE VILLAGE    | \$600.93    |
| HIGHWAY TOWNWIDE        | \$18,022.94 |
| HIGHWAY OUTSIDE VILLAGE | \$2,344.12  |
| LIGHT                   | \$418.95    |
| CAPITAL PROJECTS        | \$6,086.00  |
| CAPITAL PROJECTS WD8    | \$11,200.00 |
| TRUST & AGENCY          | \$510.00    |

With no further business, on a motion of Council Manzella, seconded by Council Farrell the meeting  
adjourned at 8:14 p.m. Carried unanimously.

Respectfully Submitted by,

Roxane Sobecki-Town Clerk