

TOWN OF PORTLAND PUBLIC HEARING-CABLE FRANCHISE AGREEMENT-7:00 P.M.
PORTLAND BOARD MEETING
PORTLAND TOWN HALL
DECEMBER 09, 2020

BOARD MEMBERS PRESENT:

Daniel Schrantz	Supervisor
Jerry Boltz	Council
Patti Farrell	Council
Gary Miller	Council (conference call)

BOARD MEMBER ABSENT:

Rick Manzella	Council
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OTHERS PRESENT:

Ken Becker	Highway Superintendent
Roxane Sobecki	Town Clerk

2 members of the public
1 conference call attendee

Supervisor Schrantz opened the Public Hearing at 7:00 p.m. with the pledge to the flag. Supervisor Schrantz asked to remain standing and a moment of silence for Laura Manzella, Councilman Rick Manzella's wife who passed away this week.

Supervisor Schrantz reviewed the Franchise Agreement with Spectrum Northeast, LLC. Supervisor Schrantz stated this is a 10-year agreement commencing with the date of approval by the Public Service Commission. He told the board the annual franchise fee will be 3% of the annual gross revenue. With no questions from the board or comments from the public on a motion of Council Farrell, seconded by Council Boltz the Public Hearing closed at 7:06 p.m. Carried.

Supervisor Schrantz opened the Regular Board Meeting at 7:07 p.m.

MINUTES

94-20

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

Nay 0

Absent 1 Manzella

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

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DEPARTMENTAL REPORTS

95-20

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

ADOPTED Aye 4 Schrantz, Boltz, Farrell, Miller

Nay 0

Absent 1 Manzella

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

Monthly reports received and filed:

- Town Clerk
- Code Office
- Assessor
- Justice

TREASURY REPORT

96-20

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

ADOPTED Aye 4 Schrantz, Boltz, Farrell, Miller

Nay 0

Absent 1 Manzella

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

CORRESPONDENCE:

Supervisor Schrantz read the following:

- Town Justice-possibility of the Town contracting with the Sheriff's Office to provide court security if the current court officer cannot return to work. Supervisor Schrantz stated the court just received word that all criminal and vehicle & traffic case proceedings have been adjourned for 60 days. Council Miller told the board it is very costly to contract with the Sheriff's Department. Discussion followed.
- Portland Fire District No 1 Fire Commissioners-regarding the fees charged by Southern Tier Health Systems PCR reporting to the Town. The Fire Commissioners stated in the letter based on the number of calls the EMS squad responds to, the response to Protection District #2 is only 10 to 15 percent of calls. Instead of a 50/50 split to that was proposed between Portland and Brocton Fire Departments to reimburse the Town, the Fire Commissioners proposed 20% Portland and 80% Village. Council Miller told the board he has been in contact with the Fire Commissioners and feels any back fees from 2020 will not be charged but going forward the Town should be charging back the fees to the fire departments. Council Miller suggested 2/3 be paid by the Village and 1/3 by Portland, after more discussion all agreed.

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SOUTHERN TIER HEALTH SYSTEMS BILLS

97-20

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

ADOPTED Aye 4 Schrantz, Boltz, Farrell, Miller

Nay 0

Absent 1 Manzella

RESOLVED the Portland Town Board agrees all bills from Southern Tier Health Systems will be paid by the Town of Portland. Portland will then bill Brocton Fire Department 2/3rd and Portland Fire Department 1/3rd of the bill, pending approval of the Fire Departments.

- AFLAC-due to COVID a meeting will be scheduled in the spring.
- Gail Gagnon-protecting shoreline properties. Supervisor told the board he toured the Greencrest/VBP area with the County Executive after the last storm. He stated there was a lot of damage, the County Executive is going to see if there is any funding available. Supervisor Schrantz said the mouth of the creeks are getting plugged, he said there needs to be a plan in place to keep them cleaned out. He told the board he will be keeping in touch with the County regarding this.
- 2021 Annual Association of Towns Meeting-February 14-17th is an all-virtual educational and networking event, all information for the board will be in the Clerk's office.

OLD BUSINESS:

VILLAGE/TOWN:

A meeting will be scheduled with the Town and Village to review the Highway and Code Offices.

NORTH COUNTY WATER/CHADWICK BAY:

Chadwick Bay meeting-teleconference December 10th, 8:30.

North County Water-meeting December 10th, 4:00 at Sheridan.

Supervisor Schrantz told the board he would like to schedule a meeting with CBI water, it was decided to try to schedule this for Portland's end-of-year meeting.

GREENCREST/VAN BUREN POINT DRAINAGE:

Supervisor Schrantz said he toured the area with Engineer Dave Johnson and Highway Superintendent Becker. Mr. Johnson is putting together a few different proposals which will include what is the Towns and residents' responsibilities, also looking for grant funding. Mr. Becker said the infrastructure is failing, stating we need an engineer's input. Mr. Becker said we can't eliminate all the problems, but we can make them better. Supervisor Schrantz said he will be trying to get the County more involved with the creek issues. Supervisor Schrantz also toured Van Buren Point with the County Executive after the last storm. Mr. Schrantz told the board there was a lot of flooding, damage to the Gabion Wall and roads. He will stay in contact with the Army Corps of Engineers regarding the Gabion Wall.

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WATER DISTRICT 2:

Supervisor Schrantz told the board the Attorney will have his part of the easements (over 100) done by the end of the year. Discussion followed on who would finish the easements. Supervisor Schrantz said the board can talk more about this at the end of year meeting.

WATER DISTRICT 8:

Supervisor Schrantz stated the district is wrapping up.

SPECTRUM NORTHEAST, LLC FRANCHISE AGREEMENT

98-20

On a motion of Council Boltz, seconded by Council Farrell the following resolution was
ADOPTED Roll Call Vote: Schrantz aye, Boltz aye, Farrell aye, Miller aye

Nay 0

Absent 1 Manzella

**Town of Portland, New York
Resolution No. 98**

WHEREAS, an application has been duly made to the Town Board of the Town of Portland, County of Chautauqua, New York, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. ("Charter"), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, New York 14305, for the approval of a renewal agreement for Charter's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission; and

WHEREAS, the franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and.

WHEREAS, a public hearing was held in the Town of Portland, New York on December 09, 2020, 7:00 P.M. and notice of the hearing was published in the Dunkirk Observer on November 11, 2020; and

WHEREAS, the Town Board finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law;
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

NOW, THEREFORE, BE IT

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RESOLVED, that the Town Board hereby grants the cable television franchise of Spectrum Northeast, LLC and the Town of Portland for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence; and be it further

RESOLVED, that the Town Board hereby confirms acceptance of this franchise renewal agreement.

The foregoing having received a 4-roll call aye vote and was thereby declared adopted.

Dated: December 09, 2020

Town of Portland Clerk

NEW BUSINESS

BUDGET TRANSFERS

99-20

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

ADOPTED Aye 4 Schrantz, Boltz, Farrell, Miller

Nay 0

Absent 1 Manzella

RESOLVED the Portland Town Board approves the following Budget Transfers for December 2020.

GENERAL FUND TOWNWIDE

\$2,000	FROM A1990.4	CONTINGENT ACCOUNT
	TO A1620.4	BUILDING CONTRACTUAL
HIGHWAY FUND OUTSIDE VILLAGE		
\$1,844	FROM DB9050.8	EMPLOYEE BENEFITS UNEMPLOYMENT
	TO DB9730.7	BOUND ANTICIPATION NOTE-INTEREST
\$7,000	FROM DB5130.4	MACHINERY CONTRACTUAL
	TO DB9730.6	BOND ANTICIPATION NOTE-PRINCIPAL
\$500	FROM DB9050.8	EMPLOYEE BENEFITS UNEMPLOYMENT
	TO DB9060.8	EMPLOYEE BENEFITS HOSPITAL & MEDICAL

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INSURANCE BUY OUT

100-20

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

Nay 0

Absent 1 Manzella

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, Craig Comstock, Wendy Spinuzza and Herbert McIntyre.

END OF YEAR MEETING:

End of Year Meeting for 2020, December 29th, 6:30 at the Town Hall.

UNION CONTRACT

101-20

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

Nay 0

Absent 1 Manzella

RESOLVED The Town of Portland Board Approves the Town of Portland and CSEA, Local 1000 AFSCME, AFL-CIO Agreement will be extended thru 2021, with no changes. The Board authorizes the Supervisor to sign all necessary paperwork.

BOARD OF ASSESSMENT AND REVIEW

102-20

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

Nay 0

Absent 1 Manzella

RESOLVED the Portland Town Board re-appoints Dale Carlson to the board of Assessment and Review commencing October 1, 2020 to September 30, 2025.

WATER LINE EXTENSION:

Supervisor Schrantz told the board it has been asked to extend the water line on Onthank Road. He stated this is within the district and would be a water district expense. Supervisor Schrantz told the board 21 Brix on Route 20 would like the water line extended to their property's. He stated he will be meeting with the Engineer and property owners to review options.

COVID 19:

Supervisor Schrantz asked the board to start thinking of a plan, procedures if things get worst.

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Council Farrell stated the Museum needs a lot of work, before the town starts losing valuable items.

HIGHWAY:

Highway Superintendent Becker discussed getting EZ-Pass for town vehicles, since you cannot pay tolls on the thruway anymore.

Mr. Becker gave the board a completed water equipment and parts inventory done November 2020. He asked the board what the Town wants done with the inventory. He stated the town still helps with repairs of water lines with CBI water. Supervisor Schantz stated this needs to be discussed with the CBI Board. Mr. Becker told the board for security reason he does not want people coming in and out of the buildings. The board discussed the possibility of having CBI purchase the inventory. Supervisor Schrantz said he has spoken with the Village Mayor regarding CBI to have truck plates changed out of Portland's to CBI. The Mayor has an appointment with the DMV on December 29th.

Superintendent Becker again asked the board about the Town purchasing a mini excavator. He told the board the town could really utilize this equipment; most towns have their own. He told the board he again had to rent one after this last storm, stating sometimes they are not always available to rent. Supervisor Schrantz told Mr. Becker he will review the budget with the accountant.

PAY BILLS

103-20

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

ADOPTED Aye 4 Schrantz, Boltz, Farrell, Miller

Nay 0

Absent 1 Manzella

RESOLVED the Portland Town Board approves bills paid for December 2020.

GENERAL FUND	\$9,702.61
TOWN OUTSIDE VILLAGE	\$2,105.20
HIGHWAY TOWNWIDE	\$10,747.98
HIGHWAY OUTSIDE VILLAGE	\$245,238.31
TRUST & AGENCY	\$750.00
CAPITAL PROJECTS	\$110.00

With no further business, on a motion of Council Miller, seconded by Council Farrell the meeting adjourned at 8:50 p.m. Carried unanimously.

Respectfully Submitted by,

Roxane Sobecki
Town Clerk