

PUBLIC HEARING LOCAL LAW 1-2021-7:00 P.M.
REGULAR BOARD MEETING TO FOLLOW
PORTLAND TOWN HALL
AUGUST 11, 2021

BOARD MEMBERS PRESENT:

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

OTHERS PRESENT:

Ken Becker	Highway Superintendent
Roxane Sobecki	Town Clerk
Joel Seachrist	Attorney
Dave Hazelton	Brocton/Portland Development Corp.
Henry Link	Brocton/Portland Development Corp.
Art Miller	Brocton Mayor

4 Members of the public

PUBLIC HEARING-LOCAL LAW 1-2021

67-21

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

Nay 0

RESOLVED the Portland Town Board opened the Public Hearing at 7:00 p.m. with the Pledge to the Flag. Supervisor Schrantz asked for a moment of silence in remembrance of retired employee Allan DeJonghe.

LOCAL LAW 1- 2021:

Affidavit of Publication was posted in the Observer July 23, 2021.

The purpose of Local Law is to opt out of allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as authorized under Cannabis law Article 4

A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4

Section 1. Legislative Intent

It is the intent of this Local Law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Portland that would otherwise be allowed under Cannabis Law Article 4.

Section 2. Authority

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This Local Law is adopted pursuant to Cannabis Law §131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the Town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of Portland hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law §24.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

CLOSE HEARING

68-21

On a motion of Council Manzella, seconded by Council Miller the Public Hearing on Local Law 1 of 2021 closed at 7:05 p.m. Carried

Supervisor Schrantz opened the Regular Town Board Meeting at 7:06 p.m.

LOCAL LAW 1-2021

69-21

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

Nay 0

RESOLVED the Portland Town Board adopts Local Law 1-2021

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LOCAL LAW 1- 2021:

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MINUTES

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70-21

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

Nay 0

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

DEPARTMENTAL REPORTS

71-21

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

Nay 0

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

Monthly reports received and filed:

- Town Clerk
- Code Office
- Assessor
- Justice

TREASURY REPORT

72-21

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

Nay 0

RESOLVED the Portland Town Board approves the Treasury Report for July 2021 as presented by the Supervisor.

CORRESPONDENCE:

Supervisor Schrantz read the following:

- Brocton School-meeting to discuss fuel depot. Board discussed CBI water using the fuel depot, Supervisor Schrantz suggested having the intermunicipal agreement's wording changed since CBI Water is no longer under the umbrella of the Village of Brocton.

BROCTON/PORTLAND DEVELOPMENT CORP.:

Representatives Dave Hazelton and Henry Link addressed the board regarding Haywood Heights and its development. Haywood Heights was started in 1992/93 as a cooperative between the Town, Village, County, and the Brocton/Portland Development. A map of lots occupied, sold, and vacant were shown to the board. Mr. Hazelton said there is new interest in the development and continues to grow. The development is running out of lots, and would like to expand with a new road, sewer, water, and electric. Approximate costs are \$10,000 (material only) for electric, \$19,000 sewer, \$40,000 water, 2 hydrants at \$3,000 a piece, \$70,000 to \$100,000 for the road. National Fuel approximately \$18,000 for

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gas line. It was explained Haywood Heights was stated to increase the tax base within the Town and Village. There are currently 11 homes with a total assessment of \$834,000 (this does not include new home coming this fall). Total value is 1.5 million. Mr. Hazleton stated if this project fits within the parameter of the money coming from the American Rescue Plan Act to the Town this maybe a good time to move forward. He asked the board if they could assist in this project, they will be approaching the Village as well. Mr. Hazleton and Mr. Link thanked the board for their time.

PUBLIC COMMENT: none

OLD BUSINESS:

VILLAGE/TOWN:

Mayor Art Miller told the board he has heart and pride, and is working hard to get the Village to where it once was. Council Farrell told him he was doing a wonderful job. Supervisor Schrantz told Mayor Miller the attorney is working on an intermunicipal agreement for the Highway Department.

WIND/SOLAR:

Resident Kevin Powell told the board EWT (wind) has pulled out and has sent cancellation notices to property owners. Mr. Powell said the Planning Board has set the Public Hearing for the Solar Liberty project on August 24th, he requested the Town set their hearing for the September board meeting. He was told the Planning Board would make their decision at the Public Hearing. Attorney Seachrist stated he will incur the Planning Board not to decide that night. He explained the process; the Town has retained (no cost to the town) a consulting engineering firm (Wedel) to review the project with the Planning Board to make sure all paperwork is in order with the Town Code. Once done the Planning Board can make their recommendations to the Board, then the Town Board will hold a Public Hearing.

CHADWICK BAY/NORTH COUNTY WATER:

Next meeting for Chadwick Bay-August 12th, 4:00 at the Fireside Restaurant.

The board discussed CBI water, Dale Carlson stated he just wants to know about the fire hydrant maintenance for the fire department. Supervisor Schrantz stated the intermunicipal agreement between the Town's of Dunkirk, Sheridan, Portland, Pomfret and the Village of Brocton needs to be updated with CBI Water. Discussion followed with possibly meeting with the County to see if they are willing to expand. Supervisor Schrantz stated he will schedule a meeting. He said it is the responsibly as elected officials to take care of this.

GREENCREST/VAN BUREN POINT DRAINAGE:

Highway Superintendent Becker reiterated the drainage issues needs to be worked on.

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BAHGAT & LAURITO-BAHGAT ARPA FUNDS

73-21

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

Nay 0

RESOLVED Bahgat & Laurito-Bahgat will consult the Town regarding funds from the American Rescue Plan Act (ARPA) at a cost of \$125.00/hour. Bahgat & Laurito will assist with managing and administering funds. This includes costs to support effective management and oversight to ensure compliance with legal, regulatory, and other requirements. ARPA funds will cover the cost of consultants.

WATER DISTRICT 2 IMPROVEMENT PROJECT:

Supervisor Schrantz stated a public meeting needs to be held at Van Buren Point to review easements. Attorney Seachrist said he is working on the easements. Supervisor Schrantz will talk with the engineer to see his availability.

WATER DISTRICT 8:

Clerk Sobecki told the board she has been working on meter pit reimbursements to property owners with the remaining grant funds.

PROPOSED WATER DISTRICT 9:

NO NEWS

AUDITS:

NO NEWS

MUSEUM:

Board discussed the roof. Museum curator is reviewing possible grants for the building.

BUDGET 2022:

Supervisor Schrantz stated all departments need to have their budgets turned in by September 7th.

UNION NEGOTIATIONS:

Supervisor Schrantz said the Union Contract expires at the end of the year. He asked committee board members to sit in on the negotiations.

JUSTICE ATTEND CONFERENCE

74-21

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

Nay 0

RESOLVED the Portland Town Board approves Judge DeJoe to attend the 111th Annual Conference of the
New York State Magistrates Association in Niagara Falls, September 26 thru September 29th.

BOARD MEMBERS:

Council Farrell thanked the Highway Department for their participation in Horns for Life.

HIGHWAY DEPARTMENT:

- Highway Superintendent Becker discussed the fence at the dog pound. Council Farrell and Boltz will contact the dog control office regarding quotes for the fence and hosting a rabies clinic. Mr. Becker stated his crew can install the fence.
- Mr. Becker said the new pipe is in for Tastor Lane, hoping to install in the next few days.
- Weather permitting, will be blacktopping part of Webster Road next week.
- Reviewed the purchase of a manlift, new vs. used.

MANLIFT

75-21

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

Nay 0

RESOLVED the Portland Town Board authorizes Highway Superintendent Ken Becker to purchase a Z-
34/22 IC - 4WD - Kubota Diesel Manlift at a cost of \$64,024.00

BILLS

76-21

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

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Nay 0

RESOLVED the Portland Town Board approves the bills for August 2021.

GENERAL	\$8,135.32
TOWN OUTSIDE VILLAGE	\$949.31
HIGHWAY TOWNWIDE	\$9,729.00
HIGHWAY OUTSIDE VILLAGE	\$77,070.10
LIGHT	\$402.51
CAPITAL PROJECTS	\$1,668.50
TRUST & AGENCY	\$256.50

With no further business, on a motion of Council Miller, seconded by Council Manzella the meeting adjourned at 8:30 p.m. Carried unanimously.

Respectfully Submitted by,

Roxane Sobecki-Town Clerk