

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
AUGUST 12, 2015 – 7:00 P.M.

**BOARD MEMBERS PRESENT:**

Daniel Schrantz	Supervisor
Jerry Boltz	Councilman
Gary Miller	Councilman
Al Valentin	Councilman
Rick Manzella	Councilman

**OTHERS PRESENT:**

Ann Belcher	Reporter
Sue Hindman	Deputy Town Clerk
Patti & Jim Farrell	
Representatives from Niagara Wind	
Marv Zirkle	
Charles & Marion Neal	
Rebecca Petrucci	
Dennis Dorogi	
Joel Seachrist	Town Attorney

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

**MINUTES**

**08-67-15**

On a motion of Councilman Manzella, seconded by Councilman Valentin the following resolution was ADOPTED Ayes 5 Schrantz, Manzella, Valentin, Miller, Boltz

Nays 0

RESOLVED the Portland Town Board approves the minutes of July 8<sup>th</sup> and July 23<sup>rd</sup> as presented.

**DEPARTMENTAL REPORTS**

**08-68-15**

On a motion of Councilman Miller, seconded by Councilman Manzella the following resolution was ADOPTED Ayes 5 Schrantz, Miller, Manzella, Boltz, Valentin

Nays 0

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

**TREASURY REPORT**

**08-69-15**

On a motion of Councilman Boltz, seconded by Councilman Miller the following resolution was ADOPTED Ayes 5 Schrantz, Boltz, Miller, Valentin, Manzella

Nays 0

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

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
AUGUST 12, 2015 – 7:00 P.M.

**CORRESPONDENCE:**

Supervisor Schrantz read the following correspondence:

- National Weather Bureau
- Attorney Passafaro stating the regional water contract has gone to the County.
- Portland Fire District No. 1 Board of Commissioners-regarding the fire hydrants, some needing fill around them, not being properly marked, and some are overgrown with vegetation. This letter is serving as a notice and to inform the Town of the problem.
- Supreme Court hearing regarding fiber optics.
- Letter from the Portland Planning Board to Legislator Runkle asking for additional funding for Luensman Overview Park. The letter stated the scenic view has been obstructed by the tree line on the northerly slope side of the park. This project has been put on hold until funding can be obtained.

**08-69-15**

On a motion of Councilman Boltz, seconded by Councilman Miller the following resolution was ADOPTED Ayes 5 Schrantz, Boltz, Miller, Valentin, Manzella

Nays 0

RESOLVED the Portland Town Board agrees to send a letter supporting the Portland Planning Boards recommendations.

**PUBLIC COMMENT:**

Mrs. Neal addressed the Board saying it was stated at the July 23<sup>rd</sup> board meeting her husband had sent a letter. She calcified that a letter was not sent by her husband Chuck Neal regarding the last storm. Mrs. Neal told the Board this is the first time they have been affected by the storms. She stated other people have not been that lucky, she asked the board to straighten this out so it does not happen again. Supervisor Schrantz informed her that the Town is reviewing all the creeks to see what can be done, he also stated the Town is limited going on to private property. We have had a meeting with the County; we are looking at ways to prevent this in the future. Mrs. Neal suggested the Town hire an engineer. Supervisor Schrantz said town money cannot be used to take care of isolated issues. Attorney Seachrist stated the Town can only spend taxpayer's money to repair problems if it is affecting town highways. Supervisor Schrantz stated Dennis Dorogi is another one who has a problem with the spillway coming off the reservoir, he keeps getting washed out too. Attorney Seachrist stated the County Soil and Water may be able to help.

Rebecca Petrucci of Thayer Road addressed the board stating she has lived at her residents for 12 years and this is the third time a storm as affected her property. She stated Chuck Kelley who was the Highway Superintendent at the time tried to buildup the creek bank which is less than 20 feet from her back door, which did not work. She said the creek affects a lot of people. She said she has a huge mess on her property which she does not have the means to clean up. She told the board the creek bed is full of stone and debris and has widen three times of what it was before. She stated the covered bridge she

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
AUGUST 12, 2015 – 7:00 P.M.

has over the creek is ruined and will have to come down. She told the Board if the Town or County needs to come in and take the bridge down to get in to do what needs to be done she is giving permission on record to do that. Supervisor Schrantz stated the County needs to get involved. He said we will be having continues meeting with the County. Supervisor Schrantz stated he was told by the County for residents to call 211, they will take your name and what your situation is. Supervisor Schrantz stated there is no FEMA money available. He said the Town has about \$400,000 in damages on roadways. Supervisor Schrantz stated he will bring all these issues up at the next County meeting. Dennis Dorogi reiterated some of the same issues regarding the creek by his home. He said this last storm has taken out his water line; he now has a temporary water line over the creek. Mr. Dorogi stated he has had soil and water look at this issue but they stated they have no money to do anything. He stated he needs to do something about his water line. Supervisor Schrantz stated again he will bring this up at the next County meeting.

Supervisor Schrantz stated two wells on gravel bed on Webster Road has tested positive for E-Coli. He recommended anyone in this area should test their wells. The County will test the wells for free. Residents asked if the Town and County cannot do anything what about the State. Supervisor Schrantz stated he will look into this.

Supervisor Schrantz stated the Town should be finding out soon if the low interest loans (SBA) will be available.

**OLD BUSINESS:**

**VILLAGE/TOWN REPRESENTATIVE:**

No village representatives in attendance.

Supervisor Schrantz read a letter from Lori Cornell responding if Brocton would lose its power allocation if they chose to dissolve into the Town. She stated in the letter under current law yes. Also a response from Jerry McLoughlin Account Executive of the New York Power Authority stated "Regarding the Town of Portland potentially merging with Brocton, it would have to go through a whole host of proceedings with various entities including the PSC and National Grid to condemn its public utility facilities in order to establish a municipal public utility that would be in compliance with General Municipal Law."

**TOWN HIGHWAY GARAGE:**

Supervisor Schrantz stated Urban Engineers are revaluation the floor.

**PEERLESS STREET BRIDGE:**

Supervisor Schrantz told the Board they are waiting to hear back from a contractor.

**COMPREHENSIVE PLAN:**

Supervisor Schrantz stated he has been in touch with Don McCord, the Comprehensive Plan is almost complete.

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
AUGUST 12, 2015 – 7:00 P.M.

**FUEL DEPOT:**

Councilman Miller and Manzella told the Board they have reviewed the additional expenditures for the fuel depot in the amount of \$3,154.46 and stated this will have to be paid.

**NEW BUSINESS:**

**NIAGARA WIND & SOLAR:**

Thom Fleckenstein of Niagara Wind and Solar explained to the Board the process of constructing two 10 kW WECS for Marv Zirkle on his Lake Ave. Property.

**PUBLIC HEARING**

**08-70-15**

On a motion of Councilman Miller, seconded by Councilman Boltz the following resolution was ADOPTED Ayes 5 Schrantz, Miller, Boltz, Manzella, Valentin

Nays 0

RESOLVED The Portland Town Board will hold a Public Hearing on August 26, 2015, 7:00 p.m. at the Portland Town Hall to consider the application of Marvin Zirkle to erect two ten kilowatt wind energy conversion systems, each 140' in height, on property located at 9417 Lake Avenue, Brocton.

**AUDIT OF WATER DEPARTMENT**

Supervisor Schrantz told the Board two proposals for an independent audit of the Town's water department were received. This audit is to fulfill the Town's commitment to USDA for loan funds.

Freed Maxick CPAs, P.C.-total proposed fees \$14,550.00

Saxton Kolcur and Associates, LLP- fees not to exceed \$7,500.00

**WATER AUDIT**

**08-71-15**

On a motion of Councilman Miller, seconded by Councilman Boltz the following resolution was ADOPTED Ayes 5 Schrantz, Miller, Boltz, Valentin, Manzella

Nays 0

BE IT RESOLVED the Portland Town Board approved the firm of Saxton Kocur and Associates, LLP to perform auditing services for the Portland's Water Department, with the fee not to exceed \$7,500. This audit is to fulfill the Town's commitment to Rural Development for loan funds.

Supervisor Schrantz told the Board that he and Attorney Seachrist toured Forest Ave. and the Greencrest area. Supervisor Schrantz stated it is not a liability to the Town regarding a train blocking the crossings. Also reviewed was the Greencrest area and possibly forming a drainage district. Supervisor Schrantz stated fees could be spread out over a number of years. Supervisor Schrantz stated he will be reviewing this issue.

**WATER TOWER:**

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
AUGUST 12, 2015 – 7:00 P.M.

Supervisor Schrantz and the Board discussed how to bill Pomfret for water usage and putting a meter at the Tower to meter Pomfrets usage. Water Supervisor Smith will price a meter.

**MARMADUKE COMMITTEE:**

Councilman Boltz and Valentin stated they will be making a video for a fundraiser. Fundraising ideas were discussed.

**MUSEUM:**

The Museum will be opened until September 6.

**BOARD MEMBERS:**

Councilman Valentin asked to go into Executive Session regarding personal with the Code Enforcement Office.

**WATER:**

Supervisor Schrantz stated water account number 1017 had a water leak and a very high water bill of over \$1,400, the bill has been paid but the resident would like the late fee reversed.

**08-71-15**

On a motion of Councilman Manzella, seconded by Councilman Miller the following resolution was ADOPTED Ayes 5 Schrantz, Manzella, Miller, Valentin, Boltz

Nays 0

RESOLVED the Portland Town Board agrees to waive the late fee for water account #1017.

Supervisor Schrantz stated each department turns in a monthly report, he asked the board to review this and possibly come up with a standardized form of what the Board expects from each department end of month report.

**HIGHWAY:**

Supervisor Schrantz stated the highway workers are doing a good job after the last storm. The Highway Department is working on Webster Road. Half the culvert for Woleben Road came in. Supervisor Schrantz stated he has meet with a homeowner on Woleben Road; she had a major flooding issue, which came from rails-to-trails. Ken Becker from the Highway Department will look into this.

**PAY BILLS**

**08-72-15**

On a motion of Councilman Boltz, seconded by Councilman Manzella the following resolution was ADOPTED Ayes 5 Schrantz, Boltz, Manzella, Miller, Valentin

Nays 0

RESOLVED the Portland Town Board approves the bills for August 2015.

TOWN OF PORTLAND BOARD MEETING  
PORTLAND TOWN HALL  
AUGUST 12, 2015 – 7:00 P.M.

GENERAL FUND	\$16,054.54
TOWN OUTSIDE VILLAGE	\$947.23
HIGHWAY TOWNWIDE	\$1,466.07
HIGHWAY OUTSIDE VILLAGE	\$61,871.91
LIGHT	\$479.56
WATER	\$2,106.86

**EXECUTIVE SESSION**

On a motion of Councilman Valentin, seconded by Councilman Boltz the Board moved into Executive Session at 8:55 p.m. by request of the Councilman Valentin to discuss personal involving the Code Enforcement Officer Signe Rominger.

On a motion of Councilman Boltz, seconded by Councilman Miller the Board returned to Regular Session at 9:15 p.m.

With no further business, on a motion of Councilman Valentin, seconded by Councilman Boltz the meeting adjourned at 9:16 p.m. Carried unanimously.

Respectfully Submitted by,

Susan Hindman  
Deputy Town Clerk